THE APARtheid SMEAR

Israel is not an apartheid state
The allegation damages the peace process

Professor Alan Johnson
As a movement we recognise the legitimacy of Palestinian nationalism just as we recognise the legitimacy of Zionism as a Jewish nationalism. We insist on the right of the state of Israel to exist within secure borders, but with equal vigour support the Palestinian right to national self-determination. We are gratified to see that new possibilities of resolving the issue through negotiation have arisen since the election of a new government in Israel. We would wish to encourage that process, and if we have the opportunity, to assist.1

Nelson Mandela, 1993

The whole world must see that Israel must exist and has the right to exist, and is one of the great outposts of democracy in the world ... Peace for Israel means security and that security must be a reality.2

Martin Luther King Jr, 1967

The charge that Israel is an apartheid state is a false and malicious one that precludes, rather than promotes, peace and harmony.3


If Israel were an apartheid state, I, for example, would not be allowed to work for a Jewish newspaper or live in a Jewish neighbourhood or own a home. The real apartheid is in Lebanon, where there is a law that bans Palestinians from working in over 50 professions. Can you imagine if the Knesset passed a law banning Arabs from working even in one profession? The law of Israel does not distinguish between a Jew and an Arab.

Khaled Abu Toameh (journalist, Arab citizen of Israel), 2010

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2 Martin Luther King Jr., ‘Israel … is one of the great outposts of democracy in the world’. Israel SDM YouTube. https://www.youtube.com/watch?v=kvr2CuxlZWk
INTRODUCTION
What was ‘Apartheid’ in South Africa?
What is the ‘Apartheid Smear’ against Israel?
It’s a smear – so why not ignore it?

PART 1: WHY ISRAEL IS NOT AN APARTHEID STATE
Israel is not an apartheid state for the Arab citizens of Israel
Israel is pursuing equality for its Arab citizens
What about the anti-Arab racism in Israeli society?

PART 2: WHY ZIONISM IS NOT RACISM
What is Zionism?
What happened in 1948?
Didn’t the Zionist leaders have a plan – ‘Plan D’ – to expel the Palestinians?

PART 3: WHY BEING A ‘JEWISH STATE’ DOES NOT MAKE ISRAEL AN APARTHEID STATE
Israel calls itself a ‘Jewish state.’ Doesn’t that mean it discriminates against non-Jews?
Israeli Jews wish to preserve a ‘Jewish majority’ in Israel. Isn’t that a form of racism towards non-Jews?
The ‘Law of Return’ grants a Jew from anywhere in the world an automatic right to become an Israeli citizen. This right is not enjoyed by non-Jews. Isn’t that apartheid?
Is the Absentee Property Law a case of Israeli Apartheid?
Is it true that some Israeli towns have ‘admissions committees’ to stop non-Jews moving in?
The 2003 Citizenship and Entry Law blocks the marriage partners of Israelis from living in Israel if they are residents of the West Bank or Gaza Strip. Isn’t that apartheid?
Is Israel’s land only sold to Jews?
Is the Israeli government forcing Bedouin Arabs out of their homes?
Does Israel discriminate against Christians?

PART 4: ISRAEL AND THE TERRITORIES
Why doesn’t Israel grant citizenship to the West Bank Palestinians?
Why doesn’t Israel just get out of the West Bank?
What’s to negotiate?
But is Israel serious about negotiating the division of the land into two states?
However the occupation came about, and however hard it is for Israel to ‘just get out’, isn’t Israel’s daily practice in the Territories a case of apartheid?
Frequently asked questions about Israel and the Territories

PART 5: HOW THE APARTHEID SMEAR DAMAGES THE PEACE PROCESS
The Apartheid Smear stops us understanding the conflict
The Apartheid Smear causes political polarisation
The Apartheid Smear is opposed by those working for peace and reconciliation
Ten ways the Apartheid Smear damages the peace process
The Alternative: building the peace not promoting the war

APPENDIX 1: THE HISTORY OF THE APARTHEID SMEAR
The Stalinist Moment: Zionism treated as Capitalism and Imperialism
The United Nations Moment: Zionism treated as racism
The Durban Moment: Zionism treated as apartheid

RESOURCES
Answering the Apartheid Smear
Videos
General reading
EXECUTIVE SUMMARY

INTRODUCTION

• ‘Apartheid’ is the term used to describe the racial segregation and discrimination that was violently enforced on black people by white minority governments in South Africa from 1948 to 1994.

• The Apartheid Smear is the claim that Israel is an ‘apartheid state’ like South Africa was in those years. It is the intellectual foundation stone of ‘BDS’ – the effort by anti-Israel pressure groups to boycott, divest from and sanction Israel.

• This pamphlet shows that this is factually wrong, malicious, politically polarising and damages the peace process.

WHY ISRAEL IS NOT AN APARTHEID STATE

• Israel is not an apartheid state for the 20 per cent of its citizens who are Arabs, as is sometime claimed. Although they are critical of a range of discriminations and inequalities, 77 per cent of the Arab citizens of Israel say that they prefer living in Israel to any other country in the world.

• Israel is a multi-racial, multi-ethnic democracy. The Arab, Druze and other minorities in Israel are guaranteed equal rights. All citizens vote in elections on an equal basis. Discrimination based on race is against the law. The universities are integrated. Some Israeli towns and cities are mixed Arab-Jewish (e.g. Acre, Haifa, Jaffa, Lod and Ramle). The Israeli Courts are effective in countering unfair discrimination. Israel’s Arab minority participates fully in the political process.

• Israel’s Arab citizens also hold some collective rights as a national minority. Arabic is Israel’s second official language, and there is a thriving Arabic mass media, literature and theatre scene.

• The Israeli government is working to reduce the gaps between the minority and majority. Especially since the Or Commission of 2000, Israel has been closing the economic gaps, opening up the civil service, equalising welfare, introducing Arabic into Jewish schools, and improving access to higher education.

ZIONISM IS NOT RACISM

• The Apartheid Smear says that Zionism is a form of racism. It isn’t. Zionism is the national liberation movement of the Jewish people, calling for the restoration of sovereign Jewish life in the land of Israel after 2000 years of exile and persecution. The persecution of Jews was a constant of European life culminating in the Holocaust.

• Mainstream Zionists always believed that a non-Jewish minority would live alongside the Jewish people. Israel’s Declaration of Independence in 1948 promised the Arab inhabitants of the State of Israel ‘full and equal citizenship and due representation in all its provisional and permanent institutions.’

• The right of the Jewish people to create a national home in Palestine was recognised by the British in the 1917 Balfour Declaration, and then approved by the League of Nations (the forerunner of the United Nations) in 1922. In 1947, the General Assembly of the United Nations approved the partition of Mandate Palestine into ‘Independent Arab and Jewish States.’

• In 1948 the Jewish community declared the establishment of Israel in line with this UN resolution. Five Arab armies immediately invaded. The Palestinian refugee problem was born of war, not by design. Reaching a just and agreed resolution of the refugee question is rightly central to the peace process.

BEING A ‘JEWISH STATE’ DOES NOT MAKE ISRAEL AN APARTHEID STATE

• ‘Jewish state’ does not mean that Israel is a theocracy (rule by clerics) or a state exclusively for Jews. Israel is a democracy, governed by the rule of law as drafted by an elected parliament, the Knesset. All faiths vote. All enjoy freedom of worship. The Declaration of Independence explicitly provides for the protection of minorities.

• Yes, Israel is the national home of the Jewish people. But many states around the world are both national homelands for a majority ethnic or racial group and democracies. Such states are still democracies because of their systems of government and because the rights of the minority are protected.
Israel and the Territories

• Since 1967 Israel has occupied the West Bank after winning the Six Day War against Arab armies that were once again massed on its borders, intent on ‘driving the Jews into the sea.’

• The occupation persists 47 years later not because Israel wants to rule over the Territories but because peace talks – in which Israel seeks recognition and security guarantees in return for the creation of Palestinian state in the Gaza Strip and West Bank – have failed thus far.

• Israel’s actions in the Territories that are mis-labelled ‘apartheid’ – such as the so-called ‘apartheid Wall’ – are actually security measures. Palestinian terrorism against Israeli civilians reached unprecedented heights during the Second Intifada (2000-2004).

• Israel does not give Israeli citizenship to West Bank Palestinians because they do not wish to become subject to Israeli law. They want their own state, and Israel is prepared to make an agreement on that basis.

• Israel’s does not simply walk out of the West Bank without any peace deal or security guarantees because in recent experience, Israeli withdrawal from territory (south Lebanon in 2000 and the Gaza Strip in 2005) has led to Iranian-backed extremists taking over and using the territory as a base to attack Israel. So Israel seeks a negotiated solution.

• Israel is serious about dividing the land through negotiations. In 1937, 1947, 1967, 2000, 2001, and 2008 Israel made or accepted proposals to divide the land. It has peace treaties with Egypt and Jordan. Every Israeli government since 2000 has endorsed the creation of a fully sovereign and independent Palestinian state in a two state solution. The Israeli people back the two state solution by a solid two-thirds majority.

• The pamphlet challenges some powerful myths about the Territories. For example, settlements have not killed the two state solution: a final peace settlement is expected to see the restitution of almost all of the West Bank to the Palestinians. The exceptions – the land along the ‘Green Line’ that contains about 80 per cent of the settlers – will be compensated by ‘land swaps’, a principle which has already been agreed with the Palestinian negotiators, and is endorsed by President Obama and the EU and, since April 2013, the Arab League.

The Apartheid Smear Damages the Peace Process

• The Apartheid Smear works against peace. It poisons hopes for a peaceful resolution of this national conflict by encouraging extremists, demoralising moderates, and fostering a destructive ‘boycott activism’ in the West.

• The Apartheid Smear and the linked BDS campaign consume energies that should be invested in a different kind of activism; pro-Palestinian and pro-Israeli: pro-peace. Many organisations do just that, by bringing Israelis and Palestinians together, including One Voice, Parents Circle – Families Forum (PCFF), MEET, and The Peres Centre for Peace. Getting involved with these constructive ‘pro-Israel, pro-Palestine, pro-Peace’ organisations is the real alternative to the dead-end and destructive politics of ‘BDS’ and the Apartheid Smear.

The History of the Apartheid Smear

• The Apartheid Smear originated in the ‘anti-Zionist’ campaigns waged by the Communist states during the Cold War. These campaigns frequently descended into antisemitism, the word ‘Zionist’ understood by all as a fig-leaf for ‘Jew’.

• The second key moment came in 1975 when the Soviet Bloc, the authoritarian Arab states, and the so-called ‘Non-Aligned Movement’ used their built-in majority at the UN General Assembly to pass Resolution 3379, which equated Zionism with racism.

• The third key moment came in 2001 after the failure of the Camp David peace talks. A group of NGOs and anti-Israel activists hijacked the UN’s World Conference against Racism, Racial Intolerance and Xenophobia in Durban, South Africa to launch a global campaign to smear Israel as an ‘apartheid state.’

• The pattern is clear: whatever the good intentions of some supporters of the Apartheid Smear, in the minds of its hard-core promoters there is a darker purpose: the demonisation of Israel as a pariah state in order to prepare the ground for its eventual destruction.
Advocates of the boycott of Israel repeatedly invoke the boycott of South Africa. The parallel they draw between Israel and apartheid South Africa is false. The Palestinian, Druze and other minorities in Israel are guaranteed equal rights under the Basic Laws. All citizens of Israel vote in elections. There are no legal restrictions on movement, employment or sexual or marital relations. The universities are integrated. Opponents of Zionism have free speech and assembly and may form political organisations. By radical contrast, South African apartheid denied non-whites the right to vote, decreed where they could live and work, made sex and marriage across the racial divide illegal, forbade opponents of the regime to express their views, banned the liberation movements and maintained segregated universities."}

The historian Simon Schama and the writer and lawyer Anthony Julius.
THE APARTHEID SMEAR

INTRODUCTION
The apartheid accusation is factually wrong, politically polarising and damages the peace process. It should be dropped.

WHAT WAS ‘APARTHEID’ IN SOUTH AFRICA?
‘Apartheid’ is the Dutch-Afrikaans term for separation, used to describe the racial segregation and discrimination enforced violently by white minority governments on non-whites in South Africa from 1948 to 1994. During those years a comprehensive system of racial classification divided the population into four categories – white, black, coloured (i.e. mixed-race) and Asian. The black majority could not vote in general elections or marry white people. They were segregated from white people and barred from doing most skilled work. An official state-promoted racist ideology of white supremacy justified all of this.

How has the international community defined apartheid?
Article 3 of the 1965 International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) defines apartheid as ‘governmental policies based on racial superiority or hatred.’ All signatories to the Convention, including Israel, ‘condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.’5

In 1976, the Communist bloc, Islamic bloc and the Non-Aligned Movement combined to draft the ‘International Convention on the Suppression and Punishment of the Crime of Apartheid.’ As international law expert Anne Herzberg notes, ‘This instrument attempted to define apartheid so broadly as to apply to all Western states … as a Cold War tactic by the Soviet Union … no Western governments have become a party to it. Articles 1 and 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid defined it as ‘inhuman 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.’

Article 7 of the 1998 Rome Statute of the International Criminal Court defines ‘the crime of apartheid’ as ‘inhumane acts … committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.’
What is the ‘apartheid smear’ against Israel?

It is the claim that Israel is an ‘apartheid state’ just like South Africa was from 1948 to 1994. This claim is the intellectual foundation stone of ‘BDS’ – the effort by anti-Israel pressure groups to boycott, divest from and sanction Israel. These groups have an extremist political agenda: to make Israel into a pariah state shunned by global civil society, diplomatically friendless, and eventually vulnerable to those in the region who have always opposed the very existence of a homeland for the Jewish people. They want to pass their campaign off as a reprise of the globally popular boycott of apartheid South Africa, which helped bring white minority rule to an end in that country. As Ben Cohen notes, ‘pregnant within the accusation that the State of Israel practices apartheid is the recommendation for Israel’s termination.’

The apartheid analogy cuts against [the peace] process as its purpose is to suggest that Israel, like the [South African] apartheid regime, should not exist. It feeds the idea that negotiation with Israel is unnecessary as one day it will cease to exist. The notion that one side of a conflict ought not to exist or eventually will not inevitably prolongs conflicts.

John Strawson, Reader in Law, University of London, Co-Director, Centre on Human Rights in Conflict.

Those who are saying that Israel is an apartheid state don’t know what apartheid really is. I think that people who make such statements minimise the pain of people who suffered under apartheid, because if South Africans, black people like myself were having the rights that the Palestinians are having then there would not have been an armed struggle in South Africa.

As a black person, moving from one residential place made for black people, to another residential place made for black people, I needed a permission … going to a white area was even worse, you’d have to give reasons why you want to go there, so there was no freedom of movement.

In South Africa there were clinics that were just there for white people and if I needed help or had to see a doctor, a white doctor, that would be kind enough to look at my case there would have to be a side room or a storeroom where he could look at me. I could not go where the white people were going. Some of these experiences the Palestinians are not experiencing because they have the liberty to go to any medical institution they want in the country.

We did not have the right to vote [given only in 1994] and because of it we had no representation in Parliament, we had no say about what was happening in Parliament. A white person or white criminal accused of a crime could never appear before a black judge because we didn’t have them. What was surprising to me was to hear yesterday that the former President of Israel appeared before an Arab judge. I mean, this would be unheard of in the South African context, when you talk about apartheid. A white person would never have a black person as a teacher, as a lawyer, as a judge.


The apartheid analogy cuts against [the peace] process as its purpose is to suggest that Israel, like the [South African] apartheid regime, should not exist. It feeds the idea that negotiation with Israel is unnecessary as one day it will cease to exist. The notion that one side of a conflict ought not to exist or eventually will not inevitably prolongs conflicts.

John Strawson, Reader in Law, University of London, Co-Director, Centre on Human Rights in Conflict.

100,000 Israelis in Tel Aviv support the government’s peace-making policies, 1995. AP PHOTO/Nati Harnik
Amos Oz, the Israeli novelist and a founder of Peace Now puts it best. In his wonderful little book How to Cure a Fanatic, he notes that the conflict between the Israelis and the Palestinians is not a case of right versus wrong, but right versus right. It is a complicated, long-running and hitherto intractable conflict between two peoples, about their equally legitimate national claims over a piece of land. The two parties – Israelis and Palestinians – have worked with the international community to negotiate a resolution to the conflict. They have come close to a deal in recent times at Camp David in 2000, Taba in 2001 and Annapolis in 2007-8. In 2014 they are trying again, with US, European and Arab League backing. The Apartheid Smear just gets in the way of both a proper understanding of the conflict and of peace-making efforts.

The peace process needs trust, engagement, mutual recognition and compromise. The Apartheid Smear produces only polarisation, separation, mutual loathing and maximalism.

Enough is enough.

Most disgracefully of all, some openly call Israel an apartheid state. Think about that. Think about the twisted logic and outright malice behind that: A state, based on freedom, democracy and the rule of law, that was founded so Jews can flourish, as Jews, and seek shelter from the shadow of the worst racist experiment in history, that is condemned, and that condemnation is masked in the language of anti-racism. It is nothing short of sickening.

Stephen Harper, Canadian Prime Minister, 2014

However, supporters of the two state solution have no choice but to challenge the Apartheid Smear. By falsely associating Israel with apartheid South Africa, the boycotters hope to make Israel a pariah state. If they succeed, we will be further from peace in the Middle East than ever, because a negotiated agreement will only be possible when each side recognises the national rights of the other, and finds a way to reconcile those rights by sharing the same small piece of land. They must both make excruciating compromises.

The promotion of the Apartheid Smear encourages the Palestinians not to accept Jewish national rights and the State of Israel. Without this acceptance, Israel will not be prepared to consider the territorial compromises it must make for the creation of a Palestinian state alongside Israel. The Apartheid Smear also creates a poisonous climate for negotiations, by demonising Israel. It marginalises moderate voices on both sides and undermines the possibility of reconciliation.

PART 1: WHY ISRAEL IS NOT AN APARTHEID STATE

ISRAEL IS NOT AN APARTHEID STATE FOR THE ARAB CITIZENS OF ISRAEL

Israel is not an apartheid state for the 20 per cent of its citizens who are Arabs.

Israel’s Arab population is made up of communities who were living in Israel prior to the formation of the state, previously living under Ottoman and then British Mandatory rule. Israeli Arabs currently constitute 20 per cent of the population, numbering 1.7 million people, the religious majority of which are Muslim (84 per cent), with large Druze (8.1 per cent) and Christian (7.8 per cent) populations.

Most Arab citizens live in the north of the country, in majority Arab towns. Around 60 per cent of the Christian Arab population is concentrated in Nazareth and Haifa, while the Druze live largely in the Galilee and Carmel regions. The Druze have traditionally rejected Palestinian Arab nationalism, favouring strong affinities with their country of residence, making them the most well-integrated of the Arab minority in Israeli society, strongly identifying as Israelis and well-represented in the political, military and public sectors.

Within the Muslim Arab group there are around 200,000 Bedouins, descended from formerly semi-nomadic tribes, who have a range of cultural traditions that distinguish them from other Muslim Arab groups. Most Bedouin live in the Negev region of southern Israel, with a sizeable population in the Galilee in northern Israel.

Although they are very critical of a range of discriminations and inequalities, 77 per cent of the Arab citizens of Israel say that they prefer living in Israel to any other country in the world. According to a 2012 Israeli Democracy Index survey, 44.5 per cent of the Arab citizens of Israel are proud of being Israeli, and 62.3 per cent and 78 per cent of the Arab citizens of Israel have confidence in the police and Supreme Court respectively, a slightly higher level of confidence than Israeli Jews.

The 2012 Index of Jewish-Arab relations, released by the University of Haifa, found that 58 per cent of Israel’s Arab citizens accept Israel’s definition as a nation with a Jewish majority, with 60 per cent regarding Israel as their homeland and 71 per cent describing it as a good place to live. Other polls have found that a majority were willing to recognise Israel as a Jewish state as long as they were given full rights and protected against discrimination, and strongly supported greater economic, political and social integration.

Whilst many Arab citizens of Israel are sympathetic to Palestinian self-determination and statehood and are often critical of Israeli policy in Gaza and the West Bank, the majority have integrated into Israeli society, do not support violence against the state, and have no interest in conflict.14

According to a 2011 report conducted by Sikkuy, an Arab-Jewish NGO, 74 per cent of Jews acknowledge that Arab citizens suffer some degree of discrimination and many of them expressed empathy for their situation. 60 per cent of Jews believe that promoting the equality of Arab citizens is in the interest of the county, and 90 per cent of Arab citizens of Israel see their future in the State of Israel.13

These are not figures one would expect in an ‘apartheid state’.

Israel is not an apartheid state … Arab citizens can vote … no laws discriminate … Israel has adopted pro-Arab affirmative action measures in some sectors.9 Rhoda Kadalie and Julie Bertelmann, black South African anti-apartheid activists.

An Ethiopian Jewish boy attends a welcoming ceremony at Ben Gurion airport near Tel Aviv, 29 October 2012. Ariel Schalit/AP/Press Association Images

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12 Israel’s Arab citizens: Key facts and current realities. UK Task Force, June 2012.
14 Some Arab leaders do make the ‘apartheid’ claim but in 2012 Tel Aviv University Professor Avi Degani found that 61.4 per cent of Israel’s Arabs have a less than favourable opinion of the way the Arab Knesset members represent the interests of Arab citizens. See Gil Ronen, ‘Arabs: Arab MKs Don’t Represent Us Well.’ Israel National News, 23 July 2012. http://www.israelnationalnews.com/News/News.aspx/159161#ET0M4Fsv0I
2008 Statement by 53 Distinguished Stanford University Faculty

THE APARTHEID ANALOGY IS FALSE AND BREEDS CONFLICT.

In pursuing peace, security and prosperity for Palestinians and Israelis we must focus on initiatives that bring the sides closer together. We are saddened and concerned by the malicious propaganda campaign being waged on various campuses, including Stanford, against Israel. In falsely seeking to smear Israel with the stain of apartheid, this campaign is sowing divisiveness, bigotry, and discord.

Demonising Israel is contrary to our values of mutual respect and academic integrity. It contributes to the perpetuation of the conflict, not its resolution. Apartheid was the vicious policy of the old South Africa that kept races separate and caused untold suffering to the Black majority and other people of colour. The anti-Israel movement is cynically exploiting the memory of African suffering in order to score points in the fraught field of Middle East politics. To describe Israel, the only liberal democracy in the Middle East, as apartheid, trivialises the South African past while doing a grave injustice to the most pluralistic and open society in the Middle East today. Under Apartheid, people were legally classified into racial groups and forcibly separated from each other. Apartheid South Africa was ruled by a White-only government. A wide range of laws ensured racially based discrimination, including the prohibition of Blacks from voting, using Whites-only schools and hospitals, and even mixing with Whites in public places.

The State of Israel has nothing in common with apartheid. Israeli society, as many others, is not free of racial and religious discrimination. Yet, in Israel, all minorities – including the 20 per cent of Israeli citizens who are Arab Christians and Muslims – have equal civil, political, economic and personal rights. The Arab citizens of Israel form political parties, compete in free and fair elections, and are represented in all levels of the legislature, executive and judiciary. Arabs are members of, for example, the Israeli Parliament, cabinet, and High Court. Israelis of all religions and ethnicities can legally live in any public residential community, attend the same universities and use the same hospitals. Arabic is an official language, an Israeli Arab is the Minister of Culture, and Arab Israelis richly contribute to Israel’s science, culture and sports. To equate Israel with apartheid displays a profound ignorance of the horror that was South Africa as well as contempt for democracy in Israel. The difficult path to peace in the Middle East can do without this sort of empty vilification. Rather, we need to work together toward the vital quest for true co-existence, peace and justice for all in the Middle East – Christians, Jews and Muslims.

Signed by 53 Stanford Professors and Senior Fellows.

Yes, there are inequalities in Israeli society and Israel’s Arab citizens suffer from a number of disadvantages. Whilst 20 per cent of the Israeli population is defined as living in poverty, the Arab figure is 50 per cent (though 60 per cent of the Haredim or ultra-Orthodox Jews in Israel live in poverty). They are underrepresented in key areas of employment; for instance, only 460 of Israel’s 150,000 high-tech workers were Arab in 2013. Arab death rates from preventable diseases are 1.5 per cent higher than that of Israel’s general population. Disadvantage also exists in education; only 10.6 per cent of Israeli university students were Arab. Knesset Committees and the Israeli High Court have identified uneven allocation of resources to Arab schools and higher dropout rates amongst Arab pupils. The 2007 US State Department Country Report on Human Rights criticised Israel for the unequal spending on education for Arab students.

Meir Eindor, Director of the Almagor Terror Victims Association (L), and MK Taleb Abu Arar debate at Internal Affairs and Environment Committee, the Knesset, 28 October 2013. Flash 90

Jewish children and Arab children, citing a 2005 study at the Hebrew University.  

However, to use the term ‘apartheid’ to describe these socio-economic gaps between a national majority and a national minority is wrong for two reasons. 

The first reason is that the position of the Arab minority in Israel is totally different to the position of the black minority in apartheid South Africa. 

Israel is a multi-racial, multi-ethnic democracy. The legal scholar and human rights expert John Strawson points out that ‘Israel lacks the features of an apartheid state. The Palestinian, Druze and other minorities in Israel are guaranteed equal rights under the Basic Laws. All citizens of Israel vote in elections on an equal basis. There are no legal restrictions on movement, employment or sexual or marital relations. The universities are integrated. Opponents of Zionism have free speech and assembly and may form political organisations.’

There are 12 Arab MKs (MPs) in the current Knesset and they are among the government’s harshest critics. Arabs have served in the Cabinet (e.g. Raleb Majadele), in the civil service (7.8 per cent of civil servants in Israel are Arab), and on the Supreme Court (Justice Salim Joubran). It was an Israeli Arab judge, George Karra, who sentenced former President of Israel, Moshe Katsav, to jail for seven years on a rape conviction.

Ali Yahya, the first Israeli Muslim ambassador was appointed in 1995, and Walid Mansour, the first Druze Ambassador in 1999. Arabs have freedom of movement, assembly and speech. They serve as the heads of hospital departments, university professors, as senior police and army officers. Eleanor Joseph became the first female Arab paratrooper in 2010. Some of the major Israeli towns and cities are considered mixed Arab-Jewish cities (e.g. Acre, Haifa, Jaffa, Lod and Ramle) with large Arab and Jewish populations. Israeli hospitals show no discrimination to the patients they treat nor do they discriminate in employment. Dr Aziz Darawehe, for example, was recently appointed Director of Emergency medicine at Hadassah hospital in Jerusalem.
The infant mortality rate in Israel in 2011 was 3.5 deaths to 1000 live births – 2.8 for Jews and 3.7 for Arabs (lower than the figure for native British citizens). For comparison, the South African infant mortality rate is 34.6 deaths per 1000 live births. The infant mortality rate for the Arab minority in Israel ranks equal or better than the rate for the majority in Europe and the United States.

Comparing the infant mortality rates of Israel’s Arab minority with the minorities living in European countries also shows the unfairness of the apartheid allegation. Amnon Rubinstein, the former MK for the left wing Meretz party, published revealing statistics showing that “In rich and developed France, the infant mortality rates among Arabs (most of whom speak the language of the country, and some of whom are already second, third and fourth generation natives of France) are not only much higher than in Israel [but in addition] the gap between the minority and the majority [in France] is considerably larger than in ‘racist Israel’.”

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Value of owner-occupied apartments in Jewish and Arab communities 2000 – 2005

Mortality rate per 1000 people according to selected age groups and population groups

None of this has been achieved by accident. Israel’s 1948 Declaration of Independence committed the country to ‘complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex’ and pledged to ‘guarantee freedom of religion, conscience, language, education and culture.’ The Declaration also committed Israel to ‘safeguard the Holy Places of all religions’ and to be ‘faithful to the principles of the Charter of the United Nations.’

35 Benjamin Pogrund, ‘Apartheid Israel is a democracy in which Arabs vote’. Focus, December 2005.
In 1978, Israel’s Supreme Court reaffirmed that ‘the rule prohibiting discrimination between persons on grounds of race, sex, national group, community, country of origin, religion, beliefs or social standing is a fundamental constitutional principle, which is integrated and woven into our fundamental legal concepts and constitutes an integral part thereof.’

The effectiveness of the Israeli Courts in countering incidents of unfair discrimination when they do arise was demonstrated in August 2005 when the Israeli Arab human rights group Adalah filed a petition with the Tel Aviv District Court against the Municipality of Lod and the Ministry of Education (MoE), following its refusal to register an eight-year-old Arab child in a Jewish elementary school in Lod. The municipality and MoE argued it was better for the child to attend an Arab school. In response to a 4 September 2005 court order, the municipality registered the boy in the Jewish school. Nothing like this, of course, could have occurred in apartheid South Africa, where the law of the land did not merely permit racial discrimination but expressively mandated it.

Israel’s Arab citizens do not simply enjoy individual rights under the law. They also hold some collective rights as a national minority. Arabic is Israel’s second official language, though there is much to do before all government agencies are fully bi-lingual. The Abraham Fund is working with the government to ensure information leaflets about accessing welfare services are available in Arabic. There is a thriving Arabic mass media (a multilingual partially Arabic language news channel has just been established) as well as a vibrant Arabic literature and theatre scene.

An Arab member of the Knesset who goes all the way to the US and Canada to tell university students and professors that Israel is an apartheid state is not only a hypocrite and a liar, but is also causing huge damage to the interests of his own Arab voters and constituents. If Israel were an apartheid state, what is this Arab doing in the Knesset? Doesn’t apartheid mean that someone like this Knesset member would not, in the first place, even be permitted to run in an election? Fortunately, Arab citizens can go to the same beaches, restaurants and shopping malls as Jews in this ‘apartheid’ state. Moreover, they can run in any election and even have a minister in the government [Raleb Majadlah] for the first time. In this ‘apartheid’ state, the Arab community has a free media that many Palestinians in the West Bank and Gaza Strip envy. Ironically, an Arab newspaper in Nazareth or Haifa that is licensed by Israel enjoys more freedom than the media controlled by Hamas and Fatah, as well as most corrupt Arab dictatorships.

Khaled Abu Toameh, Israeli Arab journalist.

Ismail Khaldi, an Arab citizen of Israel and the nation’s first high-ranking Muslim in the Israeli Foreign Service.

Israeli society is far from perfect, but let us deal honestly. By any yardstick you choose – educational opportunity, economic development, women and gay rights, freedom of speech and assembly, legislative representation – Israel’s minorities fare far better than any other country in the Middle East.

Ismail Khaldi, Arab Muslim and Senior Israeli Diplomat.

In any election and even have a minister in the government [Raleb Majadlah] for the first time. In this ‘apartheid’ state, the Arab community has a free media that many Palestinians in the West Bank and Gaza Strip envy. Ironically, an Arab newspaper in Nazareth or Haifa that is licensed by Israel enjoys more freedom than the media controlled by Hamas and Fatah, as well as most corrupt Arab dictatorships.
The second reason it is a smear to compare the position of the Arab minority in Israel to the position of the black majority in apartheid South Africa is because the Israeli government is working hard to reduce the gaps between the minority and majority. The Israeli government has recognised the problem of social inequality and is pursuing a set of policies designed to produce greater equality and inclusion for its Arab citizens.

On the whole, the situation of the Arab minority inside Israel proper is much like that of many national minorities in Europe and elsewhere. They enjoy equality under the law, vote for parliament, are represented by very lively parties of their own, but in practice suffer discrimination in many areas. To call this apartheid would be grossly misleading.

Uri Avnery, Israeli peace activist famous for crossing the lines during the Siege of Beirut to meet Yasser Arafat on 3 July 1982, the first time the Palestinian leader ever met with an Israeli.

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**Average number of students per classroom in elementary and secondary schools in the Jewish, Arab and British education systems**


**Rate of participation by men in the work force in Israel and the USA (in 2012)**


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Personal status issues, including marriage, are dealt with by independent Jewish, Muslim, Druze, and Christian denominational courts. Arab students and Arab professors study, research, teach and – above all – argue and debate on all of Israel’s university campuses. At Haifa University – selected for a boycott by Britain’s Lecturers Union – some 20 per cent of the student body is Arab.
The Or Commission: a turning point

In 2000 the Israeli Cabinet set up a Commission headed by Justice Theodore Or to investigate the riots of 2000 when 12 Arab citizens of Israel, one Jewish citizen of Israel and one resident of the Gaza Strip were killed.

The Or Commission report recognised the alienation and discrimination experienced by Israel’s Arab minority. After 92 hearings, 377 witnesses and 4,289 exhibits, the report concluded that ending the structural inequality experienced by Israel’s Arab citizens was the ‘most sensitive and important domestic issue facing Israel today’ and recommended that the state must ‘initiate, develop, and operate programs emphasising budgets that will close gaps in education, housing, industrial development, employment, and services.’

While the Or Commission’s findings served as a reminder for many Israelis about the difficulties faced by their fellow Arab citizens, it is difficult to imagine the government of Saudi Arabia publishing a report critical of its treatment of women, Shiites or non-Muslims.

Robert Philpot, Director of Progress, the British left-of-centre think tank.

The truth is the Or Commission was a real turning point. Writing in 2012 at the radical +972 website Ron Gerlitz, the co-executive director of Sikkuy (an Arab-Jewish organisation working to advance equality), and Batya Kallus argued that as a result of a government drive from above and pressure from below by Arab civil society, ‘over the last ten years, the government has begun to initiate significant and innovative processes to close the gaps of inequality, advance economic development, and promote employment for the Arab population.’

There has been progress in closing economic gaps, opening up the civil service, equalising welfare, introducing Arabic into Jewish schools, and improving access to higher education.

Closing the economic gaps

In 2007, the Israeli government voted to establish the Authority for the Economic Development of the Arab, Druze and Circassian Sectors, led by Aiman Saif, to maximise the economic potential of these populations.

The Authority is now in charge of over NIS two billion (£345.2 million) investment to increase housing to the Arab citizens, empower Arab municipalities, advance the business sector, enhance employment, and advance human resource development. To give a few examples, Government Decision No. 1539 in March 2010 allocated NIS 778 million (£134.3 million) for a five year plan on Economic Development of 13 Arab towns; Decision No. 2861 in February 2011 allocated NIS 681 million (£117.5 million) for the development of the Druze sector; and Decision No. 3211 in May 2011 allocated NIS 350 million (£60.1 million) for the development of Bedouin communities in the north of the country.

Following the social justice protests of 2011, the government allocated a further NIS 750 million (£129.5 million) to enhance employment, with most of this budget going to ‘the removal of barriers preventing the Arab population from integrating into the workforce’, especially Arab women. The rest aims to enhance accessibility to employment centres by subsidising transportation and working with potential employers.

Aiman Saif, General Director of the Authority for the Economic Development of the Arab, Druze and Circassian Sectors, Presidential Conference/YouTube screen shot

Aiman Saif, general director of the Economic Development Authority for the Arab Sector describes the Or Commission report as ‘a roadmap, both for dealing with Arab issues and for improving relations between Arabs and Jews.’ From the
heart of the Prime Minister’s Office, Saif has guided the effort to implement the report’s recommendations using government money, not least by building 13 industrial parks in Arab communities. Saif says that the money allocated is not enough, but this is not a picture of an apartheid state.46

Ron Gerlitz applauds the government for running a number of programs to encourage Arab employment, including a process leading to the establishment of 22 employment guidance centres in Arab communities.

The government will spend close to NIS 8 billion (£1.38bn) over the next five years on the economic, social and educational development of the 200,000 strong Bedouin community of the Negev, with the aim of raising the community out of poverty.47

The Tel Aviv Stock Exchange (TASE) has introduced a programme to boost listings of Arab companies. Ester Levanon, Chief Executive of the TASE believes the exchange has a national responsibility to foster wealth creation within the country’s Arab communities. She said: ‘Listing Israeli-Arab companies is not only good for the TASE and the companies in question, it’s good for Israel too. If the economy is strong, and these companies can grow, then that contributes positively for everyone.’

Nazareth has emerged as ‘the Israeli-Arab Silicon Valley’ with high-tech jobs in the city rising from 30 in 2008 to over 400 in 2013. Nearly one-third are filled by women. One company, Amdocs, which provides billing and other services to telecommunication companies around the world has opened a centre in Nazareth that employs some 150 people and staff, one-third Jewish, one-third Muslim, and one-third Druze, Circassians and Arab Christians.48

**A changing civil service**

The government have set quotas to increase the representation of Arabs in the Civil Service. In 2007 the government set a target for 10 per cent of employees to be from the non-Jewish communities by 2012.49 In 2008 the Ministry of Justice announced that 30 per cent of all civil service vacancies in future would be set aside for Arabs, and it also introduced incentive packages so Arabs could relocate to Jerusalem.

In 2011 the National Civic Service Scheme was reformed to make it easier for Arabs to take part in community service as an alternative to IDF enlistment. There has been a 76 per cent rise in the number of the Arab citizens of Israel undertaking civilian national service, with the 2012 number standing at 3,000.50

In 2003, the representation of Arabs in government service was five per cent. Since then, there has been a steady increase, and by 2011 it had reached 7.8 per cent. The number of Arabs employed in government civil service rose in the same time period from 2,800 workers in 2003 to 5,000 in 2011 – an impressive increase of 78 per cent, especially in comparison to a 12 per cent increase in the number of Jewish workers during the same period. This represents a dramatic increase that is the result of focused policies to advance fair representation of Arabs in government service. (Contrary to the popular claim that the increase in Arab government employees is only the result of an increase in Druze employees.)

Ron Gerlitz, the co-executive director of Sikkuy, an Arab-Jewish organisation working to advance equality and Batya Kallus, writing for the radical website +972.

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Equalising welfare
Gerlitz and Kallus say the Ministry of Welfare is ‘systematically closing the gaps in the allocations of welfare budgets between Jewish and Arab communities, and is operating a variety of programs giving clear budgetary priority to funding of Arab municipalities.’ In 2013 the Ministry of Welfare also appointed a consultant to tackle welfare disparity between Jewish and Arab municipalities.

Gerlitz and Kallus also point out that ‘the Ministry of Housing and Construction is successfully marketing the development of new housing on state-owned land in Arab communities including Nazareth and Umm al-Fahm’ while ‘the Ministry of Transportation initiated a process to introduce public buses to Arab communities and has succeeded so far in Rahat, Kafr Qasim and other communities.’

A 2012 survey found that 62.3 per cent of Arab respondents have confidence in the police (25.1 per cent ‘a lot of confidence’ and 37.2 per cent ‘some confidence’) – a significant increase from the previous survey and slightly more, remarkably, than the percentage of Jews who expressed confidence.

More Arabic in Jewish schools
In 2010 the government introduced ‘Ya Salam’, an Arabic language requirement for fifth graders in 170 Jewish schools in northern Israel. Today, the ‘Ya Salam’ program is used in 100 schools throughout Israel in fifth and sixth grade. Most teachers in the program are Arab – trained in language instruction by The Abraham Fund Initiatives in cooperation with the Ministry of Education – and are integrated into Jewish school staff. Each year throughout the country, training workshops are held for Arabic teachers – for both elementary and high school – in order to create pedagogical continuity between the elementary and high school curricula. These workshops are organised by a partnership of The Abraham Fund Initiatives, The Ministry of Education, and local authorities. The scheme will be rolled out, an opportunity for Jewish primary school children to learn the Arabic language and culture from Arab teachers.

Improving policing
In response to the Or Commission report, in 2004 the Israeli police formally recognised the Abraham Fund as its official provider of educational activities on issues of democracy, civil rights and egalitarian service in a multicultural society – and instituted the organisation’s Community Police Initiative. This led to the creation of community police units, comprising of both Jewish and Arab personnel in over 100 Arab towns, in contrast to only three towns a decade earlier. Each of these units is comprised of both Jewish and Arab personnel, increasing the Arab representation in the Israeli police from one to 4.5 per cent.

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Greater access to higher education

In 2010, the Israeli Council of Higher Education signed a multi-year agreement with the Ministry of Finance, allocating NIS 305 million (£52.6 million) towards the development and implementation of a strategic, long-term approach to enhancing accessibility of higher education for the Arab community. This approach was formalised into a ‘Six-Year Plan to Enhance Accessibility of Higher Education for the Minority Population in Israel’. After being piloted the plan was rolled out nationally in 2013. The plan provides an overarching strategy to remove barriers and address weaknesses along the path to higher education for Arab citizens – from high school through advanced degrees and into employment. The Israeli government has announced a matched funding scheme for charitable donations from the private sector.

The Israeli government also launched its first-ever Scholarship Fund for first degree Arab students to run alongside the plan and address the economic needs of students. It includes a 1:1 matching scheme between the Council for Higher Education’s Planning and Budgeting Committee (PBC) and other governmental bodies on the one hand, foundations and philanthropists on the other. The UK-based Pears Foundation became the first partner with the Israeli government, pledging £100,000 over three years in May 2013. The chair of the Israeli Council of Higher Education, Manuel Trajtenberg, said ‘Acquiring an education is crucial to enabling social mobility. This is an important mission for Israel in general, and this is the best way to generate that change.’

For the past several years, we have been intensively analysing government policies toward Arab citizens and their struggle for equality. On the basis of empirical research and our in-depth acquaintance with the bureaucracy and government policies, we write – taking full responsibility for this statement – that this is not just a matter of forward movement in individual cases or only declarative statements. Rather, it indicates intent to advance policies that aim to close the gaps in the allocation of resources between Arabs citizens and Jews, and this intention has been agreed upon and implemented by significant components of the government’s bureaucracy at the most senior levels.

Ron Gerlitz is the co-executive director of Sikkuy, an Arab-Jewish organisation working to advance equality. Batya Kallus is the senior grants officer for the Moriah Fund in Israel, and a philanthropic advisor for foundations funding activities that promote equality and shared society in Israel, 2012.

Of course, Israel has a very long way to go before it can say its minorities are completely free of institutionalised discrimination as a national minority. Arab areas often face significant challenges in relation to infrastructure, housing, education, employment, access to municipal services and crime. Arabs are hugely underrepresented as heads of hospital departments, university professors and senior police. Only two per cent of the 174 senior staff members of state-funded institutions are Arab.

But of what European society is it not true to say that minorities suffer from disadvantage and discrimination? What matters is that Israel is addressing the problem and making positive steps forward.

64 ‘Arab populations in mixed cities’. IATF Briefing, 2 January 2012
premium-1.546618

Arab school children, Um-al-Fahm, 2011. EU Neighbourhood Information Centre/Flickr
The journalist Amira Hass argues that Israel is an apartheid state not because there is apartheid in Israel – indeed she admits there is not: ‘if one visits our hospitals one can find Arabs and Jews among doctors and patients’ – but because Israel shares apartheid South Africa’s racist philosophy of ‘separate development’.67 The data surveyed in this section has shown that this claim is not true. Israel’s response to a poor and marginalised Arab sector is not to repress it so it is not able to threaten the regime, but to bring it out of poverty so it can play a full and equal part of society as a minority sector in a democratic state.

Yes, it could do better. No, it is not a case of apartheid.

In fact, the Apartheid Smear damages all these efforts to close the gaps between minority and majority in Israel. Why? Because it demoralises Arab youth and is an obstacle to them ‘aiming higher’. This is one of the most pernicious consequences of the smear. As Gerlitz and Kallus point out ‘Arab youth, who absorb the message that the totality of the government of Israel in relation to Arab society is aimed at harming Arab citizens, will not make an effort to apply for positions in government service or in high tech companies.’ It is a ‘dangerous claim which weakens Arab society and … harms the struggle for equality.’68

Jewish-Arab Hadash party demonstration. ‘Jews and Arabs refuse to be enemies.’ Yossi Gurvitz/Flickr

WHAT ABOUT THE ANTI-ARAB RACISM IN ISRAELI SOCIETY?

Every country in the EU, including Britain, struggles to tackle racism, including ‘institutionalised racism,’ against its minorities; a fact graphically described by the reports submitted with the European Commission against Racism and Intolerance (ECRI).69 But no one argues that this makes those countries ‘apartheid states’. So why claim it makes Israel an apartheid state? Why the double standards?

Dr. Mohammed Wattad, Israeli Arab Legal Scholar.

Is there discrimination in Israel? Yes – there is discrimination against women, elderly, Arabs, Russian Jews, Christians … But the same goes for Canada. Is it good – No? But it means we have to deal with the problem from within … The existence of discrimination in a state does not mean it is an apartheid state … There is a big difference between apartheid and discrimination.70

Dr. Mohammed Wattad, Israeli Arab Legal Scholar.

Yes, there have indeed been examples of discriminatory legislation being proposed by certain MKs. However, Adam Hug of the UK Foreign Policy Centre points out that ‘when analysing the worrying legislative environment facing Israeli Arab community, it is worth exercising a note of caution.’ Few bills, he points out, even in watered down form, become law. ‘The majority of these pieces of legislation are private members bills without Government backing. In the UK House of Commons, MPs enter a ballot system out of which seven out of 650 get a brief amount of parliamentary time. While this may be too few to give backbench members any real power and should be reformed, it provides a useful counterpart to the legislative hyperactivity that afflicts the Knesset, with each member able to submit multiple bills per session. Perhaps, as with Israel’s proportional representation system, some problems the country faces stem not from its democratic deficiencies but from its excesses.’71

Yes, small numbers of extremists have made headlines by burning and desecrating mosques and other places of worship, and engaging in street violence towards Arabs. But at the base of Israeli society, the picture is very different. An opinion survey conducted by Nohad Ali and Shai Inbar for Sikkuy found that 74 per cent of Israeli Jews acknowledge that Arab Citizens suffer discrimination; 60 per cent of Jews believe that promoting equality is in the interest of the country, and 53 per cent of Jews are disturbed by levels of inequality.\textsuperscript{72} The mass Israeli social protest movement of 2011 co-ordinated with Arab community leaders to raise the demand for state recognition of unrecognised villages throughout the country, especially the Bedouin communities in the Negev.\textsuperscript{73}

Racism is not widespread in Israeli society and nor is it institutionalised. Israel has been a signatory of the International Convention on the Elimination of All Forms of Racial Discrimination treaty since 1966. In 1988, the Central Election Commission banned the anti-Arab ‘Kach’ party.\textsuperscript{74} In 2013, an Arab party produced an election advert that mocked the Israeli national anthem – the Hatikvah – and the Central Election Commission banned it. The Supreme Court reversed this decision, and upheld the right to attack the Hatikvah.\textsuperscript{75}

More needs to be done. The Israeli police force and attorney general have come under criticism in the past few years for not successfully prosecuting perpetrators of price tag attacks within Israel.\textsuperscript{76} Many Israelis protested when there were no prosecutions following the investigation into some Rabbis who encouraged Jews not to rent property to non-Jews. The Israeli Prime Minister – how different this is from apartheid-era politicians in South Africa! – quoted the Bible on love for the stranger and one law for all. ‘How would we respond if it were said not to sell an apartment to Jews? We would be infuriated’ he said, adding, ‘These things should not be said in a Jewish and democratic state that respects the morality and the tradition of Israel and the Bible. The State of Israel, therefore, categorically rejects these statements [by the Rabbis].’\textsuperscript{77}

Israel’s anti-discrimination law, officially titled ‘The Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law’ (passed in 2000), was assessed by the UN International Convention on the Elimination of all Forms of Racial Discrimination in 2005. The report stated that – particularly in the media – human rights awareness is high and that, ‘The language of rights has permeated the daily life of Israel.’\textsuperscript{78}

The majority of Jews believe equality is in the interest of the country.


\textsuperscript{73} Greene, Johnson and Leshem, op cit.


Israeli Government Anti-Discrimination Campaign 2014
In January 2014 Israel’s Ministry of Justice launched a high-profile media campaign emphasising the illegality of discrimination. The television campaign shows the viewer everyday situations tainted with discrimination. One advert shows a group of young boys playing basketball, but the Russian boys are not allowed to play. In another, an Arab mother and her daughter take the bus, but other passengers do not move up for them. In the latter clip the narrator says: ‘Yesterday someone didn’t make room for me. Today they won’t allow me to rent a house. Discrimination is against the law – let’s fight it together.’

On 2 June 2012, in response to so-called ‘price-tag’ attacks, Benjamin Netanyahu, Israeli Prime Minister, said ‘I strongly condemn recent phenomena of racism against the Arab citizens of Israel and hooliganism against Palestinians, which were without any provocation or justification whatsoever. We strongly reject these phenomena and will act with all legal means at our disposal to stop them.’ And when Khaled Shakra, a teacher at the Ajial school in Jaffa, was unable to book an end of year visit to the Superland amusement park on certain days due to the park reserving certain days solely for Jewish students, Israel’s Education Minister, Rabbi Shay Piron MK released a statement saying ‘I am shocked by phenomena like this that have no place in Israeli society. I see Jews and Arabs living together as one of the basic values on which the Declaration of Independence is based. The values of equality, partnership and tolerance are at the heart of Education Ministry policy.’

I have no other home than the State of Israel. I am a proud Israeli citizen but that doesn’t mean I can’t criticise it … At the same time I am a proud Arab national. Whenever something wrong happens to the Arab world, I feel it. These are not contradictory things.

Dr. Mohammed Wattad Israeli Arab Legal Scholar, 2010.

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Dr. Mohammed Wattad Israeli Arab Legal Scholar, 2010.
PART 2: WHY ZIONISM IS NOT RACISM

The Apartheid Smear says that Zionism is a form of racism. It isn’t.

WHAT IS ZIONISM?

Zionism is the national liberation movement of the Jewish people, calling for the restoration of sovereign Jewish life in the land of Israel after 2000 years of exile and persecution. Zionism emerged as part of the growth of national movements in the last quarter of the 19th century. Jews aspired to establish an independent and sovereign homeland in the land of their ancestors. The land of Israel has always been integral to Jewish religious, cultural and national life. Zionist leaders, most notably the Hungarian-born Theodor Herzl, hoped that a Jewish state would end centuries of anti-Jewish persecution in Europe and allow for the renewal of Jewish culture, language and traditions.

The persecution of Jews was a constant of European life in the medieval period. Many Jews hoped the onset of modernity, which led to emancipation for Jews in many countries, would bring about an end to anti-Jewish prejudice and discrimination in Europe. However, in the modern period, antisemitism did not disappear. It only took on new forms, such as the belief that Jews were racially inferior, or involved in a global conspiracy. Jews in Europe were subject to waves of pogroms and persecution in the late 19th and early 20th centuries, culminating in the Holocaust when six million Jews were murdered by the Nazis.

The differences between the two cases [Apartheid and Zionism] are obvious. First, the South African regime was based, as with their Nazi mentors, on the theory of racial superiority. Racism was its official creed. The Zionist ideology of Israel is not racist, in this sense, but rather based on a mixture of nationalism and religion, though the early Zionists were mostly atheists. The founders of Zionism always rejected accusations of racism as absurd. It’s the anti-Semites who are racist. Zionists were liberal, socialist, progressive.

Uri Avnery, Israeli peace activist, famous for meeting Yassir Arafat in Beirut on 3 July 1982, the first time the Palestinian leader ever met with an Israeli.

The establishment of the State of Israel in 1948 marked the realisation of Zionism’s central political goal of attaining an internationally recognised, legally secured home for the Jewish people, where Jews would be free from persecution and able to develop their national identity. Most Jews around the world consider themselves supporters of Zionism, in that they support the existence and development of Israel as the state and homeland for the Jewish people.

To describe Zionism as ‘racist’ is to discriminate against the Jewish people by denying their right – and only their right, note – to national self-determination. Nationhood is a matter of self-definition, not external accreditation: the Jews see themselves as a people, with national rights. Whether others see them as only a religion is irrelevant. (Equally, those Israelis who say the Palestinians are not a people are wrong. Period.)

For the Jewish people, the journey to the promise of the state of Israel wound through countless generations. It involves centuries of suffering and exile, prejudice and pogroms and even genocide. Through it all, the Jewish people sustained their unique identity and traditions, as well as a longing to return home. And while Jews achieved extraordinary success in many parts of the world, the dream of true freedom finally found its full expression in the Zionist idea, to be a free people in your homeland … Palestinians must recognise that Israel will be a Jewish state and that Israelis have the right to insist upon their security.

President Barack Obama, March, 2013

Many of the Jews who moved to Palestine prior to the establishment of the State of Israel came as refugees fleeing persecution in various parts of Europe. They did not seek to subjugate the local population, but hoped that the lives of all the residents of the area would be improved by the influx of Jewish immigrants. Jews did not enter Palestine by force, but purchased land and built many new communities.
Mainstream Zionists always believed that a non-Jewish minority would live alongside the Jewish people as citizens with full and equal rights. This principle was enshrined in Israel’s Declaration of Independence in 1948, which promised Arab inhabitants of the State of Israel ‘full and equal citizenship and due representation in all its provisional and permanent institutions.’

