



Apartheid is fairly overt in the occupied Palestinian territories, and manifests itself in various obvious forms: Jewish-only roads; Jewish-only housing (i.e. colonies); the application of two different systems of law: military on Palestinians, and Israeli civil on Jewish colonists in the territories; the racially-defined course of the Wall; and selective policing and investigation; to mention a few. In his book, Palestine: Peace not Apartheid, Jimmy Carter focused on this form of Apartheid. However, Apartheid exists in Israel itself, though its institutions are much more subtle.

### **What is Apartheid?**

Apartheid, defined as a crime against humanity by the UN, applies to “acts committed 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”<sup>1</sup>, including:

- “Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;...
- “Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose Apartheid.”<sup>2</sup>

### **Can Apartheid exist within a Democracy?**

Apartheid and institutions of democracy are not necessarily mutually exclusive. South Africa was a “white democracy,” while the United States practiced a democracy which tolerated slavery for 100 years, and then tolerated segregation for another 100 years. While individuals may theoretically enjoy certain trappings of democracy – e.g. voting rights – a minority group may still struggle for the most basic of human rights and civil protections.

The essential characteristics of Apartheid in a democracy are:

1. A system of laws in which the dominant and subservient groups do not have equal rights;
2. A political system designed to ensure that the dominant group is and remains a voting majority.

Apartheid has two forms to it:

1. **Laws.** Apartheid is written into laws passed by majority of those entitled to vote.
2. **Practice.** The laws, in theory, apply equally to all, but are enforced selectively and unfairly by the ruling majority to the disadvantage of the minority.

Apartheid within Israel takes both forms. Unlike South Africa, Israeli laws are generally written in neutral terms (with a few exceptions, notably Law of Return and Nationality Law) and ostensibly apply to all. But they are carefully drafted so as to apply only to Palestinians (e.g. the Absentee Property Law (1950)), or discriminate against non-Jews by using terms such as “a person to whom the Law of Return applies.”

### **What are some concrete examples of Israeli Apartheid?**

1. Confiscation of Palestinian Land. The State of Israel confiscates the land of Palestinian citizens, almost always for the exclusive use of Jewish citizens.<sup>3</sup>
2. Discriminatory Family Reunification Law. Through the “Citizenship and Entry into Israel Law,” Israel prevents family reunification for Palestinian citizens of Israel, forcing citizens to leave their country, or be separated from spouses or children living in the West Bank or Gaza.<sup>4</sup> This law makes an exemption for Jewish colonists in the West Bank and Gaza.<sup>5</sup>

3. Discriminatory Municipal Development. Israel prioritizes zones – supposedly by socio-economic criteria – to be eligible to receive benefits including special tax incentives, yet Palestinian neighbourhoods in Israel rarely enjoy such benefits despite the fact that they are at the bottom of the socio-economic scale. In one such 1998 classification, out of the 429 localities accorded priority development status, only 4 were communities of Palestinian citizens of Israel.<sup>6</sup>
4. Racially-based approval of Building Permits. Planning policy in East Jerusalem since its illegal annexation by Israel in 1967 seethes under systematic discrimination against the Palestinians living there. While the Palestinian population's development and expansion is choked, massive building programs for Jewish colonies in East Jerusalem abound.<sup>7</sup>
5. Israeli Non-recognition of Palestinian Villages. While there have been many cases of villages which are denied services, or simply erased, a recent example involves Israel's comprehensive "Negev 2015" plan which will destroy dozens of Palestinian Bedouin villages as part of a plan to make way for 400,000 Israelis.<sup>8</sup>
6. Systemic Inequalities for Palestinian citizens of Israel. Following Palestinian riots in Israel in 2000, the Or Commission was launched to investigate the reasons for the civil unrest. In its 2003 report, the commission noted, "[Israeli] Government handling of the Arab [sic] sector has been primarily neglectful and discriminatory... The state did not try hard enough to create equality for its Arab [sic] citizens or to uproot discriminatory or unjust phenomenon [sic]..."<sup>9</sup>
7. Discriminatory Policing of Palestinian citizens of Israel. The Or Commission identified discriminatory policing of Israel's Palestinian citizens to be a widespread issue, noting "the need for a reform of police systems with regard to the Arab [sic] sector... It is important to work to uproot prejudice, which exists even among officers who are experienced and admired..."<sup>10</sup> Note that no charges were ever placed on any of the police officers present during the killing of 13 demonstrating Palestinian citizens in 2000.<sup>11</sup>
8. Denial of equal benefits, services and opportunities. The US State department noted that the "[Israeli] government did not allocate sufficient resources or take adequate measures to provide Israeli Arabs [sic]... with the same quality of government services, as well as the same opportunities for government employment, as Jews."<sup>12</sup> This phenomenon is reinforced by legislation like the Absorption of Former Soldiers Law (1994) which entrenches state benefits through institutions (e.g. the Israeli Army) unavailable to Israel's Palestinian minority.<sup>13 14</sup>

<sup>1</sup> *International Convention on the Suppression and Punishment of the Crime of Apartheid*, Art. 2, UNGA Resolution 3068, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/res/3068\(XXVIII\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/res/3068(XXVIII)), retrieved 2010.02.18

<sup>2</sup> *Ibid.*, Art. 2, para. (d) and (f)

<sup>3</sup> The Absentee Property Law is an excellent example of this phenomenon, which takes many forms. For an illustrative recent example, see Brous, Devorah, "Not greening, but weeding the Negev," Haaretz, Mar. 3, 2006

<sup>4</sup> "Israel/Occupied Territories: High Court decision institutionalizes racial discrimination," Amnesty International, May 16, 2006, MDE 15/042/2006

<sup>5</sup> "Israel and Occupied Territories: Torn Apart: Families split by discriminatory policies," Amnesty International, July, 2004, MDE 15/063/2004

<sup>6</sup> "Land Planning and Policy in Israel," The Arab Association for Human Rights (Israel), [www.arabhra.org/factsheets/factsheet2.htm](http://www.arabhra.org/factsheets/factsheet2.htm)

<sup>7</sup> "East Jerusalem: Policy of discrimination in planning, building and land expropriation," B'Tselem, [www.btselem.org/english/Jerusalem/Discriminating\\_Policy.asp](http://www.btselem.org/english/Jerusalem/Discriminating_Policy.asp)

<sup>8</sup> "Adalah Demands Cancellation of the Government's 'Negev 2015: the National Strategic Plan for the Development of the Negev (Naqab)' as it ignores the Needs of the Arab Bedouin," Adalah (The Legal Center for Arab Minority Rights in Israel), Jan. 30, 2007

<sup>9</sup> "Official Summary of the Or Commission Report," Section 3, translation by Haaretz, Sep., 2003

<sup>10</sup> "Official Summary of the Or Commission Report," Sections 26-27, translation by Haaretz, Sep., 2003

<sup>11</sup> Segev, Tom, "Who will investigate the investigators," Haaretz, Sep. 23, 2005

<sup>12</sup> "Country Reports on Human Rights Practices – 2003: Israel and the Occupied Territories," February 25, 2004, <http://www.state.gov/g/drl/rls/hrrpt/2003/27929.htm>

<sup>13</sup> "Adalah submits motion for second hearing to Supreme Court Arguing grave error of Law in its decision that State Loans for Home Mortgages awarded to former soldiers do not discriminate against Arab citizens," Adalah (The Legal Center for Arab Minority Rights in Israel), Feb. 12, 2007

<sup>14</sup> "Business Owners in North Can't Get Special Loans because they aren't Jews," Haaretz, Aug. 20, 2006