

al majdal



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BADIL Resource Center for Palestinian Residency and Refugee Rights



ISRAEL AND THE CRIME OF APARTHEID

*The Vision of the
Anti-Apartheid Struggle*

BADIL takes a rights-based approach to the Palestinian refugee issue through research, advocacy, and support of community participation in the search for durable solutions.

BADIL was established in 1998 to support the development of a popular refugee lobby for Palestinian refugee and internally displaced rights and is registered as a non-profit organization with the Palestinian Authority.

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Cover photo: Nakba Commemoration, Palestinian Refugees at the Lebanese-Palestinian border, the village of Maroun ar-Ras. May 2011. (©Constanza Araya/BADIL)

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A Finding of Apartheid

South Africa session of the Russell Tribunal on Palestine (photo-Sumaya Hisham)



The South African session of the Russell Tribunal in November 2011, found that “Israel subjects the Palestinian people to an institutionalized regime of domination amounting to apartheid as defined in international law. This discriminatory regime manifests in varying intensity and forms against different categories of Palestinians depending on their location. The tribunal concludes that Israel’s rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid.”¹ The tribunal also made a finding that, in relation to certain acts on the part of Israel, there is evidence of the crime against humanity of persecution.

The Russell Tribunal on Palestine was established as a result of calls from civil society, following the failure to implement the findings of the International Court of Justice’s 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (OPT) and Israel’s 2008-9 military assault on the people of the Gaza Strip. Though this citizen-based tribunal has no legal status as such, its credibility and legitimacy is derived from the exceptional human rights experience, moral authority and expertise of its jury members which included Stephane Hessel, John Dugard, Michael Mansfield QC, Mairead Maguire, Alice Walker, Cynthia McKinney, Ronnie Kasrils and Yasmin Sooka. The proceedings were conducted in a very formal manner, with testimony given by legal experts, activists, academics and eye-witnesses to the situation inside Israel and the OPT. Most moving were the testimonies of the Palestinians who were able to attend, who told of their personal experiences and those of their families, at the hands of the Israeli apartheid regime.

A slot during the proceedings had been allotted for a speaker from the Israeli government, but they did not reply to correspondence from the Tribunal. Instead, in that allotted time, the attendees heard from Michael Mansfield QC that MK Otniel Schneller had made a recommendation to the Knesset Ethics Committee to revoke the citizenship of Palestinian citizen of Israel and member of the Knesset, Haneen Zoabi. This followed her passionate testimony as to the racist nature of the Israeli state and provided a very practical example of apartheid in action. Around the same time, the website of the tribunal was hacked and taken off-line in a sophisticated cyber attack.

While Israel continues to implement its racist policies, to proceed unhindered with its settlement construction and expansion on Palestinian land, to continue to forcibly displace the Palestinian people and to prevent the return of 7 million refugees, the international community and the UN look on. Their failure to enforce the rule of law in the case of Israel leaves the struggle for justice and the basic rights of the Palestinian people to the people themselves, civil society and their international supporters. The findings of the Russell Tribunal have reinforced previous studies and apartheid terminology used by scholars, special rapporteurs, NGO's and political activists. It is the first time, however, that the apartheid framework has been applied as a single regime over the entirety of mandate Palestine. It is a regime that was first implemented in 1948 and expanded into the OPT in 1967, the purpose of which is to manage the status quo while Israel continues to transfer the Palestinian people out and the Jewish people in – in effect, a legalized population transfer scheme, managed by an apartheid system.²

Though modelled on the prevailing situation in South Africa, the 1973 Apartheid Convention was intended to apply to similar situations outside South Africa. This was confirmed by the inclusion of the crime of apartheid in the 1998 Rome Statute of the International Criminal Court, drafted four years after the fall of the South African regime. There is no doubt that the laws and policies of the Zionist Israeli regime fit exactly within the definition of the crime of apartheid. That is not to suggest, however, that the regime is the same as that of South Africa, nor that the overall goal is the same. In South Africa, exploitation of the indigenous people was the goal. In Palestine, forcible displacement of the indigenous people is the goal of the Zionist regime. It is necessary to recognize and identify the regime for what it is: a single regime of apartheid born out of a colonialist project which aims to create a Jewish state over all of mandate Palestine. John Reynolds³ has elaborated on the advantages of the apartheid framework over the alternative legal approach, which divides Israel from the OPT and focuses on breaches of international humanitarian law (IHL) in the OPT. He suggests that this can create “legal and geographical masks over the realities of the situation” and runs the “risk of legitimizing the underlying segregation.” IHL assumes an occupation to be a temporary measure rather than a situation lasting for nearly 64 years. If Israel is found to be breaching the preemptory legal prohibitions on apartheid and colonialism, this may suggest that the occupation is itself illegal.⁴

The apartheid framework correctly conveys the gravity of the situation faced by the Palestinian people, whose very existence is threatened, and should, if international law is to be respected, spur the international community and the UN to action to bring it to an end. The prohibition on apartheid has customary status within international law, meaning that it applies to all states whether or not they have ratified the relevant treaties. If Israel were found to be breaching the prohibitions on colonialism and apartheid, as well as the individual criminal responsibility assigned to the perpetrators, this would activate three obligations for all states – to cooperate to

bring an end to the violation, to refuse to recognize the illegal situation and not to render aid or assistance.⁵

In his 2007 report to the Human Rights Council, former Special Rapporteur, John Dugard stated:

*The international community has identified three regimes as inimical to human rights - colonialism, apartheid and foreign occupation. Israel is clearly in military occupation of the OPT. At the same time elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law. What are the legal consequences of a regime of prolonged occupation with features of colonialism and apartheid for the occupied people, the occupying Power and third States? It is suggested that this question might appropriately be put to the International Court of Justice for a further advisory opinion.*⁶

This suggestion was reiterated by current Special Rapporteur, Richard Falk, in his 2011 report⁷ to the Human Rights Council and, once again, by the Russell Tribunal. Since, based on precedent, there is no reason to believe that the UN and the international community are about to fulfill their obligations towards the situation in Palestine any time soon, is it not time to submit this question to the International Court of Justice?

This issue goes into more depth regarding the vision of an anti-apartheid movement, beginning with a commentary on the legal right to resistance in the context of a national liberation struggle against colonialism and apartheid. Jeff Handmaker writes about the prospects for ending Israel's impunity in the face of apartheid and other crimes. Amjad Alqasis illustrates the obstacles faced by the architects of the Zionist project and how those obstacles were overcome, explaining how the apartheid system was established in the Israeli context and its overall aim. Adri Nieuwhof reflects on her experience of, and lessons learned from, the South African experience, elaborating on the importance of international support, coordination and BDS. Hazem Jamjoum's contribution focuses on the denial of the right of return as an act of apartheid and the centrality of the refugee issue to Israeli apartheid. Toufic Haddad highlights the significance of the changing terminology of the US, in its reference to the "Jewish State" and suggests how activists can take advantage of the inherent contradiction in the self-description as "Jewish and democratic." Finally, Rifat Kassis gives a Christian perspective on the struggle against apartheid codified in the Kairos document. In the final section we highlight the recent successes of the BDS movement.

COMING SOON

BADIL Working Paper No.13

Working Title: **Israeli Apartheid over Mandate Palestine**

This paper seeks to illustrate that the regime that has been established across all of mandate Palestine is a necessary framework within which the Zionists can pursue their policy of population transfer – that is Palestinians out and Jewish settlers/immigrants in. The apartheid regime is used to maintain a Jewish majority inside Israel itself and to keep the minority Palestinian population at a distance. It is used to alter the demographic in the oPt by making it more difficult for Palestinians to stay, due to many methods leading to displacement, while building settlements and bringing in Jewish settlers.

The Right to Resist

by Simone O'Broin



Palestinians and International Solidarity members during the weekly protest against the Apartheid Wall on the land of Ni'lin, Ramallah, West Bank. October 2009 (photo: Hindi Musleh/BADIL)

No colonization of a land has ever taken place peacefully. Colonization is violent. Ethnic cleansing is violent. The regime of occupation in the OPT and the apartheid regime all over Mandate Palestine is brutal in its violence and humiliation of the Palestinian people. All struggles to date – including that of the Native Americans, the Algerians under the French, the Vietnamese and the South Africans under apartheid – used both violent and non-violent methods in their struggles.¹ Ronnie Kasrils identified four pillars which were the basis for the strategy of the struggle against South African apartheid: political mass struggle; reinforced by armed struggle; clandestine underground struggle; international solidarity. At different times, each of these could be predominant and, as Kasrils points out, “it is not for outsiders to direct those at the frontline of struggle.”² In South Africa it was the struggle of the masses which became the primary way. Kasrils attaches great weight to the contribution of international solidarity actions in the case of both South Africa and Vietnam.

It is likely, therefore, that in any situation of prolonged occupation, resistance will occur, whether it be violent or non-violent.³ The general prohibition in international law on the threat or use of force⁴, is reaffirmed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States⁵ which states that:

No territorial acquisition resulting from the threat or use of force shall be recognized as legal

and:

In their actions against and resistance to such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

It is clear from this paragraph that all forms of non-violent resistance including boycotts, strikes, political opposition, civil disobedience and other non-violent means are permissible in a struggle for self-determination. Richard Falk, Special Rapporteur on the situation of human rights in

the Palestinian Territories, is of the opinion that “reliance on symbolic and low-tech violence (stone-throwing), especially if directed at military or illegal settler personnel, seems clearly to be permissible given the present conditions of occupation.”⁶

It is more controversial whether or not the use of armed force is allowed in resisting occupation, colonialism and apartheid in the context of a national liberation struggle. The Israeli occupation has systematically and deliberately violated many aspects of international humanitarian law and human rights law which should be upheld by the occupier. It is also the case that the international community has repeatedly affirmed the Palestinians’ rights in the key disputed issues – the right to a State alongside Israel,⁷ their right of return and compensation,⁸ their right to have Israel withdraw from the OPT⁹ and their right of self-determination.¹⁰ These affirmations of support from the UN of the Palestinian rights strongly suggest that the cause of the Palestinians is a just one, in line with just war doctrine, which then implies a moral duty to resist.¹¹ This is especially the case since the Palestinians have never enjoyed sovereign independence which has been granted to so many other countries since the process of decolonization began in the 1960’s.¹² However, Israel has defied the will of the international community for over sixty years and the UN has failed to provide protection for the Palestinian people and has failed to facilitate the implementation of these rights.¹³ The brutality of the Israeli reaction to **any** form of resistance and its continued

expansionist and annexation policies within the context of the prolonged occupation must also be borne in mind when considering the legitimacy of the Palestinian reaction. A further factor to consider is the asymmetry between the two sides – Israel as the fifth strongest military in the world¹⁴ with very powerful allies including the US and the UK, against an essentially unarmed, economically stripped and disempowered people.¹⁵ Not only do the Palestinians have to deal with the subjugation by the occupier, but also with the violence meted out by armed settlers living on the same territory, who are able to act with total impunity.

While a right to armed struggle is not granted by either the 1907 Hague Convention or GCIV, nor is it specifically prohibited¹⁶ as long as it is in accordance with international humanitarian law. It is likely that, during the drafting of these treaties, occupation was regarded as a transitory condition rather than a decades-long permanent situation. Any right to resistance for the Palestinian people is linked to their inalienable right to self-determination. This would be the same principle on which the allied forces supported resistance in the countries occupied in WWII, such as France. In the context of the downfall of European colonialism, during the 1970’s, the international community tended “to view resistance against outside domination as justifiable.”¹⁷

Israelis and internationals join a Palestinian Protest against the Wall. as-Sawahrah, Jerusalem, West Bank, August 2008 (©ISM)



The 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples states that:
*All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.*¹⁸

In 1970, referring to the elaboration of the principle of self-determination in the Declaration Concerning Friendly Relations, the General Assembly affirmed:
*the legitimacy of the struggle of peoples under colonial and alien domination recognized as being entitled to restore to themselves that right by any means at their disposal.*¹⁹

In 1973, the General Assembly passed a resolution specifically referring to the South African and Palestinian people and legitimising their liberation struggle:
*by all available means, including armed struggle.*²⁰

In 1974, the General Assembly adopted a definition of Aggression which prohibits any occupation, however temporary,²¹ and lists many forms of aggression²² including annexation of territory by force, bombardment and blockade. However, Article 7 of the Annex specifically excludes from the definition a people's struggle for self-determination, stating:
Nothing in this Definition . . . could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right . . . , particularly peoples under colonial and racist regimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter .

While today the Palestinian people and their international supporters are adopting many innovative methods of non-violent struggle, it is important to emphasize that the Palestinians are indeed a group struggling for self-determination against a colonial, racist regime. The mainstream media's presentation of information, especially its focus on Palestinian violence, is often manipulated to encourage viewers to associate "terrorism" with the victims of oppressive regimes, who are legitimately resisting.²³ Furthermore, particularly since the events of September 11th 2001, legitimate resistance is being assimilated by powerful governments and media to be part of the "terror" against which those governments seek to use brutal force. It is vital that the distinction be maintained to prevent powerful States subjugating weaker nations and oppressed peoples.²⁴

Regardless of the controversial nature of its legitimacy, armed struggle inevitably causes human suffering to which the Palestinian people are no strangers. The resistance exercised on so many levels in Palestine today is almost exclusively of a non-violent nature. International supporters within civil society are implementing the 2005 Palestinian call for Boycott, Divestment and Sanctions and are achieving many victories within that framework. However, the situation on the ground for the Palestinian people is becoming worse by the day. The urgency of the need to put an end to the impunity with which Israel acts is tangible. The failure of the international community, especially the powerful States, to support non-violent resistance results in the repression of legitimate demands of the people in favour of oppressive regimes/States.

The question remains then: if the international community fails in its duties to support the Palestinian people, even in their peaceful struggle against colonialism, occupation and apartheid, how can they achieve their legitimate rights?

* Simone O'Broin is a human rights lawyer and activist.

** Endnotes: See online version at: <http://www.badil.org/al-majdal>

Prospects for Ending Israel's Impunity for Apartheid and other Crimes

by Jeff Handmaker*

Palmach troupes gathering
Palestinians from al-
Ramle to be ready for
displacement, 6 July 1948.
(©Ariella Azoulay)



Philanthropic colonization is a failure. National colonization will succeed.

-Theodor Herzl (1897), First Congress Address, Delivered in Basel, Switzerland.

It is very possible that the Arabs of the neighbouring countries will come to their aid against us. But our strength will exceed theirs. Not only because we will be better organized and equipped, but because behind us there stands a still larger force, superior in quality and quantity ... the whole younger generation [from Europe and America].

-David Ben Gurion, quoted in N. Masalha (1992) *Expulsion Of The Palestinians*, p. 66.

Apartheid—both petty and grand—is obviously evil. Nothing can justify the arrogant assumption that a clique of foreigners has the right to decide on the lives of a majority.

-Steven Biko (1978) *I Write What I Like*.

The racist ideals that were thought up by Herzl and other Zionists in the late 19th Century, and which framed the thinking of Ben Gurion and other Zionist leaders during the creation of the State of Israel, became the basis of Israel's apartheid regime, which continues to the present day. In view of Israel's arrogant impunity in implementing whatever racist or violent policy it chooses, with little to no consequences, it is easy to despair.

However, as South African anti-apartheid leader Steven Biko so eloquently noted in 1970s, when people also felt despair at the impunity of the apartheid regime's white leaders, no amount of arrogance can serve as a legitimate cover for the international crime of apartheid.

This short article reviews Israel's decades-long policies of racist dispossession, colonization and apartheid, followed by a brief review of how states and international organisations ought to respond, and how civic organizations are responding, through a Palestinian-led campaign of Boycott, Divestment and Sanctions.¹

More than 60 years of Dispossession, Colonization and Apartheid

There is no shortage of analyses about the causes and consequences of more than 60 years of dispossession by Israel of Palestinian residency rights.² The dispossession of Palestinians has been reinforced by a more than 40-year long, belligerent occupation of the West Bank, East Jerusalem, Gaza Strip and the Golan and Israel's relentless construction of settlements, which ought more appropriately to be referred to as 'colonies'. Palestinians have been forced into ever - diminishing patches of land that, since the League of Nations mandate, states and international organisations have disingenuously argued should form an autonomous Palestinian state.

Perhaps the most insidious aspect of Israel's continuous efforts to oppress Palestinians is the Israeli military's construction of a wall in 2002, accompanied by what the International Court of Justice has termed the "associated regime". In an effort to reinforce bogus claims that view the West Bank, Gaza Strip and much of East Jerusalem as sovereign territories of Israel, Israel's Wall has snaked its way around massive, illegally-constructed colonies, protecting these and Jewish colonist-only roads and has encircled much of the Gaza strip. In the West Bank and East Jerusalem, the wall encroaches deep within the green line, and has caused a further wave of forced displacement. The Wall cuts off Palestinians from their lands, jobs, schools, universities and businesses and is for many the most obvious manifestation of a situation that the Russell Tribunal on Palestine, in its Cape Town sessions, concluded was a regime of apartheid.³

Cementing Apartheid through Denationalization

Since the initial expulsion of Palestinians, followed by the unilateral creation of the Jewish state in 1948, and the prevention by Zionist militias of refugees to return to their homes and livelihoods, the Israeli legal system has progressively sought to affirm its apartheid regime by denationalizing Palestinians and stripping them of their rights. The concept of Israeli nationality does not exist in Israeli law.⁴ Israel's legal system only recognises Jewish nationality, restricting and/or excluding non-Jews from numerous services, rights and privileges.⁵

Israel is possibly the only country in the world where citizenship and nationality are two entirely separate concepts. Palestinians who became citizens of Israel in 1948, therefore, do not enjoy any legally protected nationality. Drawing on this exclusive legal distinction, the Israeli government has maintained, with impunity, its apartheid regime, not only in its colonies in the occupied Palestinian territories, but also in Israel itself.

From state Reprisals to Civic Boycotts

Ending Israel's impunity for countless human rights violations conducted in the context of its apartheid regime has proven to be no easy matter. This, despite the fact that states and international organizations (notably the United Nations and the European Union) have a sound legal justification for holding Israel accountable for its violations of international law (not least

the UN Charter of 1945 and the Apartheid Convention of 1973). Based on these and other legal instruments, states and international organizations have an extensive range of options available to them to hold Israel accountable, from public denunciations to punitive reprisals (e.g. sanctions).⁶ Despite numerous Security Council Resolutions and damning reports from UN Experts, Palestinian, Israeli and international organizations, states, the UN and the EU have been stubbornly reluctant to hold Israel accountable, despite a 2004 Advisory Opinion by the International Court of Justice that not only exposed Israel's violations, but compelled other states and international organisations to take action against Israel's impunity.⁷

The blatant disregard by Israel for international law and the countless atrocities it has committed has, in other words, been matched by a silence on the part of most countries, including the powerful members of the Security Council. Israel's impunity has not only been permitted, but consciously allowed due to the cowardice and/or outright complicity of states that have persistently refused to hold Israel accountable for its violations of Palestinian rights. This situation has revealed serious weaknesses within the United Nations system. However, contrary perhaps to the expectations of Israel's oppressive apartheid regime, the failure of Israel and the so-called international community of states, the United Nations and the European Union to respect international law, has led to a strengthening of resolve by the Palestinian people, most notably in the astoundingly successful, Palestinian-led, global campaign of Boycott, Divestment and Sanctions, as documented by Omar Barghouti.⁸

Palestinian Civil Society-Led BDS Campaign

Civic led boycotts and divestment are supported by both legal and moral underpinnings. Whether or not legal options are exhausted, civic advocates can always draw on moral imperatives and insist upon state accountability. As explained by veteran human rights advocate Adri Nieuwhof, authoritarian regimes, such as the state of Israel, can be held accountable through a combination of four inter-linking strategies. These comprise: (1) a well-argued communication of the legal and moral justifications for advocating a state's accountability, (2) political pressure and (3) economic isolation through boycotts, divestments and sanctions. Finally (4), Nieuwhof argues that it is crucial to provide support to civic structures that are mobilised in the country where violations are taking place.⁹

As Badil, Al-Haq, Palestinian Centre for Human Rights and others have demonstrated, constructing a rights discourse that articulates the legal and moral justifications for BDS requires a strategic approach, bearing in mind the potential and challenges of legal avenues for claiming those rights, as well as the interests of various stakeholders, which are often overlapping. Such an approach unites Palestinians with their global solidarity partners and potentially engages Palestinian political leadership, Israeli society and eventually states and international organizations to take action.

Some Conclusions and Propositions

Despite the fact that the United Nations has proven to be unable to act in a strong and principled way, it would still be prudent to insist that the UN take up its global responsibilities to end Israel's colonial regime. After all, the UN was not only established to prevent the reoccurrence



Protest in London, July 2010 (photo: londonbds.org)

of war and to resolve conflicts, but to eradicate colonization once and for all, on the basis of international law.

Numerous efforts to resolve the impasse between Israel and the Palestinians and find peace on the basis of 'discovering the common ground' have failed miserably, and with bloody consequences. They have failed, not only because of their failure to recognise massive legal, social and economic inequalities, but because of a highly unprincipled approach on the part of those seeking to 'bring peace' to the region. The approach outlined by the Quartet – and led especially by the United States – regards three major issues, perceived as presenting 'obstacles' to any peace settlement, namely the status of Jerusalem, the fate of the settlements/colonies and the plight of Palestinian refugees. The members of the so-called quartet have relegated these key issues to the back burner, treating them as so-called 'final status' issues in the hope that at some stage, an interim peace settlement can be found. What can be called an approach of appeasement not only failed to work, but has legitimated Israel's atrocities, on-going annexation and occupation, which has been paid for by the members of the Quartet.

An alternative approach to appeasement, strongly advocated by Professor Dugard, which so far the UN has not applied to any significant degree, would be based on international law and human rights. Rather than being hampered by massive inequalities, the UN would be directly engaged in redressing those inequalities and ensuring that civilians, including Palestinian refugees, were directly engaged in finding a solution to the impasse between Israel and the Palestinians.

While imperfect and wholly dependent on political will, an approach rooted in international law offers a highly desirable alternative to stagnated diplomacy and a seemingly endless cycle of violence. It reaffirms that human rights are inextricably linked to peace; in other words, respect for international law (and human rights) is a pre-requisite to a peaceful outcome. Furthermore, such an approach expands the possibilities of alternative solutions to the possibly defunct prospects of a two-state solution.

In light of this analysis, I offer the following propositions.

The first proposition is that international law (and by extension human rights) serves as the most credible basis for ending impunity and restoring equitable legal protection. This proposition recognises that the legal status of Israelis as well as Palestinians should be based on the principle of normative equality. It urges that mechanisms be put in place, both to claim that status, in order to achieve actual equality, and to resolve conflicting rights that will inevitably arise.¹⁰ It assumes that an increased respect for human rights will increase the prospects for peace.

The second proposition is that recognising the right of Palestinians to return to their homes and livelihoods is an essential pre-requisite to any peace settlement. This will, of course, require considerable compromises by Israel, which are the highly unfortunate consequences of Israel's construction of 'facts on the ground', notably the decades-long illegal construction of colonies on occupied Palestinian territory. However, as the Israeli organisation Zochrot has declared, recognising the right would 'enable a space where the Nakba can be spoken of or written about' both in Arabic as well as Hebrew, in other words, re-framing the debate.¹¹



Zochrot's sign
"Remembering the
Nakba", Tel Aviv,
Dec. 2011 (Photo
source: Zochrot)

The third proposition is that all Palestinians, including prisoners and refugees, wherever they may be, must be provided a role to participate in political negotiations. The reasoning here is that refugees are seen not as part of the problem, but as part of the solution. As Valerie Hunt has argued, the 'moral perspective of deservedness plays a large role in how we understand the assignment of rights to different groups within society'.¹² It furthermore allows one 'to make positive connections' between one and the other's national identities.¹³

The fourth and final proposition is that alternative models for resolving the decades-long impasse, including the option of one, secular democratic state are deserving of serious consideration.¹⁴ A change of facts on the ground has created permanent structures in Israel's West Bank colonies, and arguably rendered a two-state solution socially and economically impossible. As Abunimah, Barghouti and others have argued, Israel has in fact already created one state, separated into various cantons, all of which are under the effective control of the Israeli government and military. All borders are controlled by the Israeli military and border police. In Israel, there is growing recognition of the treatment of Palestinian citizens of Israel as second-class citizens, including the especially appalling treatment of Bedouins inside Israel and throughout the occupied Palestinian territory.

Despite the political rhetoric and apparent momentum in favour of a two-state solution, it is abundantly clear that such a solution would not resolve the refugee issue, without doubt the most enduring obstacle to a just peace in the 60-year long impasse between Israel and the Palestinians. Following the devastation of Gaza at the beginning of 2009, caused by Israel's illegal aggression, and the continued closure of the West Bank and unstoppable growth of illegal colonies, the prospects of resolving the impasse between Israel and the Palestinians seems further than ever. No resolution of this impasse will be possible in the absence of an even-handed approach, for which international law can provide, but which the UN and third states have – until now – refused to apply with any degree of consistency, or consequence for Israel.

Until the situation changes, a global, civic-led campaign of boycott, divestment and sanctions offers a non-violent alternative to the horrifying cycle of violence in Israel-Palestine.¹⁵ Rooted in international law principles, this campaign also offers good prospects for promoting justice and peace to all who are victims of the ongoing impasse between Israeli Zionist ideology and Palestinian national aspirations. Tried and tested – quite successfully – in South Africa, BDS offers tremendous hope and inspiration to those who dream of an end to Israel's apartheid regime.

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***Endnotes: See online version at: <http://www.badil.org/al-majdal>*

Israeli Apartheid: a Means to an End, not an Endgoal.

by *Amjad Alqasis*



At the Israeli military checkpoint Between Bethlehem and Jerusalem, August 2011 (Photo source: ActivStills.com)

The South African session of the Russell Tribunal on Palestine discussed intensively whether Israel's practices against the Palestinian people constitute the crime of apartheid.¹ The findings of that session concluded that Israel is committing the crime of apartheid against the Palestinian people. This Israeli apartheid regime is not limited to the Palestinians living in the occupied Palestinian territory (oPt) but it is also targeting Palestinians residing inside the "Green Line." Reflections on whether a one or two-state solution would be the appropriate means to end the injustice and suffering in historic Palestine overlook the fact that one legal entity has already been established within that specified territory: the Palestinians, wherever they may reside, are collectively exposed to one coherent structure of apartheid. The main components of that structure discriminate against Palestinians in areas such as nationality, citizenship, residency rights and land ownership. This system was originally applied in 1948 in order to dominate and dispossess all forcibly displaced Palestinians, including the 150,000 who were able to remain within the "Green Line" and later became Israeli citizens. After the occupation of the remaining part of historic Palestine by Israeli forces in 1967, this territory became subjected to the same Israeli apartheid regime.

Nevertheless, Israel's crimes and human rights violations amount to more than just the crime of apartheid. More accurately, Israeli practices are a combination of apartheid, military occupation, and colonization as a means to ethnically cleanse the territory from Palestinian presence. The Zionist Movement, when setting the scene to colonize "Mandate Palestine" in 1897 under the premise, "people without land will get a land without people", faced three major obstacles:

- The indigenous Palestinian people who were living in that territory
- Palestinian property and land rights within that territory
- Bringing Jewish people to that territory

On overcoming these three obstacles, they needed to create a legal system in order to maintain the newly established status quo. The Zionist Movement, and later Israel, had no interest in creating a system of apartheid in order to simply construct and maintain the domination of one “racial” group over another. Israel’s aim was, and still is, not to exploit the indigenous workforce or simply to limit their political and social participation. Rather, the intention was to establish a homogeneous Zionist-Jewish state exclusively for Jewish people. This was apparent from the early years of the Zionist Movement, illustrated by the fact that Israel has hitherto no defined borders. As explained by Golda Meir, “the borders are determined by where Jews live, not where there is a line on a map”.² This statement, in combination with Ben-Gurion’s famous writings in 1937, “the compulsory transfer of the Arabs from the valleys of the projected Jewish state could give us something which we never had... we have to stick to this conclusion the same way we grabbed the Balfour Declaration, more than that, the same way we grabbed at Zionism itself”³, offers endless possibilities for transferring Palestinians out and implanting Jewish settlers into the territory. As illustrated by Nur Masalha, between 1930 and 1948 the Zionist Movement has planned for the transfer of the indigenous Palestinian population in nine different plans, starting with the 1930 Weizmann Transfer Scheme up to Plan Dalet carried out in 1948.⁴

In order to deal with the three obstacles identified above, the Zionist movement initiated a series of pro-active and preventive measures in the form of laws, practices and policies. The Israeli *Law of Return 1950* provides that every Jewish person in the world is entitled to “Jewish nationality” and can immigrate to Israel and acquire Israeli citizenship. This law aims at simplifying and encouraging the immigration of Jewish persons to Israel in order to achieve the “Jewish state” envisioned by Zionism.

The Israeli *Absentee Property Law 1950* was used to confiscate most Palestinian property, legally owned by forcibly displaced Palestinian refugees and internally displaced persons (IDPs). Once confiscated, this land became state property.⁵ As a result of the overall Israeli land regime, Palestinians today own only a few percent of the land which was Mandate Palestine.⁶

The expansion of existing Palestinian localities in Israel and the oPt has been severely curtailed as a result of Israel’s highly discriminatory planning policy. Since the occupation of the West Bank and the Gaza Strip in 1967, Israel has not permitted the establishment of any new Palestinian municipalities.⁷ *Military Order 418* created a planning and building regime which gives full control to the Israeli state in all areas related to planning and development in the oPt. As a result Palestinian communities often find themselves separated from their surrounding lands. In contrast, even the smallest Jewish localities have detailed building plans and regulations regarding land use.⁸ To summarise the situation: “Israeli space has been highly dynamic, but the changes have been mainly in one direction: Jews expand their territorial control by a variety of means including on-going settlement, while Arabs have been contained within an unchanged geography.”⁹

The central obstacle to the Zionist Movement, the Palestinian people themselves, has been addressed by various means throughout the last six decades. More than two million Palestinians have been forcibly displaced from their homes and Israeli laws such as the 1954 *Prevention of Infiltration Law*

and military orders 1649 and 1650¹⁰ have prohibited Palestinians from legally returning to Israel or the oPt. This deliberate and planned forcible displacement amounts to a policy and practice of forcible transfer of the Palestinian population, or ethnic cleansing. This ongoing *Nakba* has so far resulted in approximately 70% of the Palestinian population worldwide becoming refugees and/or IDPs.¹¹

Forced population transfer or forcible displacement can be defined as a practice or policy having the purpose or effect of moving persons into or out of an area -either within or across an international border. "The State's role may be active or passive, but nonetheless contributes to the systematic, coercive and deliberate nature of the movement of population into or out of an area. Thus, an element of official force, coercion or malign neglect is present in the State practice or policy. The State's role may involve financial subsidies, planning, public information, military action, recruitment of settlers, legislation or other judicial action, and even the administration of justice."¹² Forced population transfer is illegal and has constituted an international crime since the Allied Resolution on German War Crimes, adopted in 1942. The strongest and most recent codification of the crime is found in the Rome Statute of the International Criminal Court, which clearly defines forcible transfer of population and implantation of settlers as war crimes.¹³

"The essence of population transfer remains a systematic and discriminatory state policy whose purpose is an alteration of the demographic composition of an area by moving people into and/or out of the area."¹⁴ The policy can be implemented in various ways by the state. In the case of Israel, ten major triggers of forced displacement are identifiable:

1. Residency rights revocation and refusal to grant residency statuses including almost total denial of family-reunification and the restrictions on child registration by Palestinian parents with different political statuses issued by Israel – such as the Jerusalem ID and the West Bank ID;
2. Constant Israeli military operations and attacks against the Palestinian people;
3. The construction of the Apartheid Wall and its associated checkpoint and permit regime which severely restricts freedom of movement within the oPt;
4. Restrictive zoning and planning policies including house demolitions and land confiscations;
5. Settlers' implantation in the oPt and settler violence and harassment carried out with impunity.
6. Individual and mass deportations of Palestinians and the suppression of any form of resistance including systematic arrests and torture in Israeli prisons;
7. The denial of return and/or freedom of movement within historic Palestine and the political and geographic separation of the West Bank, the Gaza Strip and East-Jerusalem.
8. Restrictions and limitations on the utilization of essential resources, most importantly water, and the undermining of livelihoods in particular among the herding and agriculture-based communities;
9. Marginalization and exclusion of Palestinians -with or without Israeli citizenship- from the Israeli (Jewish) society and the benefits connected to the "Jewish nationality";
10. Official or de-facto annexation of huge amounts of land in order to permanently deny the indigenous population to exercise its right to self-determination.

All these triggers aim at forcibly displacing Palestinians by creating an overall untenable living situation which leaves no other choice for the inhabitants than to leave their homes. Sharett - one of the signatories of Israel's Declaration of Independence- defined this when he stated "a policy based on minimal fairness should be adopted toward Arabs who were not inclined to leave".¹⁵ Therefore, Israel's apartheid system is a means to an end and not an endgoal in itself. It does not simply seek domination over the indigenous Palestinians but their forcible displacement.

South Africa not only invented the apartheid system but was also proud of its creation and publicly advocated it. The word “apartheid” itself is Afrikaans for “separateness” and became the official government policy of racial segregation in 1948. The South African apartheid structure was based on a clear-cut social separation and segregation policy. It was unthinkable for a white supremacist to sit next to a black South African in a café, bus or any other social gathering. The implementation of that policy, also referred to as “separate development,” was made possible by a series of laws passed in the 1950s. The *Population Registration Act* and the *Group Areas Act* classified all South Africans into three racial groups (white, colored and black) and assigned these races to different residential areas and business sectors. Moreover, the *Bantu Authorities Act* and later the *Bantu Homelands Citizenship Act* made every black South African a citizen of one of the homelands (Bantustans), thereby effectively excluding them from participating in the South African political process. Additionally, other laws prohibited most social contacts between the races; separate job categories; public facilities; transportation; education; and health systems.¹⁶

It is clear from the outset of the formulation and development of South Africa’s apartheid system that the intention was to create a permanent structure and that energy was invested in order to preserve the established status quo. For instance, the 1970 *Bantu Homelands Citizens Act* was designed to react and adapt to increasing criticism from the international community through establishing separate legal entities in order to pretend that the black population was no longer excluded from the state affairs because they simply no longer belong to the South African state. This attempt aimed at continuing the exploitation of the indigenous workforce and resources – fortifying the existing system- while at the same time discarding its racist, anti-democratic image.

The crime of apartheid and the subsequent Apartheid Convention¹⁷ was modelled on, but not limited to, the South African apartheid system. “The Apartheid Convention was the ultimate step in the condemnation of apartheid as it not only declared that apartheid was unlawful because it violated the Charter of the United Nations, but in addition it declared apartheid to be criminal.”¹⁸ Today, Israel is guilty of committing a combination of crimes in order to forcibly displace the Palestinian people from historic Palestine. Israel’s commission of internationally-sanctioned crimes such as apartheid and persecution, as well as permanent occupation and annexation, are intended to create an unbearable situation in order to drive the indigenous population out. This continuous and calculated strangulation of the Palestinian people must be properly challenged by the international community as it was in South Africa, by codifying that state’s actions and policies into elements of an international crime against humanity. Israel’s regime must be judged accordingly and its impunity must be brought to an end because the silence, if not complicity, of powerful members of the international community, in the face of practices and policies that violate fundamental rights and laws further entrenches politics, to the detriment of law.

In fact, the ongoing disrespect for international law in the Palestinian-Israeli conflict undermines the legitimacy of international law, in particular human rights, humanitarian law and international criminal law. Therefore, it is time to ensure and ascertain that international law is more than only coherent words put together, but a legal system which protects rights, establishes obligations and most importantly creates realities according to its values and principles –as seen in the case of South Africa.

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** Endnotes: See online version at: <http://www.badil.org/al-majdal>

Lessons from the South African Anti-apartheid Struggle

by *Adri Nieuwhef*



Los Angeles,
California, 5 May
2010 (Photo: Marcy
Newman)

For many years I supported the anti-apartheid struggle in South Africa as a member of the Holland Committee on Southern Africa (HCSA). I apply what I learned in supporting the Palestinian people to achieve freedom, justice and equality including the right of return for refugees. Dutch and South African anti-apartheid activists provided input to broaden the basis of the article.

Powerful vision of the South African Freedom Charter

The people of South Africa developed a clear vision for the future that gave guidance to anti-apartheid activists and organizations. Thousands of volunteers collected countrywide the ‘freedom demands’ of the people. The demands were summarized in the Freedom Charter. Three thousand delegates from an alliance of South African political movements adopted the Freedom Charter at the 1955 Congress of the People.¹ The first paragraph states,

“We, the People of South Africa, declare for all our country and the world to know:

- That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people.
- That our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality.
- That our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities.

- That only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of color, race, sex or belief.
- And therefore, we, the people of South Africa, black and white together, equals countrymen and brothers adopt this Freedom Charter.
- And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.”

“Let all people who love their people and their country now say, as we say here: These freedoms we will fight for, side by side, throughout our lives. Until we have won our liberty,” it ends.

The demands of the Freedom Charter on equality of race and language are addressed in the post-apartheid constitution of South Africa.

Palestinian call for BDS to pressurize Israel

The 2005 Palestinian call for boycott, divestment and sanctions (BDS) to pressurize the Israeli government to change provides guidance for international solidarity.² The BDS call adopts a rights-based approach that is anchored in universal human rights and has reached a near consensus in Palestinian civil society. It defines three basic Palestinian rights that constitute the minimal requirements of a just peace. Israel should:

- End the occupation and colonization of all Arab lands and dismantle the Wall.
- Recognize the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.
- Respect, protect and promote the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.

The inclusive character of the BDS call is shown by the appeal to conscientious Israelis to support the initiative.

The Freedom Charter and the BDS call are tools to mobilize support internally as well as externally. Compared to the anti-apartheid struggle in South Africa, there seems less clarity on the vision for the future and less unity among Palestinian political parties. However, this does not dismiss NGOs and solidarity groups from the responsibility to hold governments and companies accountable for their complicity in Israel’s violations of international law.

A clear, broadly supported Palestinian vision is important to shape the future. It would also provide the answer to the question that solidarity activists often hear: What do Palestinians want, one or two states?

International solidarity to support liberation

The early campaigns in South Africa against unjust apartheid laws of the 1950s were based on the analysis that the masses of the oppressed need to determine themselves the course of their liberation. The 1952 Defiance Campaign sparked off a mass movement of resistance to apartheid. During the campaign, “Non-Europeans” walked through “Europeans Only” entrances and demanded service at “White’s Only” counters of post offices. Black people broke the pass laws and Indian, Coloured and White “volunteers” entered Black townships without permission. The success of the campaign encouraged further campaigns against apartheid laws.

