



Israel's Illegal Regime of Apartheid

For decades the label of apartheid applied in the public imagination to the situation in South Africa (and to a lesser extent Namibia). That situation has now changed as the use of the term apartheid has more latterly become synonymous with the state of Israel. It is now widely recognised that Israel has developed a system of apartheid in the territory it controls between the river Jordan and the Mediterranean sea as well as for the Palestinian refugee population.

What is apartheid?

Apartheid is a violation of public international law, a grave violation of human rights and a crime against humanity under international criminal law.

The word itself is from the Afrikaans language and means “apartness” or “the state of being apart”. It originally referred to the regime of institutionalised racial discrimination introduced by the white South African government in 1948 with the purpose of protecting and entrenching the power and wealth of the minority white population.

Apartheid is the systematic, prolonged and discriminatory treatment by one racial group of another racial group with the intention to control, segregate, oppress and dominate them.

Apartheid in International Law

In 1973 the UN General Assembly adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid. This states that policies and practices of racial segregation and discrimination are crimes which violate the principles of international law and the Charter of the United Nations. The UN also set up the Special Committee Against Apartheid to promote an international campaign against apartheid while also promoting information and education on the struggle for freedom in South Africa.

The Rome Statute (1998) in setting up the International Criminal Court also declares that apartheid is a crime against humanity and carries significant sanctions and individual criminal responsibility for those held responsible for its implementation.

Other UN conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) also have strict prohibitions against systems of discrimination and oppression based on race and create binding obligations for state parties. The State of Israel is party to these conventions. It is also worth noting that Israel is a party to the Convention on the Rights of the Child (CRC).

Israel's Apartheid Practises

Launching its recent report (February 2022), Agnès Callamard, Amnesty International's Secretary General said:

“Our report reveals the true extent of Israel's apartheid regime. Whether they live in Gaza, East Jerusalem and the rest of the West Bank, or Israel itself, Palestinians are treated as an inferior racial group and systematically deprived of their rights. We found that Israel's cruel policies of segregation, dispossession and exclusion across all territories under its control clearly amount to apartheid. The international community has an obligation to act.”

The apartheid regime constructed by Israel since the 1940s serves a colonising project with the purpose of controlling territory. This control requires the displacement, removal, fragmentation and isolation of Palestinians from each other and from the outside world.

The Director of Israeli NGO B'Tselem, Hagai El Ad, has said **there is no place between the Jordan river and the Mediterranean sea where Jewish Israelis and Palestinians are equal in rights.**

Throughout this territory we see forced removals and transfer of people; demographic manipulation and settlement expansion; land theft; the construction of hundreds of kilometres of walls and fences; endless checkpoints; separate roads for Israelis and Palestinians; different laws for Jewish Israelis and Palestinians; a system of travel permits; denial of nationality and citizenship; the exclusion of Palestinians from most of the territory between the river and the sea; the blockade of Gaza; and denying the right of return to refugees.

All this serves the purpose of removing, isolating and controlling Palestinians into the smallest possible amount of land and building a system of “laws” which treats Palestinians as an inferior and separate group defined by their racialised non-Jewish Arab status and confirmed as such in Israel's 2018 Nation State Law.

Palestinians and Palestinian NGOs such as Al Haq, Adalah, Al Mezan and the Palestinian Centre for Human Rights have been documenting and telling the world for decades about the regime of apartheid under which they live. Unfortunately few have been listening and so the regime of apartheid has tightened its grip on Palestinian lives.

It is now time to listen and respond. We have the details; it is no longer possible to pretend we didn't know or didn't understand. We know; we understand.

It is therefore time to act. In fact we are obliged to act. We hope that Ireland will face up to the realities of what is occurring, acknowledge Israel's regime of apartheid and lead the international response.

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Selected Resources

Reports

<https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/> Amnesty International Report, February 2022

<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> Human Rights Watch Report, April 2021

https://www.btselem.org/publications/fulltext/202101_this_is_apartheid B'Tselem Report, January 2021

<https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/> Yesh Din, July 2020

https://www.researchgate.net/publication/329990893_Israeli_Practices_towards_the_Palestinian_People_and_the_Question_of_Apartheid Prof. Richard Falk and Virginia Tilley, 2017

Videos

<https://www.youtube.com/watch?v=p8aD4p3Z1XQ> Amnesty International 2022

<https://www.youtube.com/watch?v=6TLe4J7Dvd0> Human Rights Watch 2021

<https://www.youtube.com/watch?v=MknerYjob0w> Aljazeera 2021

Articles

<https://www.alhaq.org/advocacy/19415.html>

<https://www.middleeastmonitor.com/20190507-the-nation-state-law-puts-in-black-and-white-israels-version-of-apartheid/>

https://www.sadaka.ie/Articles/Papers/Paper18_Israeli_Apartheid.pdf

<https://www.middleeastmonitor.com/20180131-netanyahu-inaugurates-new-jews-only-road-in-occupied-west-bank/>

<https://www.jonathan-cook.net/2018-03-18/why-israel-is-an-apartheid-state/>

<https://www.jonathan-cook.net/2021-01-14/israel-apartheid/>

<https://www.aljazeera.com/opinions/2021/7/22/why-it-is-crucial-to-keep-a-spot-light-on-israels-apartheid>

Apartheid Laws

<https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf>