

UN rapporteur says Israel's occupation of Palestine resembles apartheid

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The one accusation against Israel guaranteed to provoke a furious reaction is that it has subjected the Palestinians living in the territories illegally occupied for nearly 40 years to a regime akin to apartheid South Africa.

Former US president Jimmy Carter was recently vilified as an anti-Semite and denounced for the title of his book, *Palestine: Peace not Apartheid*, with its comparison between the occupation of the West Bank and Gaza Strip and the racist regime in South Africa, which denied the majority black population their political and human rights.

Of some significance, therefore, is the publication of a United Nations report which demonstrates in legal terms that the apartheid comparison is entirely legitimate.

John Dugard, the UN's special rapporteur for human rights in the occupied Palestinian territories since 2001, says that "Israel's laws and practices in the (Palestinian territories) certainly resemble aspects of apartheid."

He knows what he is talking about. A distinguished South African law professor, who campaigned against apartheid in the 1980s, he holds the chair of public international law at Leiden University in the Netherlands. His 24-page report, written in response to the Human Rights Council, General Assembly resolution 60/251 of March 15, 2006, will be presented later this month at the 47-nation rights council's first session of the year. It provides a detailed description and legal assessment of the terrible situation in the Palestinian territories.

Israel has remained in control of Gaza's air, sea and external borders, which have been closed for long periods since its so-called withdrawal from Gaza. To all intents and purposes, "Gaza became a sealed off, imprisoned and occupied territory," Dugard says, following the economic sanctions imposed by Israel and the West after the election of a Hamas-led government in January 2006. "It is a controlled strangulation that apparently falls within the generous limits of international toleration."

The economic siege of Gaza is "a form of collective punishment in violation of the Fourth Geneva Convention." The siege and the consequent unemployment meant that more than 80 percent of the population lives below the official poverty line, with 1.1 million of the 1.4 million inhabitants receiving food assistance.

The Wall surrounding the West Bank and East Jerusalem, which the International Court of Justice (ICJ) determined was illegal in 2004, serves to imprison the Palestinians and restrict their freedom of movement. It cuts them off from their livelihoods, farms,

families and basic services such as schools and healthcare, under conditions where permits to travel beyond the Wall are almost impossible to obtain.

While the Israeli government had originally argued that the Wall's sole purpose was to provide a defence against infiltration into Israel by suicide bombers, a claim which the ICJ rejected, it has now admitted that the Wall is designed to fulfill a political as well as a security purpose: that of including the West Bank settlements within the Wall. In other words, the function of the Wall was to acquire land surrounding the settlements and annex the settlements to Israel. Fully 76 percent of the West Bank settlers are enclosed within the Wall.

Dugard calls the 75km Wall being built around East Jerusalem "an instrument of social engineering designed to achieve the Judaization of Jerusalem by reducing the number of Palestinians in the city."

The Palestinians in East Jerusalem have been put in an impossible situation. If Palestinians on the West side of the Wall retain their Jerusalem identity documents they will find it difficult to travel to the West Bank, while if they chose to live in the West Bank to be near their work they will lose their Jerusalem residency.

Illegal under article 49 of the Fourth Geneva Convention, the Jewish settlements have continued to grow either as a result of government approval for new settlements, the expansion of existing settlements by stealth or ostensibly illegally—in contravention of Israeli laws that are not really enforced—on land that belongs to the Palestinians. According to a study published last October by Peace Now, 40 percent of the land held by Israeli settlements in the West Bank is privately owned by Palestinians.

Israel's restrictions on the Palestinians' rights of travel, residency and house construction and the increasing number of settlements make clear that it intends to retain control of the Jordan Valley, despite having abandoned its earlier plans to extend the wall along the river Jordan.

As of December 2006, there were more than 500 checkpoints that serve to divide the West Bank into four distinct areas with further enclaves within them. Together with the specially constructed highways reserved for Israeli use these have created 10 small cantons similar to the old South African Bantustans.

While the settlers can travel at speed to their destinations, the Palestinians face journeys of interminable length, if they can be completed at all. The daily suffering and humiliation generated by

these arrangements is the sharpest reminder of a similar system designed to restrict the free movements of blacks in apartheid South Africa—the hated “pass laws.”

Dugard states, “It has become abundantly clear that the wall and checkpoints are principally aimed at advancing the safety, convenience and comfort of [Israel’s 430,000] settlers” who live in the West Bank. He asks, “Can it seriously be denied that the purpose of such action is to establish and maintain domination by one racial group—Jews—over another racial group—Palestinians—and systematically oppress them?”