The formation of the Mass Democratic Movement (MDM) in the 1980's also reflected the vision on the role of the masses in the fight for liberation. The MDM was formed to fill a void that was left by the banning of political activity and political formations. It brought together all formations that were opposed to apartheid such as the Congress of South African Trade Unions (COSATU), students' organizations, women's organizations, NGOs, civic structures, academic formations, and sympathetic business structures. These were all brought together under the banner of the United Democratic Front (UDF). In 1984, the UDF organized the Million Signature Campaign denouncing apartheid.³ Two years later, the largest "stay away" in South Africa's history took place. Other actions included a rent boycott in Soweto and a two day strike to protest the exclusion of black people from parliamentary elections. The MDM maintained an internal boycott campaign which inspired international BDS activism.

In the West, anti-apartheid groups organized campaigns on BDS and the release of political prisoners. The groups were able to influence the public opinion by speaking freely about the unjust treatment of black people under apartheid. The groups were not formally linked but met occasionally at international conferences or consultations on specific topics such as sanctions against South Africa. The groups differed in aims and methods but most of all in the context in which they operated.

Most groups tried to build coalitions with trade unions, churches, political parties and youth organizations in order to influence different sectors of society. In the campaigns of the Holland Committee on Southern Africa (HCSA), BDS action went hand in hand with dissemination of information about ugly apartheid practices and the mobilization of political and material support for the ANC.

Intimidation and propaganda

Pro-South Africa lobby groups and the apartheid regime itself tried to undermine the campaigns for BDS and the release of political prisoners. The HCSA and some of its members received threats on a regular basis just like other anti-apartheid groups. Violent attacks were carried out. Dulcie September, ANC representative in Paris, was shot in front of her office in 1988. She researched the arms trade between France and South Africa. The office of Dutch anti-apartheid group Kairos was bombed in 1989, but fortunately the damage was limited.

In addition, the South African apartheid regime began a propaganda war using diverted funds from the Ministry of Defense. In the period 1973-1978 about 85 million rand (then 100 million US\$) was spent on "buying magazines, newspapers, publishing houses, and film studios in an effort to counter widespread anti-apartheid press coverage with a rosy image of the country."⁴ Finance journalists were covertly enticed to write positive articles about South Africa. The Department of Information launched daily newspaper *The Citizen* and other publications and front organizations such as *The Study of Plural Societies* and the SA Freedom Foundation. To counteract South Africa's exclusion from international sport, the Bureau of State Security created the Committee for Fairness in Sport.⁵

BDS campaigns against Israel are also met with resistance, attacks on the integrity of persons and propaganda. Activists should resist attempts to lead them away from their activities in support of the Palestinian people in achieving freedom, equality, the right of return for refugees, and the

right to self-determination. Ilan Pappé wrote about the intimidation by Zionist lobby groups, “What you learn is that once you cower, you become prey to continued and relentless bashing until you sing the Israeli national anthem. If once you do not cave in, you discover that as time goes by, the ability of Zionist lobbies of intimidation around the world to affect you gradually diminishes.”⁶

Years of campaigning by anti-apartheid movements revealed the racist character of South Africa to a wide audience. Massive propaganda efforts of the apartheid regime could not rub off this image. The same is true for Israel. Facts about the occupation of Palestine, the practices of apartheid and the treatment of Palestinian political prisoners cannot be hidden. Informing the public about these facts will influence public opinion. It will create a climate where politicians and businesses can be successfully challenged to end their tolerance of Israel’s violations of international law.

International Coordination

Coordination with the African National Congress (ANC) and groups fighting apartheid was essential to increase the pressure on the apartheid regime. In many countries, ANC representatives engaged with solidarity groups to stimulate BDS activism. South Africans who spoke about the deplorable conditions of apartheid made a huge impact on audiences in Europe.

The ANC consistently supported campaigns with public statements, information about companies or requests to companies to withdraw from South Africa. If companies continued business as usual they were confronted with demonstrations in front of their offices or at public locations in South Africa. Support for the international campaign for an oil embargo was shown in a striking manner: the military wing of the ANC set the South African oil refineries in Sasolburg and Secunda on fire in 1980. One year later, ANC President Oliver Tambo made the position of the ANC very clear at the International Conference on Sanctions Against South Africa, “Apartheid’s collaborators must be made to realize that they cannot defend racists and claim to be non-racist. They cannot support apartheid and preach freedom.”⁷

Badil Resource Center Organizes Exchange between South Africa Trade Unionists and Palestinian Civic Leaders. BADIL's Office, Bethlehem. April 2009. (©BADIL)



Compared to the ANC, the PLO has failed to support international BDS activism. However, many Palestinians and a small group of Israelis gave substantial support to BDS campaigns by providing information, documentation, testimonies and by organizing demonstrations. Increasing mobilization in the Occupied Palestinian Territory and Israel on Palestinian rights issues and the complicity of states and companies will give a boost to international solidarity, just like it did in the anti-apartheid struggle in South Africa.

Ending formal Apartheid in South Africa

After decades of resistance, the South African apartheid regime arrived at the conclusion that there was no future for apartheid. Decisive factors were the notion that it would be an almost impossible task to continue to control the black South African majority (80% of the population). The deplorable state of the economy was a threat; the international isolation of “white South Africa” and the rising tide of anti-apartheid protest both inside and outside South Africa’s borders made it clear that it was not only morally but also financially and politically impossible to continue the oppression of black South Africans.⁸ Following years of secret negotiations between the apartheid regime and the ANC, President de Klerk took some bold unilateral moves in 1990 to show that his government was serious about change. Mandela and other political prisoners were released, the ban on the ANC and the Communist Party was lifted, and some apartheid restrictions were lightened.

In 1985, the Congress of South African Trade Unions (COSATU) was launched in South Africa uniting all unions opposed to apartheid based on the Freedom Charter. I invited Jay Naidoo, founding president of COSATU, to share lessons from the anti-apartheid era with the Palestinians. He replied,

“Real leaders speak the truth to their people. Both the harsh messages of when to compromise, retreat or advance. Mandela once said to angry supporters who were dying from violence orchestrated by covert forces in the apartheid state, ‘One does not negotiate with friends but enemies.’ The only hope is for the next generation to reach out, build bridges and put the past behind without forgetting the brutal lessons it teaches us. In SA, I sat next to Buthelezi who lead a political organization that fought a war with us and even had me on death lists. But we worked together and learnt to respect each others views. I did the same with the then deputy President de Klerk and many former members of the apartheid state. We must learn to build the future and heal the wounds of division sown over the decades and accept that we are all part of one human race. As Gandhi said ‘Become the change you want to see in the world.’ ”

I asked Ghadija Vallie the same question. She acted as coordinator of the Western Cape Relief Fund (WCRF) and was heavily involved in the resistance. The WCRF was founded in 1985 to support the increasing number of political prisoners following the declaration of the State of Emergency to oppress the intensifying resistance. She wrote,

“Someone asked me, ‘yesterday we fought for democracy. Look today, where is democracy? What did we fight for? The poor are getting poorer; crime is out of control, the freedom fighters are asking for a place in the sun. Every day is like a public holiday in the township. The politicians are only aware of the masses when elections are due.’ My answer, dear comrade, is that we were romantic. We allowed negotiations to happen without our contributions. Now we have to face the demons that haunt us. We should not fret because we are the government! We must take responsibility. Let us make the freedom charter alive. Each one teach one. There shall be jobs for all, comrade.

Don't fret. All is well, we are the government and each person must take responsibility to make the changes within and work with passion and commitment to realize our vision. Stop being a victim, take charge of your life. I know there are a lot of similarities with apartheid in South Africa. Palestinians have a lot to deal with but they have to take charge of their future."

Responsibility of the West

Fellow activists of the Holland Committee on Southern Africa, Trineke Weijdemá and Sietse Bosgra, are now involved in Palestine solidarity work although most people of their age would have retired. Their solidarity activism dates back to Vietnam and the former Portuguese colonies in Africa. They want to share the following,

"Reflecting on our past we see the destructive role of the West – the United States and Europe – serving its self-interest. Apartheid would have been destroyed much earlier if Western governments had put South Africa under heavy pressure and companies had ended their profitable business with the apartheid regime. It would have saved many lives. Western governments and companies have not learned one thing. Look at what is happening in Palestine. It is our responsibility – the people in the West – to hold governments and companies to account that are complicit in Israel's violations of international law."

It is clear that BDS campaigns were effective in the struggle against apartheid in South Africa. Israel's reaction of throwing money into propaganda activities is a clear sign that BDS activism is already effective.

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**Endnotes: See online version at: <http://www.badil.org/al-majdal>



30th of March, International BDS day,
Utrecht, Netherlands
Flashmob: Boycott Israeli products
Follow Me, do as I do: Don't buy Israeli
Apartheid
Boycott Israeli products as long as
Israel doesn't comply with international
law. Don't do business as usual with
a country that commits the crime of
Apartheid.

Denial of Refugee Return: The Core Dimension of Israel's Apartheid

by *Hazem Jamjoum*



Palestinian Refugees at the Lebanese-Palestinian border, the village of Maroun ar-Ras. May 2011. (©Constanza Araya/BADIL)

On May 15, 2011, and for the first time since their expulsion in 1948, tens of thousands of Palestinians in Lebanon, Syria, Jordan, Egypt and the occupied West Bank and Gaza Strip marched toward the borders of the part of Palestine occupied by Zionist forces in 1948. Logistical organizers of each of these return marches had planned for symbolic actions in which participants were to stand near the borders, listen to flowery speeches about the right of return and the sanctity of the homeland, and then get back on their buses and return to their refugee camp residences. Many of these organizers remained near the platforms erected for the speeches, congratulated themselves on an impressive turnout, and delivered their speeches to empty chairs.

What the organizers had not considered was that, even four generations after the 1948 Nakba, Palestinian refugees could not idly picnic and gaze at their homeland if there was the slightest chance that the aspiration for return might materialize as reality. In the tens of thousands, young and old, men and women, rushed to the border in the hope that this could be the long awaited day when they could experience the feeling of finally being home. Round after round of Israeli sniper bullets were fired into the crowds standing meters away from their country, but the crowds only got bigger, each person narrowly sidestepping countless land mines and bullets at some of the most militarized borders in the world. Many were killed and hundreds were injured by the Israeli soldiers stationed at the barbed-wire borders, and whose orders dictated that not one Palestinian refugee's foot was to

touch the ground of Palestine. Nevertheless, the fact that Palestine's refugees are willing to make the ultimate sacrifice for the chance to go home was once again made incontrovertibly clear.

This was not the first instance in which the Israeli regime had issued orders to shed blood to stop the return of Palestinian refugees. Indeed this was central to the very establishment of the state that imposed a regime of apartheid over those Palestinians who managed to remain in their country. While there has been increasing discussion among activists, much of this discussion ignores the centrality of the refugee issue to Israel's commission of the crime. One reason for this "oversight" (if we are to call it that), is that there is a common misunderstanding of the crime of apartheid at the popular level—partly a function of the whitewashing of South Africa's anti-colonial struggle—which detaches the commission of the crime from the colonial context of apartheid in both South Africa and Palestine. Looked at in this ahistorical fashion, apartheid becomes synonymous with racism and discrimination. The remolding of the Palestinian liberation movement into an anti-apartheid movement thus appears to many Palestinian activists, the ones for whom refugee return and liberation are the litmus tests for the validity of any analysis, as part of a ploy to water down the demands of an anti-colonial movement by characterizing it as one where, if the Israelis treated us a little better, everything would be fine.

If return and liberation activists feel a sense of alienation from the anti-apartheid discourse, it is because much of the writing that offers an examination of Israel's perpetration of the crime of apartheid relegates Palestinian refugees' rights to a secondary position. Much of this effort is guided by the impulse to compare Palestine with South Africa under apartheid and/or is driven by the logic of partition. As elaborated below, refugee return was not central to the South African struggle against apartheid, and so those seeking comparisons will not consider the cause of return as one central to such a struggle. More dangerous is the partition logic, which takes the division of Palestine into two states as the given solution. The fact that the PLO leadership has itself adopted this position, and transformed itself from a liberation movement to a Bantustan administration, has only served to fuel this partition logic. Under this logic, the purpose of an examination of Israeli apartheid is to isolate and expose those Israeli apartheid practices operating in the West Bank and Gaza Strip, at best extending them to the part of Palestine occupied in 1948. What this analysis fails to grasp is that as a crime, apartheid applies to a regime in its totality, and not one or other of its particular manifestations and, more importantly, that the place of the struggle for refugee return is at the core of Israel's brand of apartheid. In what follows, I examine the place of Palestinian refugees under Israeli apartheid and the role of refugee return in ending the commission of this crime against humanity.

Denial of Return and the Crime of Apartheid

On November 30, 1973, the UN General Assembly ratified its resolution 3068. This resolution entered into force on July 18, 1976 as the *International Convention on the Suppression and Punishment of the Crime of Apartheid*, offering for the first time a legal and universally applicable definition of this crime against humanity, as well as an enforcement mechanism to be adopted against states found to be committing it. Article II of the Convention states that any state that commits "inhuman acts... for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them" is guilty of committing the crime of apartheid. It then goes on to list these inhuman acts, including among them—in Article II(c)—"any legislative measures and other measures

calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including... the right to leave and to return to their country.” This article lists other rights—such as the rights to nationality, freedom of movement and residence—that also directly affect refugees but that will not be dealt with here.

It is clear in this, and in subsequent legal definitions of apartheid, that the commission of “any” of the inhuman acts listed (for example denial of return) in the context of “establishing and maintaining domination” by one group over another (such as “the Jewish people” as defined by Israeli law over “non-Jews” as defined by their exclusion from the same body of law and policy) could suffice to find that the state is committing this crime against humanity. As such, even in the hypothetical scenario in which the Israeli regime were to end its apartheid policies and practices toward the Palestinians living within the mandate territory of Palestine, it would still be committing the crime of apartheid *vis-à-vis* Palestinian refugees if it continued to deny their rightful return.

Denial of Return and Israeli Law and Policy

“Are [we justified] in opening fire on the [Palestinian] Arabs who cross [the border] to reap the crops they planted in our territory; they, their women, and their children? Will this stand up to moral scrutiny?... We shoot at those from among the 200,000 hungry [Palestinian] Arabs who cross the line [to graze their flocks]—will this stand up to moral review? Arabs cross to collect the grain that they left in the abandoned villages and we set mines for them and they go back without an arm or a leg... [It may be that this] cannot pass review, but I know of no other method of guarding the borders.” These are the words of Moshe Dayan, one of Israel’s most notorious military generals and its defense minister in the 1960s and 1970s. From the moment of its establishment, the main task of the state of Israel was to continue along the path set by the Zionist movement, to take control over the maximum amount of Palestinian land for exclusive Jewish settlement while using any and all means to ensure that the smallest number of Palestinians could stay on that land.

The legal mechanism through which Israel has denied the return of the Palestinian refugees of 1948 has been through its 1952 *Citizenship Law*. Article 3 of this law states that to be entitled to citizenship, a person would have had to be present “in Israel, or in an area which became Israeli territory after the establishment of the State, from the day of the establishment of the State [May 1948] to the day of the coming into force of this Law [April 1952].”¹ Two years earlier, the Israeli parliament had passed the *Law of Return* entitling all Jews, and only Jews, the right to enter and become nationals and citizens of the new state.

After the displacement and forced exile of over half a million Palestinians in the 1967 war, Israeli military authorities carried out a census of Palestinians in the 1967 occupied territory; Palestinians not registered in that census were not allowed residency status and their right to enter Palestine was thereby denied. The 90,000 Palestinians who were abroad at the time of the occupation were also stripped of their residency status.² Furthermore, Palestinians who were included in the census lost this residency status if they remained abroad beyond a specified period of time and were thus added to the ranks of displaced Palestinians abroad. Denationalized in this way, the issue of preventing refugee return became a routine administrative matter for

Israeli soldiers staffing ports of entry into the country, and for whom the denial of a Palestinian's entry was as simple as applying an "entry denied" stamp upon a travel document. Moshe Dayan, as quoted above, makes clear how Palestinians trying to enter their country elsewhere along the border (referred to officially as "infiltrators") have been dealt with. If a Palestinian refugee is able to obtain a foreign passport from a country with friendly relations with Israel, and even if they did manage to obtain a visa to enter their homeland, they could only do so as temporary tourists on a visitor's permit; one that entitles its bearer to no more rights or privileges than those allotted to a pilgrim coming to see the sites of the Holy Land for a few days.

The only other option available to displaced Palestinians was to engage Israel's complicated family reunification process, whereby spouses or other family members would apply to obtain residency status for a relative in exile. There existed two processes for family reunification; one for Palestinian citizens of Israel seeking reunification with spouses residing in the occupied territory and another for the Palestinians in the 1967 occupied territory seeking reunification with foreign spouses. The former process was stopped in 2002, and subsequently banned by the 2003 Temporary Amendment to the *Citizenship and Entry into Israel Law* which has been renewed every year since then. As for the process that applied to Palestinians in the West Bank and Gaza Strip, in addition to the hundreds of thousands "non-residents" who were denied family reunification in the 1970s and 1980s, Israel abruptly suspended the family reunification process altogether in 2000, forcing approximately 120,000 Palestinians in the West Bank and Gaza Strip to choose between breaking up their family or going into exile.³ In 2007, the Israelis issued around four thousand of such visas as a good will gesture to bolster the position of Palestinian Authority President Mahmoud Abbas, and since then it has used these permits as one of the many tools at its disposal to reward or punish the Palestinian Authority.

In 2001, and to ensure that Israeli negotiators did not sway in their commitment to the Zionist consensus, the Israeli Knesset passed the *Entrenchment of the Negation of the Right to Return Law*. Section 2 of this law states that "refugees will not be returned to the territory of the State of Israel save with the approval of the majority of the Knesset Members." Section 1 of the law defines a refugee as a person who "left the borders of the State of Israel at a time of war and is not a citizen of the State of Israel, including, persons displaced in 1967 and refugees from 1948 or a family member."⁴ As such, even if Israeli political leaders did somehow decide to cease their regime's violation of international law as it pertained to Palestinian refugees, they would need the permission of a parliamentary majority to do so. Through the combination of these laws and policies, the Israeli regime has effectively denied displaced Palestinians their "right to leave and to return to their country." In the process, it has also forced many additional Palestinians to leave Palestine and become displaced persons in order to keep their families together.

Return: The Only Way to End Israeli Apartheid

From the above it is clear that Israel is denying Palestinians their right to return to their country in law, policy and practice, and that it is doing so within the context of illegally maintaining both a Jewish demographic majority and Zionist control over Palestinian lands expropriated over the past century. In other words, Israel has denied Palestinians' right to return in order to establish and maintain a regime of domination by one group over another, i.e. the crime of apartheid.

The comparison with South African apartheid yields significant results. In the case of South

Africa, large scale displacement was mostly carried out within the country. The apartheid regime's Homeland policy sought to concentrate the indigenous Black South Africans, who accounted for 90 percent of the population, within the Bantustans (or Homelands) which were non-contiguous strips of land constituting 13 percent of the country's land mass. The goal was to have these Homelands recognized as independent states. If all the Blacks were internationally recognized as being citizens of other states—even if these were non-sovereign “Mickey Mouse” states (as the South African resistance described them)—South African apartheid would appear democratic because there indeed existed formal political equality for the white colonists. Millions of Black South Africans were thus displaced into the Homelands and prohibited from returning to the white areas that were supposedly another country. South African apartheid was thus marked by internal displacement, which in the case of Palestine accounts for only a minority of displaced Palestinians (around 500,000 of a total displaced population of over 7 million). Another central feature of South Africa's apartheid regime was that it denied not the right of return, but the right to leave one's country. Black South Africans were required to obtain an exit visa to leave the country, and applications for these were systematically denied as were applications for travel documents that would enable their carriers to travel.

To understand this difference we need to conceptualize apartheid as a means and not an end. The goals of South African and Israeli apartheid, although both committed in the context of settler-colonial projects, are radically different. In the case of South Africa, the apartheid regime's main purpose was to exploit the black worker in the country's mines, factories and households. This exploitation, which essentially manifested as a form of slave labor, enabled the white ruling class to reap immense profits, making South Africa's economy the most lucrative in the African continent. The expulsion of a black person in this context was nonsensical as every black South African that crossed the border represented the loss of a potential exploitable worker. As such, the anti-apartheid movement in South Africa was as much about the right to form effective labor unions, protect workers and reclaim the country's natural resources for its indigenous inhabitants as it was about the right to vote. Zionism, however, has sought to create an exclusively Jewish state on the land of Palestine. Apartheid in the Palestinian context has been driven by the colonists' ideological need to clear the land of its indigenous inhabitants and replace them with Jewish settlers. Every Palestinian displaced beyond the borders of the mandate territory of Palestine is thus a success for the apartheid regime, and any successful return of a displaced Palestinian is a threat to the regime in its totality. The denial of refugee return is not simply one aspect of Israeli apartheid; it is the cornerstone of the Israeli colonial-apartheid project as a whole.

As the sun set on marches of return on May 15, 2011, a shared sensation swept through the crowds in Lebanon, Syria, Jordan and the occupied West Bank and Gaza Strip. They were being told that it was “time to go home.” No one could help but think that “home” is not where the buses were going to take them, but behind the soldiers who had prevented their actual homeward journey. Despite any and all efforts to deny and distort this, the knowledge that Palestine is the real and rightful home of the largest and longest standing refugee population in the world is the reason there can never be an end to Israeli apartheid, let alone a durable peace, without the implementation of the Palestinian refugees' right to return.

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***Endnotes: See online version at: <http://www.badil.org/al-majdal>*

The Strategic Significance of the “Jewish state” in the Struggle for Palestinian Rights

by *Toufic Haddad*



“Jaffa and Hebron share the same faith” Slogan raised by Israeli and International Activists during the Human Rights Day in Tel Aviv, Dec. 2011 (photo: Zochrot.org)

An important historical and strategic shift has taken place in regards to United States foreign relations with Israel that has yet to be given its proper due notice by political actors and commentators alike.

Public statements of the Obama administration have increasingly begun to adopt the terminology of the Israeli government with regards to defining Israel as a specifically “Jewish state” and as the “homeland of the Jewish people.”

Indication of this approach can be seen in the remarks of U.S. Secretary of State Hillary Clinton during her discussion with Israeli President Shimon Peres in September 2010, after which she noted, “The status quo is unsustainable” even if it can last for another 30 years. “The only path to ensure Israel’s future as a secure democratic and Jewish state” is an Arab state, headed by the Palestinian Authority, “alongside” Israel.¹

President Obama has been more explicit, as documented in his 2011 speech to the powerful Israel lobby group AIPAC:

“Here are the facts we all must confront. First, the number of Palestinians living west of the

Jordan River is growing rapidly and fundamentally reshaping the demographic realities of both Israel and the Palestinian Territories. This will make it harder and harder -- without a peace deal -- to maintain Israel as both a Jewish state and a democratic state.[...] The ultimate goal is two states for two people: Israel as a Jewish state and the homeland for the Jewish people -- (applause) -- and the State of Palestine as the homeland for the Palestinian people.”²

To some observers, this terminology may not appear to significantly diverge from the previous arrangement, whereby the U.S. government already supported Israel to the tune of \$US3 to 5 billion a year, while backing up this key Middle East ally diplomatically, financially and militarily. But this shift is extremely significant with regard to U.S. and Israeli policies towards the Palestinians, and just as important in relation to how Palestinians formulate a strategic counter-approach in pursuit of their historical struggle for self-determination, return, and national liberation.

It is significant to note that the stipulation that Israel be recognized as a “Jewish state” and as the “homeland of the Jewish people” has been absent from previous U.S. foreign policy formulations. Even George W. Bush, often noted for being amongst the most ‘pro-Israeli’ of U.S. presidents, refrained from adopting such terminology as part of his administration’s official policy. For instance, Bush’s famous Rose Garden speech, in which he called for the creation of two states, makes no mention of the word “Jewish state” throughout the entire speech. However, it is true that the secret 2004 letter Bush passed on to then Israeli Prime Minister Ariel Sharon contained the assurance that “[t]he United States is strongly committed to Israel’s security and well-being as a Jewish state.”³ Nevertheless, the letter did not have the stature of binding U.S. policy, legislated through the U.S. Congress and Senate.⁴

Irrespective of the precise dating and authorship of the “Jewish state” characterization of Israel, as adopted by the U.S. government, what is apparent is that the Obama administration has embraced this terminology uncritically and explicitly. In doing so, it echoes the ascendant Israeli demand of recent years that the Palestinian leadership and people (including those in 1948 Palestine who hold Israeli citizenship) recognize precisely this condition.

Thankfully, the Palestinian leadership has been wise enough to reject this demand, understanding its serious political implications upon Palestinian rights, not to mention the exceptional nature of such a demand to begin with. The PLO leadership already accepted the existence of the state of Israel, both symbolically in the 1988 statehood declaration, as well as explicitly in the 1993 Declaration of Principles. Moreover, recognition of the specific religious and ideological characterization of a state is not something for external states or entities to recognize, but rather remains something for the citizens of that state to determine themselves. States and international bodies recognize the sovereignty of state entities and not their particular ascriptive orientations.

For Palestinians to recognize such an ideological self-definition would essentially allow Israel to use this recognition as justification for rejecting the right of Palestinian refugees to return to their homes (as demanded by international law). It furthermore raises the specter of ethnic cleansing against the 1.5 million-strong Palestinian community who live within 1948 Palestine, based on the fact that Israel would now have a “right” (in this case granted and recognized by the Palestinians themselves), to demographically determine the constituent population of the Jewish state, as meaning a “Jewish majority”.

In essence, the “Jewish state” qualification is at the root of the Palestinian Zionist conflict. It encapsulates the discriminatory racial/ethnic/religious categorization that leads to the settler-colonial project of Zionism, embodied in the state of Israel, historically and into the present, on the one hand, and the concomitant dispossession and fragmentation of the Palestinian people on the other. In brief, the “Jewish state” is why there is settler colonialism, occupation and apartheid in Palestine today.

Why is this significant? And why is it significant that the United States has embraced this formulation more explicitly now? Israel, after all, has always been unapologetic about this self-description and considers it the *modus vivendi and esprit de corp* of its state mission.

The significance lies in understanding the nature of Palestinian oppression and the essential contradictions it embodies in the current world.

The main political enemy of the Palestinian people lies in the policies of Western governments, particularly the U.S., whose support of Israel historically and into the present, facilitates this project on the ground. Israel would not have been able to come into existence were it not for this crucial political, diplomatic, moral, financial and military help, and its continued existence in its current form is equally dependent on the maintenance of this support. Western support for Israel forms the lynchpin of Israel’s ‘successful’ settler-colonialism, and if it is removed - mainly from Western popular consciousness, as its primary bastion - the entire project will begin to crumble: morally and legally first, financially, politically and militarily later. Certainly, Israel has developed its own strengths over six decades of its existence. However, these cannot be sustained without the imperial mother countries which gave birth to this project to begin with. This makes Israel uniquely dependent upon its imperial backers as a colonial enterprise today.

Additionally, it is essential to point out that the crucial feature that facilitates the guise of this partnership is the “democratic” character of Israel. Without the democratic façade, Israel would correctly be exposed as an ethno-religious, outdated state model that dispossesses and discriminates against Palestinians on racial/ethnic/religious grounds. Its ersatz democratic quality situates Israel within a Western European, liberal, humanist historical and political context (which forms the basis of justification for Western states as well) and further facilitates Israel’s claim to be a project of national self-determination of the “Jewish nation” throughout the world, and a justifiable and necessary geographic refuge for world Jewry escaping discrimination.

There has always been, and always will be, a fundamental contradiction between Israel’s “Jewish” and “democratic” characters. Israeli intellectuals, the Israeli Supreme Court and an army of Israeli and Zionist commentators, have engaged in monumental amounts of intellectual gymnastics to “square the circle” but to no avail. There is no solution to the Jewish-democratic paradox, because one of these traits must be dominant: democratic norms do not tolerate ethnic ascription, but rather equality between all citizens. In order for Israel to be “Jewish” it must assume illiberal, undemocratic policies. This has been just as true for Israel’s historical creation (which meant ethnic cleansing for Palestinians) as it has been for the maintenance of this character, resulting in continuing forms of ethnic cleansing, apartheid, and dispossession of Palestinians. These practices serve as a means to offset the continued

presence of Palestinians on their land, who are endowed with higher birth rates than Israeli Jews, and their continued self-organization as a national grouping (Palestinian).

What does this mean for Palestinians and their allies today?

The renowned ancient Chinese military strategist Sun Tzu writes in his masterpiece *The Art of War* “what is of supreme importance in war is to attack the enemy’s strategy.” Western strategy vis-à-vis Palestinians has been to support Israel’s repression of Palestinians and Arabs as a means to keep the region divided, weak and exploitable, for the profit of U.S. corporations and geostrategic interests. The ascendant demand that Israel be recognized as a Jewish state, however, opens up a strategic niche of entrance for a potential Palestinian counter-strategy. This is because the indefensibility of a Jewish state within liberal values exposes lines of attack which can be widened and exploited to undermine the legitimacy of the Zionist project overall, and Western support for this project. In the context of the first African-American President, brought to power upon the desire of the U.S. electorate for a non-racial, more equitable social, political and financial order, such contradictions would appear to be more stark.

Palestinian activists need to be equipped, trained and engaged in a plan for the purpose of exploiting this strategic weakness. Unfortunately, the current PLO leadership has failed to recognize this opening despite recognizing many of its important features. In his September 2011 speech to the UN General Assembly, PA president Mahmoud Abbas remarked “[o]ur efforts are not aimed at isolating Israel or de-legitimizing it; rather we want to gain legitimacy for the cause of the people of Palestine. We only aim to de-legitimize the settlement activities and the occupation and apartheid and the logic of ruthless force, and we believe that all the countries of the world stand with us in this regard.”⁵

However, delegitimizing Israel as the manifestation of the “Jewish State” – the heart of political Zionism - is exactly what is needed today. All other strategies address the conflict’s manifestations, but not its roots.

The primary Palestinian asset and form of strength is its moral legitimacy as an indigenous oppressed, colonized people, fighting for its rights against a discriminatory, colonialist, apartheid-practicing project. Without the fundamental moral basis of our cause, and the concomitant illegitimacy of the Zionist project exposed, our struggle will remain the pawn of important - but secondary – realms of power asymmetry that are not to our advantage (military might, financial weight, diplomatic horse-trading etc.) That Abu Mazen can recognize the apartheid features of Israeli oppression, yet abstain from a strategic approach that would question the legitimacy of this project, is unconscionable, counter-productive and speaks to a political obsolescence for the task at hand.

Irrespective of what the Palestinian leadership is engaged in, there is ample room for Palestinian activists, parties and those in solidarity with the Palestinian cause, to undertake a struggle that can give life to such a project. There are many forms this struggle can take, and it is the responsibility of national movement actors and allies to coordinate their efforts around this goal.

The 2005 call to boycott, divestment and sanctions against Israel (BDS), is an important beginning for this endeavor. However, in order for it to have “teeth”, it requires the equipping

of an army of individuals and organizations steeped in the moral, educational and legal armor to challenge precisely the sites where the contradictions inherent in support of the “Jewish state” and liberal values meet. This requires patience, education, organization, and resources, but if there is a political will, it can be done.

The real question is what will happen if Palestinians refrain from engaging in such a strategy, projecting what the “Jewish state” actually means for Palestinians in the long term. Needless to say, Israel has not been building settlements throughout the West Bank as a passing interest. They are strategic investments supported by the West through a convenient blind eye, for the purpose of consolidating the “Jewish state”, and which one day may form the bases to eliminate its “indigenous problem.” History teaches us that Israeli settlement in the pre-1948 era played a similar role in facilitating the Nakba, and there is no reason to think that the Zionist project has changed course or, for that matter, that the Arab or international arena is in a position to counter such dangerous potential maneuvers as the ‘natural’ end to the “Jewish state” logic. Israel’s future ambitions of being an international supplier of natural gas to Europe hardens its uncompromising stance, while weakening Western government resolve for adhering to minimal Palestinian rights.

For this reason, the need to build a broad movement around principles that shame, isolate and defeat the notion of the “Jewish state” is imperative. At a time when capitalistic crises in the Western world bring forth an emergent underclass of youth and working poor, demanding a fairer dispersion of wealth and rights, this constituency is the natural affinity grouping for our cause, with whose struggle we must be concerned and engaged. It is our responsibility to link Western support for the oppression of Palestinians, as part of the unfair logic of the contemporary capitalist order and its priorities, for the mutual benefit of Palestinians and those exploited by Western capitalism in their home countries – namely the Western working class. If the promise of the Arab revolutions can also be consolidated in the form of more democratic and equitable Arab regional order within the medium term, the basis for victory against Zionism can be found.

Armed settlers training at an early age in Hebron, West Bank. 18 November 2008 (source: ccun.org)



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***Endnotes: See online version at: <http://www.badil.org/al-majdal>*

Kairos Palestine: The Struggle Against the Israeli Apartheid System

by Rifat Odeh Kassir*



In December 2009, the Kairos Palestine Group - a group of Palestinian Christians comprising both clergy and laypeople - launched a document entitled "A Moment of Truth: A Word of Faith, Hope, and Love from the Heart of Palestinian Suffering." In its essence, the Kairos Document is Christian Palestinians' word to the world about the Israeli occupation and a call for support and solidarity in establishing a just peace in our region. This document is more than simply a text: it seeks to be a living initiative, a platform for discussion and action, a movement based upon and working towards the end of Israeli apartheid and the creation of a just peace.

Fundamentally, the Kairos Document is a message of steadfastness and resistance - resistance on both intellectual and theological levels - directed towards our own people. Part of what we mean by intellectual and theological resistance is the need to not only change actual physical systems of oppression, but also *mentalities* of oppression, which are systems in themselves.

Kairos, then, tackles an intensely important and often neglected topic: Zionist hijacking of religious messages and of the Bible itself, all for the purpose of excluding other peoples and cultures from the land and their rights. Racism in Israel is not simply a question of laws, or even of measures taken on the ground. Beneath the movement restrictions, the house demolitions, the evictions, the residency revocations, the arbitrary arrests and interrogations, the administrative

detentions, the imprisonment of children, and the violent repression of nonviolent protests, there are powerful undercurrents to be identified and understood: there is, in other words, an official Israeli discourse that monopolizes the history of the land and its people.

Israel heavily depends on the Biblical narrative to exert and uphold its claim to the land. With this narrative as its crutch, the state rhetoric focuses on the concept of purity: the purity of a religion (Judaism), the purity of the nation (an exclusively Jewish one), and the purity of race and ethnicity (the Jewish people). The Zionist narrative insists that all these “identities” have never been changed, transformed, or modified; that they have remained pure through all of history. According to this discourse, such purity inherently denies the very presence - not to mention the rights - of any other peoples in “their” land.

Clearly, Israel does not want to share the land - nor even to grant independence to Palestinians on part of the land. Their tactic has been one of slow, systematic oppression, the ultimate goal being to wear us out, and thus to drive us out: instead of directly transferring Palestinians out of the land, why not make life so difficult that we feel pushed to “transfer” ourselves? This strategy, and the mentality that supports it, forms the foundation of Israeli apartheid.

In the face of this situation and all its manifestations, Kairos Palestine has arrived to add a new voice, as well as new intellectual and theological tools, to the struggle against occupation. The Kairos narrative is an inclusive one: it seeks peace with justice for *all* peoples, both Israeli and Palestinian. Yet emphasizing the need for inclusivity and equality does not and must not preclude Palestinians’ rights to their country. This, too, is one of Kairos Palestine’s central calls. The document best speaks for itself:

- “We believe that our land has a universal mission. In this universality, the meaning of the promises, of the land, of the election, of the people of God open up to include all of humanity, starting from the peoples of land. In light of the teachings of the Holy Bible, the promise of the land has never been a political programme...” (2.3)
- “Our presence in this land, as Christian and Muslim Palestinians, is not accidental but rather deeply rooted in the history and the geography of this land, resonant with the connectedness of any other people to the land it lives in. It was an injustice when we were driven out.” (2.3.2)
- “...[W]e declare that any use of the Bible to legitimize or support political options and positions that are based upon injustice, imposed by one person on another, or by one people on another, transform religion into human ideology and strip the Word of God of its holiness, its universality and truth.” (2.4)
- “Love is seeing the face of God in every human being. Every person is my brother or my sister. However, seeing the face of God in everyone does not mean accepting evil or aggression on their part. Rather, this love seeks to correct the evil and stop the aggression.” (4.2.1)
- “Through our love, we will overcome injustices and establish foundations for a new society both for us and for our opponents. Our future and their future are one. Either the cycle of violence that destroys both of us or peace that will benefit both.” (4.3)

Of course, the task of changing a narrative and a mentality, and the task of changing actions and policy, are intimately intertwined. Thus, the Kairos Document also raises specific calls about

how to end the apartheid system within Israel: necessary first steps towards the true achievement of justice.

In this way, Kairos Palestine calls for dismantling the physical components of the apartheid system: ending the construction of illegal settlements; ceasing the unjust separation of Palestinians from each other by means of bypass roads and the Apartheid Wall; allowing Palestinian access to Jerusalem; rectifying the wildly inequitable distribution of water resources between Israeli and Palestinian communities; and so on.

The Kairos Document also advocates BDS (boycott, divestment, and sanctions) until Israel ends its illegal occupation, complies with international law, and gives Palestinians their full legal, political, national and human rights. BDS is not an end unto itself: rather, it is a non-violent tool, designed to be implemented as long as Israel refuses to honor its obligations under universal human rights law and insists on upholding an illegal apparatus of oppression. By affirming this tactic, Kairos Palestine rejects violence and revenge, emphasizing peaceful ways of ending the occupation and strengthening international solidarity in the name of equality for all.

Kairos Palestine likewise calls for an end to unjust tourism to the Holy Land. The tourist industry in our country has been historically monopolized by Israel and its hegemonic religious and cultural discourse (earlier, I discussed Israel's appropriation of the Bible and its dominant narratives of purity and claim), in such a way that tourism itself becomes an exclusionary political tool. Kairos Palestine rejects this exclusivity and manipulation. The Kairos Document issues a "Come and See" call, seeking to mobilize tourists as advocates and ambassadors by motivating them to undergo "Pilgrimages of Transformation" and apply the Code of Ethics developed by the Palestinian Initiative for Responsible Tourism.

Finally, the Kairos Document addresses the churches of the world, urging them to end their silence and double standards in the face of systematic injustice against Palestinians. We cannot accept any theological leadership that not simply justifies but also upholds the status quo; we can only accept that which seeks to embrace and empower the oppressed.

