

## Global Civil Society Speaks Out: Israel as an Apartheid State

Written by Yasmeen Abu-Laban

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YASMEEN ABU-LABAN, MAY 6 2013

Israel has a stunning record of ignoring United Nations resolutions and failing to operate within compliance of international law. This record includes: Israel's refusal to allow Palestinian refugees to return to their lands and properties or be compensated (as stipulated in United Nations General Assembly Resolution 194, passed in 1948); the state's ongoing military occupation of Palestinian land since 1967 (in contravention of United Nations Security Council Resolution 242, passed in 1967); and Israel's illegal and continuous building of settlements on occupied land, expropriation of land and forcible transfer/expulsion of Palestinians, and more recently the construction of a wall snaking through land in the Occupied Palestinian Territory (Fourth Geneva Convention of 1949, and International Court of Justice Advisory Opinion, 2004). One could go on, because even the most casual visit to the website of the United Nations makes clear that there are numerous resolutions and reports which question Israel's adherence to international law and human rights norms. While Israel's supporters frequently charge the entire United Nations with "bias," in point of fact what is truly remarkable is that Israel has faced few serious diplomatic consequences for refusing to comply with international law.

There is a very obvious reason that there have been few diplomatic consequences for Israel (and that by extension the "Question of Palestine" has been left to fester for decades, with negative multigenerational consequences for Palestinians, who are also amongst the world's largest, and oldest, refugee groups). The reason is that Israel has international allies. In fact, it counts as allies some of the most powerful states in the global system, and these states do not treat Israel as an international pariah. For example, the European Union-Israel Association Agreement allows for close cooperation between countries of Europe and Israel on matters pertaining to trade, and other economic and social matters. Or consider that Canada's relationship with Israel, while always close, has actually deepened in recent years, particularly since 2006 under the leadership of Conservative Prime Minister Stephen Harper. In addition to expanding trade, defence and security cooperation, the Canadian embassy even stepped in to represent Israel diplomatically in Venezuela, when the Israeli ambassador was expelled by Venezuela to protest Israel's war on Gaza in December 2008-January 2009. Not least, there is the United States, which has supported and financially aided Israel militarily for decades, and also been known to use its veto power on the Security Council to prevent still more resolutions critical of Israeli state actions from even being passed.

However states, even the powerful ones, are not the only actors in the world. Civil society also matters. And today we are living in a political moment when civil society actors in the very states that have maintained close trade, diplomatic and military ties to Israel are speaking out in unprecedented ways, and joining forces with other civil society actors around the world in heeding the 2005 call of civil society leaders and unions in Palestine for a campaign of "Boycott, Divestment and Sanctions" (BDS) against the state of Israel, similar to that applied to Apartheid South Africa. The BDS call draws attention to the glaring and sustained human rights abuses and contravention of international law by Israel, and aims to bring pressure to bear on the Israeli state to end the occupation and colonial condition of Palestinians, as well dismantle the wall; provide Arab-Palestinians in Israel (Christian and Muslim) with full equality; and respect the rights of Palestinian refugees to return in keeping with UN resolution 194.

Drawing inspiration from the international boycott directed at Apartheid South Africa, the BDS campaign has

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garnered the support of churches, unions, legal organizations, cities, businesses, faculty and student associations and a growing number of individuals from a diverse range of ethnic, racial and religious (and non-religious) backgrounds in countries of the industrialized West, as well as in the developing world. In the face of a United Nations made up of states that have, thus far, proven unable to solve “the Question of Palestine,” the BDS campaign represents a peaceful form of action aimed at bringing about respect for international law, human rights and change.

While the BDS campaign draws attention to what are typically described as colonial, racist, and oppressive conditions facing Palestinians (descriptors that are also supported in numerous scholarly assessments of Israel’s treatment of Palestinians) the campaign has not typically referred to Israel as a “pariah” as much as an “apartheid” state. Indeed, the campaign has involved frequent comparisons and analogies being made with Apartheid in South Africa, a line of comparison that has been growing, but subject to controversy.

For example, the use of the term by former American President Jimmy Carter in his book *Palestine: Peace Not Apartheid* was sharply attacked. The discussion of Israel in relation to international law, racism and a ‘new’ apartheid led to countries like Canada, the United States and Israel boycotting the 2009 United Nations World Conference Against Racism review in Geneva. In Canada, the annual student-led educational initiative of “Israeli Apartheid Week,” which began in Toronto in 2005 but has since gone global, has drawn the rebuke of Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism Canada.

In light of the controversy attached to the term, it can be asked why proponents of BDS actually continue to use it in relation to Israel. A few reasons might be given. First, it allows a way to name and frame something that resonates with people in Israel/Palestine. For example, the wall judged illegal by the International Court of Justice, is also routinely referred to as the “apartheid wall” by people on the ground in Palestine. Moreover, from the denial of the right of return to Palestinians, to the separate Jewish-only pass roads, there are sharp inequalities associated with racialized barriers that are legitimated by Israel’s policies.

Second, the term apartheid, while of course emerging from the South African experience, is also recognized as a crime that may occur in other locales. The UN Apartheid convention was established to challenge South Africa’s policy specifically, but it identified South Africa to be in violation of extant international law, and therefore applies the term apartheid generically regardless of country specific context. There are therefore reasons pertaining to international law that are pertinent for using this term.

Third, at a scholarly level the term “apartheid” has been used by scholars to describe lots of phenomena marked by sharp inequalities associated with racialization and state policies, and to think about similarities and differences. Put differently, the term has been applied to a lot of contexts besides South Africa, and in addition to Israel (seen in the term “global apartheid”). In relation to Israel, there are Jewish scholars, Palestinian scholars and those that fall between and outside those groupings, who have all made use of the term in relation to Israel’s practices from 1948, and from 1967. Using the term and thinking about Israel comparatively does not mean that there is necessary exact similitude with South Africa, but rather that there can be a comparison. This kind of approach aids in challenging the tendency to treat Israel as *sui generis*—a state that may not be compared to any other.

Fourth, the use of the term apartheid may be seen to be quite closely associated with a normative vision, because as we know Apartheid in South Africa came to an end, allowing for formal equality. In this regard, the apartheid analogy, while not always linked with the “one state” solution, finds some association with it. It then taps into a broader normative framing of possible futures that may give equal rights and recognition to all peoples in the region, rather than the historically false and morally repugnant denial of the indigenous nature of Palestinians to the region made by some pro-Israel advocates.

Finally, the use of the term apartheid serves as a mobilizing strategy. Indeed, it is notable in this regard that the BDS campaign has brought about important new alliances and common anti-racist cause amongst Jews, Palestinians, and others, precisely because it generates discussions about more peaceful and inclusive futures for all peoples in the region.

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Israel's intergovernmental relations and support from powerful allies may be continuing as they long have, irrespective of its policies or actions. This is one feature that tends to breed a certain pessimism amongst observers and specialists of the Middle East about the prospect of a just and lasting resolution to the Israel/Palestine conflict. However, because of the BDS campaign, there is a shift happening on the ground in many countries which has involved new alliances amongst civil society groups in standing up for a more consistent application of principles of human rights, international law and justice. This is a hopeful development, especially relevant because it serves as a reminder that in a just world, no state should be above international law. That Israel has felt this pressure may be seen in the fact that in 2008 it began a "rebranding campaign" designed to challenge its image in countries of the West as an "aggressor" state. Still, the BDS campaign has continued to grow, suggesting that rather than Israel's image, it is Israel's policies that are coming into ever-sharper questioning in the twenty-first century.

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