He adds, “Israel denies that this is its intention or purpose. But such an intention or purpose may be inferred from the actions described in this report.”

Dugard argues that Israel’s laws and practices probably fall within the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid and calls for “serious consideration” to be given to bringing Israel’s occupation of Palestine before the International Court of Justice for another advisory opinion. If upheld, such a determination would fuel demands for economic sanctions to be imposed against Israel, just as they were against South Africa.

Dugard is also scathing about the role of the international community and says Israel is not solely to blame for the crisis in the occupied Palestinian territories.

“The Palestinian people have been subjected to economic sanctions—the first time an occupied people have been so treated. This is difficult to understand. Israel is in violation of major (UN) Security Council and General Assembly resolutions dealing with unlawful territorial change and the violation of human rights and has failed to implement the 2004 advisory opinion of the International Court of Justice, yet it escapes the imposition of sanctions.

“Instead, the Palestinian people, rather than the Palestinian Authority, have been subjected to possibly the most rigorous form of international sanctions imposed in modern times.”

Israel boasts of being the only democracy that operates under the rule of law in the Middle East and has abolished the death penalty. But more than 650,000 Palestinians have been jailed since 1967; many have been subject to mistreatment, held in Israeli prisons rather than in the occupied territories, and denied visits from their families.

More than 700 Palestinians are currently held in “administrative” detention without trial, and more than 500 Palestinians have been killed, including 168 innocent civilians via extrajudicial killings or targeted assassinations. Israel’s High Court ruling last December sanctioned targeted assassinations in some circumstances. Should Israel fail to curb the IDF, then, as Dugard says, “Israel will continue to be seen as an ‘abolitionist society’ that employs the death penalty on a wide scale through the back door of ‘targeted assassinations.’”

Dugard states that the Palestine is the only instance of a developing country denied the right of self determination and oppressed by a Western-affiliated state. He warns of the dangers if the West fails to address the Palestinian question, saying that this failure will erode the ability of developed countries to be the arbiter of democratic values and the defence of human rights.

Such claims of democratic guardianship made for the imperialist powers have already been shown to be a political fraud, not only by the treatment of the Palestinians but also by the illegal war and occupation of Iraq.

Needless to say, Israel and the United States vehemently rejected the charge of apartheid, dismissing this and other reports by Dugard as “one-sided.”

Dugard himself counters such charges by noting that he was appointed to investigate only violations by the Israelis and his remit did not include investigating any violation of human rights against Palestinians by the Palestinian Authority. He nevertheless denounces the firing of homemade rockets by the Palestinians in Gaza into civilian areas in Israel, which have killed two Israelis and injured more than 30, as a war crime that “cannot be condoned.” “Nevertheless,” he continues, “Israel’s response has been grossly disproportionate and indiscriminate and resulted in the commission of multiple war crimes” and the firing of Qassem rockets “cannot justify the drastic punishment of a whole people in the way that Israel has done.”

The Kadima-Labour coalition government has not only rejected the apartheid accusation, it has conducted a hysterical campaign charging those who make it with being anti-Semites. As well as Carter, leading bourgeois figures who have incurred Israel’s wrath include Nobel Peace Prize laureate Desmond Tutu, who heads South Africa’s Truth and Reconciliation Commission.

These critics restrict the apartheid comparison to the occupied territories, but the analogy is to some degree applicable to non-Jewish citizens within Israel itself—and, one might add, to Israel’s treatment of its Jewish citizens of Middle Eastern and North African origin.

The State of Israel, as its courts have determined, is not the state of its citizens. Rather, it is the “sovereign State of the Jewish people,” where “the Jewish people consists not only of those residing in Israel but also the Jews of the Diaspora.” Thus, “there is no Israeli nation apart from the Jewish people.”

Yet, one sixth of the citizens of this state are not Jews. Furthermore, while the Right of Return entitles any Jew to “return” to live in Israel, such rights are denied to the indigenous Arab population, many of whom were either driven out or fled when war broke out in 1948 over the partition of Palestine and the establishment of the Zionist State.

Those that remained, the Arab Israelis, were subject at first to military laws put in place by the British and to this day suffer legal, political, economic and social discrimination at the hands of Zionist state. Last January, the Arab Center for Alternative Planning reported that GDP per capita amongst Israeli Jews was three times that of Arab Israelis.



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