In order to put these convictions and positions into practice - and to transform this practice into strong, enduring collaborative efforts - Kairos Palestine has initiated and developed a broad range of events, activities and tools on local, national, and international levels. Among the key accomplishments are as follows:

First, Kairos Palestine is in the process of formulating a national Kairos movement, composed of young people; adults, both men and women; ecumenical and community-based organizations; and clergy. This movement will act as the voice of Palestinian Christians, working directly with other Christian organizations and churches as well as in coordination with many other national bodies, both faith-based and secular. It will be a movement based upon, and focused on, the steadfastness of Palestinian Christians, and will seek to enhance their overall role in the joint struggle for peace with justice.

Second, we are also establishing an international "Kairos for Global Justice" movement: the outcome of a recent conference held in Bethlehem. In this conference, 60 representatives from over 15 countries agreed to form a movement that will mobilize churches and Christian

organizations to work for a just peace in the region. The movement will seek to support and strengthen BDS calls; end the blind loyalty of some churches to Israel, and end their silence in the face of oppression; and lobby such churches to stop investing in the occupation, whether directly or indirectly, of our land.

Third, Kairos Palestine is launching various kinds of campaigns, on both national and international levels, to lobby and advocate for the Palestinian cause. As part of these efforts, we are working to challenge the theological and political discourse adopted by some churches in ignoring or denying the Palestinian plight. Such campaigns include: working with supporters to boycott specific widely-used products; investigating investments made by some churches' social funds and making inquiries into whether they are investing in Israel or in companies supporting the occupation; targeting church tour operators and questioning whether they are balanced in their presentations, affording sufficient time and money to the occupied Palestinian territory; and calling upon churches to allocate one day of the year for a "Day of Kairos," distributing materials about what is occurring in Palestine and Israel and urging further solidarity.

And fourth, we are utilizing all available forums -- the Vatican, the World Council of Churches, other regional ecumenical bodies -- and urging them to exercise pressure on governments around the world, so that these governments, in turn, will pressure Israel to abide by international law.

True activism requires forms of thinking and action that are not merely revisionary but also generative. In other words, Kairos Palestine's convictions about how to end Israeli apartheid exist not just to end, but also to *create*: to dig deeply around the roots of injustice; to pull them out; to plant the seeds of peace *with* justice in their place; and to cultivate and care for them together. Only with the total eradication of apartheid will we, as Palestinians and Israelis, be able to truly live. This, above all, is our goal.

One of more than 500 Israeli military checkpoints in the West Bank, Hebron 2010 (BADIL)



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Executive Summary of the **Findings of the 3rd Session of the Russell Tribunal on Palestine**

Following the hearings and the deliberations of the jury, the findings of the third session of the Russell Tribunal on Palestine are summarised as follows:

I. Apartheid

The Tribunal finds that Israel subjects the Palestinian people to an institutionalised regime of domination amounting to apartheid as defined under international law. This discriminatory regime manifests in varying intensity and forms against different categories of Palestinians depending on their location. The Palestinians living under colonial military rule in the Occupied Palestinian Territory are subject to a particularly aggravated form of apartheid. Palestinian citizens of Israel, while entitled to vote, are not part of the Jewish nation as defined by Israeli law and are therefore excluded from the benefits of Jewish nationality and subject to systematic discrimination across the broad spectrum of recognised human rights. Irrespective of such differences, the Tribunal concludes that Israel's rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid.

The state of Israel is legally obliged to respect the prohibition of apartheid contained in international law. In addition to being considered a crime against humanity, the practice of apartheid is universally prohibited. The Tribunal has considered Israel's rule over the Palestinian people under its jurisdiction in the light of the legal definition of apartheid. Apartheid is prohibited by international law because of the experience of apartheid in southern Africa, which had its own unique attributes. The legal definition of apartheid, however, applies to any situation anywhere in the world where the following three core elements exist: (i) that two distinct racial groups can be identified; (ii) that 'inhuman acts' are committed against the subordinate group; and (iii) that such acts are committed systematically in the context of an institutionalised regime of domination by one group over the other.

Racial Groups

The existence of 'racial groups' is fundamental to the question of apartheid. On the basis of expert evidence heard by the Tribunal, the jury concludes that international law gives a broad meaning to the term 'racial' as including elements of ethnic and national origin, and therefore that the definition of 'racial group' is a sociological rather than biological question. Perceptions (including self-perceptions and external perceptions) of Israeli Jewish identity and Palestinian identity illustrate that Israeli Jews and Palestinian Arabs can readily be defined as distinct racial groups for the purposes of international law. From the evidence received, it was clear to the jury that two distinct, identifiable groups exist in a very practical sense and that the legal definition of 'racial group' applies to all circumstances in which the Israeli authorities have jurisdiction over Palestinians.

Inhuman Acts of Apartheid

Individual inhuman acts committed in the context of such a system are defined by international law as crimes of apartheid. The jury heard abundant evidence of practices that constitute 'inhuman acts' perpetrated against the Palestinian people by the Israeli authorities. These include:

- widespread deprivation of Palestinian life through military operations and incursions, a formal policy of 'targeted killings', and the use of lethal force against demonstrations.
- torture and ill-treatment of Palestinians in the context of widespread deprivation of liberty through policies of arbitrary arrest and administrative detention without charge. The jury finds that such measures frequently go beyond what is reasonably justified by security concerns and amount to a form of domination over the Palestinians as a group.
- systematic human rights violations that preclude Palestinian development and prevent the Palestinians as a group from participating in political, economic, social and cultural life. Palestinian refugees who remain displaced are also victims of apartheid by virtue of the ongoing denial of their right to return to their homes, as well as by laws that remove their property and citizenship rights. Policies of forced population transfer remain widespread, particularly in the occupied Palestinian territory.
- civil and political rights of Palestinians including rights to movement, residence, free opinion and association are severely curtailed. Palestinian socio-economic rights are also adversely affected by discriminatory Israeli policies in the spheres of education, health and housing.

Since 1948 the Israeli authorities have pursued concerted policies of colonisation and appropriation of Palestinian land. Israel has through its laws and practices divided the Israeli Jewish and Palestinian populations and allocated them different physical spaces, with varying levels and quality of infrastructure, services and access to resources. The end result is wholesale territorial fragmentation and a series of separate reserves and enclaves, with the two groups largely segregated. The Tribunal heard evidence to the effect that such a policy is formally described in Israel as *hafrada*, Hebrew for 'separation'.

A systematic and institutionalised regime

The inhuman acts listed above do not occur in random or isolated instances. They are sufficiently widespread, integrated and complementary to be described as systematic. They are also sufficiently rooted in law, public policy and formal institutions to be described as institutionalised. In the Israeli legal system, preferential status is afforded to Jews over non-Jews through its laws on citizenship and Jewish nationality, the latter of which has created a group privileged in most spheres of public life, including residency rights, land ownership, urban planning, access to services and social, economic and cultural rights (see list of legislation and proposed legislation in the attached Annex). The Tribunal heard expert evidence detailing the relationship between the State of Israel and the quasi-state Jewish national institutions (the Jewish Agency, World Zionist Organisation, and Jewish National Fund) that embed and formalise many of the material privileges granted exclusively to Israeli Jews. Regarding the West Bank, the Tribunal highlights the institutionalised separation and discrimination revealed by the existence of two entirely separate legal systems: Palestinians are subject

to military law enforced by military courts that fall far short of international fair trial standards; Israeli Jews living in illegal settlements are subject to Israeli civil law and a civil court system. The result is a vastly different procedure and sentence for the same crime, committed in the same jurisdiction, by members of a different.

II. PERSECUTION AS A CRIME AGAINST HUMANITY

Much of the evidence heard by the Tribuna relating to the question of apartheid is also relevant to the separate crime against humanity on persecution, which can be considered in relation to Israeli practices under the principle of cumulative charges. Persecution involves the intentional and severe deprivation of fundamental rights of the members of an identifiable group in the context of a widespread and systematic attack against a civilian population. The Tribunal concludes that the evidence presented to it supports a finding of persecution in relation to the following acts:

- the siege and blockade of the Gaza Strip as a form of collective punishment of the civilian population;
- the targeting of civilians during large-scale military operations;
- the destruction of civilian homes not justified by military necessity;
- the adverse impact on the civilian population effected by the Wall and its associated regime in the West Bank, including East Jerusalem;
- the concerted campaign of forcible evacuation and demolition of unrecognised Bedouin villages in the Negev region of southern Israel.

III. LEGAL CONSEQUENCES

Apartheid and persecution are acts attributable to Israel and entail its international legal responsibility. Israel must cease its apartheid acts and its policies of persecution and offer appropriate assurances and guarantees of non-repetition. In addition, Israel must make full reparation for the injuries caused by its internationally wrongful acts, with regard to any damage, whether material or moral. With regard to reparation, Israel must compensate the Palestinians for the damage it has caused, with compensation to cover any financially assessable damage for loss of life, property, and loss of profits insofar as this can be established.

States and international organisations also have international responsibilities. They have a duty to cooperate to bring Israel's apartheid acts and policies of persecution to an end, including by not rendering aid or assistance to Israel and not recognising the illegal situation arising from its acts. They must bring to an end Israel's infringements of international criminal law through the prosecution of international crimes, including the crimes of apartheid and persecution.

IV. ACTIONS REQUIRED AND RECOMMENDED.

In view of the above findings, the Russell Tribunal on Palestine resolutely urges all relevant parties to act in accordance with their legal obligations.

Accordingly, the Tribunal urges:

- the state of Israel to immediately dismantle its system of apartheid over the Palestinian people, to rescind all discriminatory laws and practices, not to pass any further discriminatory legislation, and to cease forthwith acts of persecution against Palestinians;
- all states to cooperate to bring to an end the illegal situation arising from Israel's practices of apartheid and persecution. In light of the obligation not to render aid or assistance, all states must consider appropriate measures to exert sufficient pressure on Israel, including the imposition of sanctions, the severing of diplomatic relations collectively through international organisations or, in the absence of consensus, individually by breaking off bilateral relations with Israel;
- the Prosecutor of the International Criminal Court to accept jurisdiction as requested by the Palestinian authorities in January 2009, and to initiate an investigation 'as expeditiously as possible', as called for by the 'Goldstone Report', into international crimes committed in Palestinian territory since 1 July 2002, including crimes of apartheid and persecution;
- Palestine to accede to the Rome Statute of the International Criminal Court;
- global civil society (including all groups and individuals working diligently inside Israel and the occupied Palestinian territory to oppose the system of racial domination that exists therein) to replicate the spirit of solidarity that contributed to the end of apartheid in South Africa, including by making national parliaments aware of the finding of this Tribunal and supporting the campaign for Boycott, Divestment and Sanctions (BDS);
- the UN General Assembly to reconstitute the UN Special Committee against Apartheid, and to convene a special session to consider the question of apartheid against the Palestinian people. In this connection the Committee should compile a list of individuals, organisations, banks, companies, corporations, charities, and any other private or public bodies which assist Israel's apartheid regime with a view to taking appropriate measures;
- the UN General Assembly to request an advisory opinion from the International Court of Justice, as called for by the current and former UN Special Rapporteurs on human rights to the Occupied Palestinian Territory, as well as by the Human Sciences Research Council of South Africa, to examine the nature of Israel's prolonged occupation and apartheid;
- the UN Committee on the Elimination of Racial Discrimination to address the issue of apartheid in its forthcoming review of Israel in February 2012;
- the Government of South Africa, as the host country for the third session of the Russell Tribunal on Palestine, to ensure that no reprisals of any sort are taken by the State of Israel against the witnesses that testified before the Tribunal.

The Tribunal welcomes the decision of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to admit Palestine as a member. It deplores the punitive action taken by the United States towards the Organization, and urges all states and international organisations to actively support the right of the Palestinian people to self-determination. The Tribunal welcomes the solidarity and support of those countries that have consistently and steadfastly supported Palestinian human rights, and urges them to continue with the struggle for justice.

BADIL Statement

Israel's High Court exposes Israeli apartheid regime

13th January 2012 – BADIL Resource Center for Palestinian residency and Refugee Rights. On 11th January 2012, Israel's High Court rejected a legal challenge, brought by Adalah, ACRI and other Israeli human rights organizations, to one of the most obvious pieces of Israeli apartheid legislation: the *2003 Temporary Amendment to the Citizenship and Entry into Israel Law*.¹ This law suspends the possibility of Palestinian citizens of Israel and Jerusalem ID-holders gaining permission, through family reunification, to legally live in Israel or occupied East Jerusalem with their spouses from the occupied Palestinian Territory (OPT) or from purported "enemy states."² This decision confirms the Court's earlier ruling on the issue, in May 2006, and entrenches this discriminatory law within the apartheid legislation of Israel, whose public institutions uphold the regime.

In May 2002, Israel issued decision 1813 which froze the applications for all Israeli citizens or East Jerusalem residents which involved Palestinian spouses from the OPT, giving the reason that the government feared a "creeping right of return" through the unification process. In 2003, this policy was legally enacted by the Knesset, which passed the *2003 Temporary Amendment to the Citizenship and Entry into Israel Law* which was amended in 2005 and 2007. Since the overwhelming majority of Israeli citizens wishing to marry spouses from the OPT are Palestinians, the law is overtly discriminatory towards Palestinians and violates the right to family life. Notably, the 2003 amendment does not change the situation for Israeli citizen spouses applying to be joined either by foreign spouses or Israeli settler spouses living in the OPT.

