Israel – a new apartheid?

- Apartheid—meaning separateness in Afrikaans—was a system of legal racial segregation enforced by the National Party government in South Africa between 1948 and 1994. While racial segregation in South Africa began in colonial times, with colonial polices aimed at subjugating and marginalizing the indigenous population of South Africa, Apartheid was introduced as an official policy following the general election of 1948 in South Africa when a system of legislation was adopted that classified inhabitants into racial groups (blacks, white, colored, and Indian) and residential areas were designated and segregated by means of forced removals. From 1958, blacks were deprived of their citizenship, legally becoming citizens of one of ten tribally-based self-governing ‘Bantustans’, four of which became nominally independent states. The Bantustans lacked any real legitimacy or power and consisted of several unconnected enclaves. The South African government tried to promote them as an adequate solution to the deprivation of equal political and civil rights of the black majority in South Africa.

- The emergence of Apartheid in South Africa as an official government policy in 1948 coincided with the Nakba in Palestine: the expulsion, denial of return, de facto denationalization of Palestinian refugees and dispossession of the indigenous Palestinian population of Palestine by the Zionist movement. The newly created state of Israel proceeded to subject the remnant of the Palestinian people in Israel to military rule that regulated all aspects of their lives while nominally granting them the right to vote. This military governance, which applied a separate set of laws exclusively to the indigenous Palestinian remnant in Israel was formally abolished in 1966 only to be reintroduced in the form of the military occupation over the West Bank and Gaza Strip following the 1967 war.
Israel’s occupation that started in 1967 was unlike any other military occupation in modern history – it was neither temporary in nature nor limited to the administration of an occupied territory until a peace settlement is reached. Rather, it was a colonial occupation from the outset with Israel beginning to implement a series of policies designed on the one hand to administer the occupied territory and the rule over the Palestinian population while on the other hand adopting measures to exclusively control the land and colonize it with Israeli settlers, a population that nears half a million today.

The conceptual framework that directed Israeli rule was never that of a temporary occupier. The occupation was portrayed in Israel as ‘liberation’ of land; in complete disregard for the individual, civil, or national rights of the indigenous Palestinians. The aim was to control the land exclusively, settle it as being part and parcel of “the land of Israel”, and prevent the creation of a Palestinian state or, for that matter, the emergence of national Palestinian institutions challenging Israel’s dominance and rule. Israel saw Palestinians as individuals residents with limited rights as opposed to a People with rights over Palestine.

This conception, based on denial of collective rights of Palestinians and assertion of Jewish collective rights, was rooted in the Zionist ideology and thinking from its inception. Hence Zionism can be best described as a nationalist colonial movement. It aimed to transform Jews from a prosecuted religious minority in Europe to a people like any other people with a state of their own in Palestine, the historical homeland of the Palestinian people. With the occupation of all of Palestine this ideology was translated on the ground into a system of control over Palestinians; disposition and monopoly over resources, mainly land, to the benefit of Israelis, and by extension to Jews worldwide. The Zionist movement and Israel never separated between religion and nationality and today Israel continues to extend its citizenship automatically, by virtue of the ‘Law of Return’, to any Jew worldwide.
Israel faced a dilemma following the 1967 occupation. It wanted to occupy the land permanently and settle it but at the same time wanted to maintain Israel's Jewish exclusive identity. Annexing the occupied territories would have put pressure on Israel to provide Palestinians with equal political and civil rights leading to the destabilization of Israel as a Jewish-majority state. Establishing a Palestinian state over the occupied territory, termed Judea and Samaria in Israeli official discourse, meant that Israel would have to relinquish control over the “land of Israel” and come to terms with Palestinian narrative and collective national rights. A different system had to be devised. Neither end of occupation nor equal rights to all in one state. It was a prolonged colonial occupation that that eventually developed into the Apartheid-like reality that we witness today. Palestinians were pushed into fragmented enclaves (“areas A and B”) while Israel expanded its colonization of the remainder of the occupied territory, and applied Israeli laws to settlers while applying military law to Palestinians. This system of separation is manifested in all spheres in the occupied territory: control of land, access, transportation, applicability of different laws and legal standards, control over natural resources…etc. This regime of separation is practiced both de jure and de facto.

As with any comparison, we need to look for similarities, not identical features. Israeli practices and polices over the course of its prolonged colonial occupation, with no visible end in sight that would meet minimal Palestinian national demands, increasingly resembles apartheid in South Africa in its premises, guiding principles and practices. Israel is yet to come to terms with the historical injustice caused by its creation and polices to the Palestinian people; still regards the indigenous Palestinians as having inferior rights in this land (e.g. Netanyahu's recent speech); and still wants to maintain Jewish exclusivity and control the land, maintain the vast majority of settlers, while granting Palestinians limited self rule, to offset internal and external pressures. All this amounts to a system of separateness that we experience in our daily lives. It can also be seen in the way Israel envisages a permanent status settlement: A nominal Palestinian state with no control over borders or airspace, with overriding Israeli security control and Israeli military presence, maintaining a majority of settlers; denial of the right of return; transportation contiguity for
separate cantons as opposed to territorial contiguity and viability, resembling in all but name the Bantustans of South Africa.

- Since the occupation in 1967, there have been three possible eventual outcomes to the conflict: 1. one state with equality to all; 2. two sovereign and independent states living side by side; 3. a regime of apartheid. While the PLO first advocated the one state solution and then, as part of a historical compromise towards peace, accepted the two state solution, Israel has consistently opted for managing the conflict and its occupation, leading to an apartheid system. It now seeks Palestinian and international acceptance of, and acquiescence to, the reality of apartheid by trying to present it as one variant of the ‘two state solution’. A Palestinian state with limitations amounting to deprivation of statehood and sovereignty as envisaged by the current Israeli government, would, needless to say, never be accepted by any Palestinian.

- To conclude, whether Israel can be characterized as an apartheid state in the occupied Palestinian territory does not rest on having exactly corresponding policies, norms and laws as those applied in Apartheid South Africa. As a matter of legal standard Apartheid is defined in the International Convention on the Suppression and Punishment of the Crime of Apartheid as an international crime that includes similar policies and practices of racial segregation and discrimination as those that were practiced in southern Africa. Thus, the legal standard does not require that the two systems be exactly identical, only that they share certain similarities. Interestingly, Israel never signed that convention. Nonetheless it is an accepted legal norm under international law. Whether the reality in Palestine today sufficiently displays the required similarities to apartheid as practiced in south Africa and meets the threshold of an international crime, and the consequences of such a conclusion, are matters that should to be examined by researches and jurists in order to develop further avenues and strategies in the Palestinian people’s struggle for freedom and dignity.