Similarly, the process of applying for family reunification by those living in the OPT (i.e. to bring their spouses in from outside the OPT) has been under Israeli control since the 1967 occupation. According to MIFTAH over 150,000 applications for family reunification in the OPT were requested between 1973-2000 and only a few thousand of them were approved by Israel. Since 2000 the whole procedure has been officially frozen and only a few thousand more have been granted on the basis of "good will gestures."

This "system" is one of many Israeli apartheid measures aimed at changing the demographics in Israel and the OPT towards an exclusive Jewish population. Palestinian families who happen to have different residency statuses –Israeli citizen, Jerusalem ID, West Bank ID or Gaza ID- issued by Israel cannot legally live together within "Historic Palestine" which includes Israel and the OPT. They are then faced with a choice of living abroad, living apart from one another or taking the risk of living illegally in one place or another.

This demographic intention is reflected in one of the reasons given by the Court for its decision: "human rights are not a prescription for national suicide." This reason was further emphasized by Knesset-member (MK) Otniel Schneller who stated, "the decision articulates the rationale of separation between the (two) peoples and the need to maintain a Jewish majority... and character of the state" and by MK Yaakov Katz who said "... the State of Israel was saved from being flooded by 2-3 million Arab refugees." This illustrates once more the Israeli self portrait as an exclusively Jewish state with a different set of rights for its Jewish and non-Jewish (mainly Palestinian) inhabitants.

Israel can either be the self-proclaimed modern and democratic nation state with equal rights for all its citizens, regardless of their religion, ethnicity, language or tribal heritage or an ethnocracy, enforcing a regime which ensures domination by one "racial" group over another; thus an apartheid state. Israel's High Court has clearly illustrated that it is the latter.

Adalah has identified more than 30 main laws which discriminate, directly or indirectly, against Palestinians and constitute the legal aspect of the Israeli regime which was recently identified as one of apartheid³ across all of historic Palestine by the Russell Tribunal on Palestine.

1. The Citizenship and Entry into Israel Law (Temporary Order) 5763-2003

2. Iran, Iraq, Syria, Lebanon.

3. See BADIL's forthcoming working paper no 13: Israeli Apartheid over Mandate Palestine

BDS Campaign Update

(October - December 2011)



Ahava store in London shut down (source: bdsmovement.net)

Turks say can't sell Israeli carpets

16th October 2011 - A Turkish Company has cancelled an order of two containers of carpets from Israel's Carmel Carpets, saying it can't sell Israeli products at this time. Each container is said to be worth some NIS 100,000 (about \$26,700). The Bytex CEO asked to cancel the order for fear it would cause him financial damage and tarnish his image. Carmel Carpets has been in contact with this client for some 10 years. "We created a friendly, almost family-like relationship," says a Carmel manager. "We approved his request in light of the circumstances and didn't fine him. We hope relations will be resumed in the near future."

The first national SJP conference adopts BDS principles as point of unity

21st October 2011 - 350 student activists from more than a hundred schools across the nation converged for the first-ever Students for Justice in Palestine (SJP) national conference. The conference was structured around workshops ranging from "The Economics of Israeli Colonialism" to the "Politics of Women's Activism" to "How to Effectively Start and Run an SJP Group." The result of a year of student planning, organizing and fundraising, the SJP gathering comes at a moment when Palestine solidarity activism on college campuses is increasingly scrutinized. The aims of the "Students Confronting Apartheid" conference, activists said, were to strengthen the student movement for Palestinian rights and develop a better political understanding of the situation in Palestine. SJP activists convened in separate "movement building" workshops to create proposals for a national structure to better coordinate and share resources, though activists said individual chapters would remain autonomous.

Edinburgh University students vote to ban G4S

26th October 2011 - In a victory for the Palestinian Boycott Divestment and Sanctions (BDS) movement, Edinburgh University Student Association (EUSA) overwhelmingly passed a motion through its Student Council to block their contract with security firm G4S, and to lobby the University to follow

suit. G4S currently provide security services to Edinburgh University library, which prompted Students for Justice in Palestine (SJP) to begin a campaign to force the University to tear up its contract with the security firm. It was then recently discovered that EUSA were also in the process of hiring the firm for money collecting services. This led to a motion quickly going before Student Council and it was clearly passed, meaning the Union's trustee board must now look for an alternative.

Cambridge University students vote to break contract with Veolia

26th October 2011 - Students at Cambridge University in the UK have voted to call on the University to cut ties with a company implicated in Israeli human rights abuses. The vote calls on CUSU (Cambridge University Students Union) to campaign to have the University cut ties with Veolia, a company involved in infrastructure projects in Israeli settlements, and employed by the University on a waste disposal contract. The referendum, which closed yesterday, passed with a majority of 58% to 41%: there were 898 votes yes, 637 votes no, and 21 ballots spoilt. While a strong majority was in support, the referendum was inquorate: 7.2% of the student body voted, short of the 10% required. Students involved in the campaign pledged to continue the campaign to ensure that Veolia's contract, which expires in September 2012, is not renewed.

New Book calls for direct action against British companies complicit in Israeli apartheid

27th October 2011 - Corporate Watch has released a book, *Targeting Israeli Apartheid: A Boycott Divestment and Sanctions Handbook*, encouraging campaigners to take direct action against the British companies complicit in Israeli apartheid, militarism and colonization. The book, based on extensive research in Palestine and the UK, and interviews with Palestinian and Israeli campaigners, takes its cue from the unified Palestinian call for Boycott Divestment and Sanctions (BDS). The book begins by examining the Israeli economy, industry by industry, and suggesting where the movement should focus its campaigning energy in order to be most effective. Part two contains five in-depth geographical case studies. The final section looks at how campaigners can bring the fight home to the UK

BDS Victory: Alstom loses Saudi Haramain Railway contract worth \$10B

27th October 2011 - The BDS National Committee (BNC) has declared a long sought-after victory as Alstom lost the bid for the second phase of the Saudi Haramain Railway project, worth \$10 billion US dollars, after pressure from the global Boycott, Divestment and Sanctions (BDS) campaign, including effective campaigning from the newly launched KARAMA, a European campaign to Keep Alstom Rail And Metro Away. In 2008 the BNC, the largest Palestinian civil society coalition, with partners in Europe and Israel, launched the Derail Veolia and Alstom campaign, due to the two companies' involvement in Israel's illegal Jerusalem Light Rail (JLR) project, which explicitly aims to "Judaize Jerusalem," according to official Israeli statements, by cementing Israel's hold on the illegal colonial settlements built on occupied Palestinian land in and around Jerusalem. Since then, Veolia has lost more than \$12B worth of contracts following boycott activism in Sweden, the UK, Ireland and elsewhere. Alstom, too, suffered substantial blows when the Swedish national pension fund AP7 excluded it from its investment portfolio, after having been excluded from the Dutch ASN Bank due to the company's involvement in Israel's occupation of Palestinian land, and has recently announced its intention to withdraw from the project. The BNC and several partners have used private and public channels to urge the Saudi leadership to exclude Alstom from the second phase of this large project which will connect by rail Mecca with Medina after Alstom had won the much smaller contract for the first phase.

BDS Victory against Eden Springs

31st October 2011 - Glasgow Caledonian Palestine Society are delighted that Eden Springs no longer provide water anywhere on our campus. Mayanot Eden (The Israeli parent company of Eden Springs

UK) extract water from the Salukia spring and bottle in the illegal Israeli settlement of Katzrin, both in the illegally occupied Syrian Golan Heights. That Eden Springs UK and Eden Europe provide locally sourced treated water in no way absolves them of the crimes of the parent company and for us they are the same company.

Activists in France launch campaign against Mehadrin

22nd November 2011 - Activists in France launched the campaign against Mehadrin with a large demonstration outside the company's French headquarters in Chateaurenard in the south of the country. In the wake of the collapse of Agrexco, Mehadrin has become Israel's largest agricultural produce exporter. Mehadrin sources produce from growers in illegal settlements, exploits Palestinian workers and is deeply involved in the theft of Palestinian water

British companies targeted for investment in Israeli agricultural export companies

24th November 2011 - Palestine solidarity campaigners targeted the British company Valley Grown Salads in Roydon, Essex, and Glinwell in St Albans, for their 20% each share in Edom UK -an Israeli agricultural exporter. The action was designed to coincide with the week leading up to a European day of action against Israeli agricultural exporters, called for by the Palestinian Boycott Divestment and Sanctions National Committee (BNC) and its European partners.

Protest and lobby held at Belgian Ministry of Economy

25th November 2011 - Ten activists from Belgian group Vredesactie held a visible picket outside the offices of the Ministry of Economy in the Brussels and held a lobby meeting with ministry officials as part of "Take Apartheid off the Menu" action day. The short conversation focused on the responsibility of the ministry to prevent settlement produce from entering the market in Belgium, and the activists handed over samples of settlement produce and a briefing document emphasizing the role settlement products play in facilitating settler attacks on Palestinians in occupied Palestinian territory.

BDS South Africa exposes JNF Greenwashing at COP 17

28th November 2011 - issued the following release about the Jewish National Fund and its attempt to 'greenwash' its racist practices and policies:

With COP17, the United Nations Climate Change Conference, taking place in South Africa we've been approached by several environmental justice organizations regarding the Jewish National Fund (JNF) and its presence at COP17.

The JNF portrays itself as a "green" organisation but at the same time it is involved in human rights abuses against the Palestinian people – including house demolitions and forced removals. Furthermore, the JNF administers 13% of Israeli land (which it does not allow Palestinians to use) and jointly (with the Israeli Land Authority, an Israeli government body) administers another 80%. Israeliland policies are discriminatory and the JNF is intimately involved (and complicit) in maintaining and administering these policies.

UK student body slams university's Ahava link

30th November 2011 - A collaboration between King's College London (KCL) and an Israeli company located in an illegal West Bank settlement has been condemned by the UK's National Union of Students (NUS), in a significant boost for campaigners. In a meeting Monday night of the NUS' National Executive Council (NEC), a motion demanding the "immediate end" of KCL's research project with Ahava was passed with no votes against. The NEC motion, noting the "overwhelming" international position on the illegality of Israeli settlements, states that "by collaborating with Ahava, King's itself has become complicit with violations of international law".

Belgian NGO Vredesactie files complaint against Barco Co. for illegal weapons trade with Israel

20th December 2011 - Vredesactie filed an official complaint at the Ghent police office against technology company Barco. Barco developed a flight simulator for the Israeli air force, but never requested an export permission, although Belgian legislation on arms trade requires this. "Illegal arms trade", says Vredesactie.

Veolia takes severe blow as it fails to win 485 Million Pound Contract in West London

23rd December 2011 - Human rights campaigners are celebrating after the West London Waste Authority ('WLWA') excluded French multinational Veolia from a £485 million contract covering 1.4 million inhabitants of the London boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond-upon-Thames, for treatment of residual domestic waste. The reasons behind the decision by the WLWA to exclude Veolia are commercially confidential but the impact of human rights campaigners should not be under-estimated.

Campaign launched against French purchase of Israeli drones

30th December 2011 - French boycott, divestment and sanctions (BDS) campaigners have called on their government to abandon a €318 million deal to buy Heron TP drones from Israel Aircraft Industries. Meanwhile, senior members of France's Senate have called publicly for the country to abandon the purchase on grounds that the Israeli drones are unsuited to the needs of the armed forces.

Report: Third National BDS Conference, Hebron, December 17

17th December 2011 - Palestinians gathered in the city of Hebron in the occupied West Bank for the Third National Boycott, Divestment and Sanctions (BDS) Conference. The event took place against the backdrop of continuous Israeli violations of Palestinian rights, and a growing resistance against injustice worldwide as demonstrated by the Arab revolutions and the occupy movements. Just minutes away from the conference venue, 500 Jewish settlers live under escort of the Israeli military in a colonial enclave in the middle of old Hebron, terrorizing local Palestinian residents on a daily basis, with the stated intent of driving them from their homes. Hebron is also an important commercial center in Palestine, and thus was a fitting venue to hold the national BDS conference, after it was held in Nablus and Ramallah in previous years.

Rally against Israeli Apartheid, streets of Perth, Australia. 17 September 2011 (source: bdsmovement.net, www.fopwa.org)



The day started early with about 500 Palestinians from all corners of the West Bank, as well as 48 Palestinians representing a diverse sector of civil society including trade unions, student and women groups, academics, cultural workers and NGOs, all uniting under the banner of BDS.

There was also a visible international presence as well as that of Israeli partners who have responded to the 2005 BDS call. Notable was the absence of representation from Gaza, under an Israeli imposed siege, and refugees outside historic Palestine, although their contribution to the movement was acknowledged. Full report available at: <http://www.bdsmovement.net/2012/conference-report-8583>

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ABOUT THE MEANING OF AL-MAJDAL

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as “10 Plagues”) aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city’s residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as “Ashkelon.” Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. *al-Majdal*, BADIL’s quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

www.badil.org/al-majdal