The right of the Jewish people to create a national home in Palestine was recognised by the British in the 1917 Balfour Declaration, and then approved by the League of Nations (the forerunner of the United Nations) in 1922, with a ringing endorsement of ‘the historical connection of the Jewish people with Palestine’ and of the grounds for ‘reconstituting their national home in that country’.

In 1947, the General Assembly of the United Nations passed Resolution 181 which approved the partition of Mandate Palestine into ‘Independent Arab and Jewish States.’ The Jewish leadership in Palestine accepted the UN plan, even though the borders for the Jewish state were drawn with no consideration for its security, were virtually indefensible, and included a lot of desert. The UN partition resolution used the expression ‘Jewish state’ no fewer than 27 times.

The Partition Plan also gave the Arab community of Palestine a state and the opportunity for self-determination. Tragically, Palestinian leaders and the wider Arab world decided to reject the UN proposal and instead wage (and lose) a war against the infant Jewish state created by the UN. In 1949 a two-thirds majority at the United Nations accepted Israel as a full member.

Nearly all Israeli families are descended from refugees from antisemitism in Europe, Russia and the Middle East. They did not go to Israel in order to fight with Arabs or to get rich by oppressing Arabs. (…) ‘Zionism’ was a response to European antisemitism, a utopian movement, a social-democratic experiment.

Dr David Hirsh, Goldsmiths College, University of London

WHAT HAPPENED IN 1948?

First, after the British left in 1948, and the Jewish community declared the establishment of Israel in line with the UN partition resolution, five Arab armies immediately invaded, intending to crush the Jewish state at birth and ‘drive the Jews into the sea.’ The Jews of Palestine were forced to fight back and wage a defensive war for their survival, a mere three years after the Holocaust.

The Palestinian leader Haj Amin al-Husseni had spent the war years in close alliance with Hitler’s Nazis. In 1948 the Arab armies stated war aims were either extermination or ethnic cleansing; they openly proclaimed this and carried it out when they won battlefield victories.

Second, during that war, there was no deliberate, coordinated Israeli policy to expel the Arabs of Palestine. The historian Benny Morris, in his detailed and highly praised book 1948, concludes that ‘The Palestinian refugee problem was born of war, not by design, Jewish or Arab’. He goes on: ‘It was largely a by-product of Arab and Jewish fears and of the protracted, bitter fighting that characterised the first Israeli-Arab war, in smaller part, it was the result of actions by Arab military commanders and politicians.’

Morris points out that the ‘Mainstream (Haganah-Jewish Agency) Zionist policy, until the end of March 1948 – meaning during the first four months of the war – was to protect the Arab minority in the Jewish areas and to try to maintain peaceful coexistence.’ However, Haganah intentions had to change in April, ‘when the Yishuv was with its back to the wall, losing the battle for the roads and facing potentially politicidal and genocidal pan-Arab invasion.’ Jews had fled every area that came under Arab control including Gush Etzion and the Old City of Jerusalem.

Morris has noted how it was touch and go whether this Arab attack would be repelled. ‘After reviewing in detail the balance of forces between the Arab states and the Yishuv, [chief of operations of the Jews forces, Yigael] Yadin concluded cautiously that “at the minute, I would say that the chances are very even [hashansim shkulim]. But to be more candid, I would say that they have a big advantage, if all this force is deployed against us.”’ [Israel’s Prime Minister David] Ben-Gurion was more optimistic “We can withstand [an invasion] and defeat it, [but] not without serious losses and shocks.”

There were atrocities on both sides of the war. The atrocity committed by Jewish forces at Deir Yassin was followed a few days later by the massacre of 78 Jewish academics, doctors and nurses travelling to Mt. Scopus carried out by Arabs. A few weeks after that, a day before Israel declared independence, 127 Jewish men and women were massacred in Kfar Etzion after surrendering and laying down their arms.

Third, the Palestinian refugee crisis was created as a result of the Arab war to exterminate Israel. As that war of annihilation raged, the factors that caused Arabs to leave were many and complex – including the mass exodus of Arab elites in late 1947 before the Zionist forces had any real battlefield victories. Whilst in some cases individual Jewish commanders told Arabs to leave, in the chaos of the moment, many left out of fear spread by rumour and exaggerated reports of Israeli atrocities, fuelled by a massacre of 107 villagers in April 1948 at Deir Yassin.

The lack of a wholesale plan of expulsion is evidenced by examples whereby local Jews encouraged their Arab neighbours to stay, for example in Haifa. In the midst of the conflict, Israel’s Declaration of Independence offered full citizenship and equal rights to all Arabs living within Israel.

Fourth, in 1949 the United Nations registered 726,000 Palestinian refugees as a result of the 1948 war. After the war, the 150,000 Arabs that remained within the borders of Israel were awarded full citizenship. Arab
members were elected to the first Israeli Knesset in 1949. Tensions remained high throughout the 1950s. Terrorists or ‘fedayeen’ from neighbouring Arab countries regularly crossed into Israel to murder civilians at weddings, synagogues, on buses, trains, and in homes. A massacre of 48 people took place in the village of Kafr Qasim on 29 October 1956 by Israeli Border Police.89

Fifth, because there was no peace agreement between Israel and the Arab world, Palestinian refugees remained in UN-administered refugee camps, principally in the Jordanian-controlled West Bank, Egyptian-controlled Gaza, Lebanon, Syria and Jordan. The bulk of the territory that was meant to become the Palestinian state according to the 1947 UN partition plan was captured by Jordan and Egypt, but these states made no attempt to create an independent Palestinian Arab state.

The War of Independence ended in 1949 with an armistice agreement but neither a peace treaty with, nor recognition from the surrounding Arab states. Fearing an armed uprising, the Arabs who remained in Israel were granted citizenship but were subject to military rule in the early years of the state. The policy was ended in 1966.

Sixth, Israel, by contrast, absorbed hundreds of thousands of Jewish refugees from Arab countries. In 1947 and 1948, the Jews of Algeria, Egypt, Iraq, Libya, Morocco, Syria, and Yemen (Aden) were persecuted, their property and belongings were confiscated, and they were subjected to severe anti-Jewish riots instigated by Arab governments. Zionism was made a capital crime in Iraq and anti-Jewish pogroms erupted in Aleppo in Syria. Bombs were set off in the Jewish quarter of Egypt, killing dozens. Algeria saw anti-Jewish decrees and Yemen witnessed terrible pogroms and the death of nearly 100 Jews. 856,000 Jews fled Arab countries in four years after Israel was created in 1948. The value of assets lost by the Jewish refugees is estimated at $700 million – roughly $6.7 billion (£4bn) today. While over 100 UN resolutions have been passed about the Palestinian refugees, not one has specifically addressed the Jewish refugees.

Seventh, Israel absorbed every refugee who sought entry, so almost half of Israel’s population today descends from the Jewish refugees of the Arab world. But in most cases, the Arab leaders made no effort to absorb Palestinian refugees or grant them civil rights. As a result, many of the Palestinian refugees and their descendants still live in poverty, dependent on international aid.

Eighth, a peace deal will have to define a solution. The Palestinians claim the right of the descendents of refugees from the 1948 war to return to the homes of their parents, grandparents or even great grandparents. Israel does not believe it is responsible for resettling the refugees and their descendents, believing their plight to be the responsibility of the Arab states that rejected the 1947 Partition Plan, started a war, and then refused to resettle the refugees created by that war in their own territory.

In previous negotiations with the Palestinians, Israel has been willing to contribute to an international compensation fund for Palestinian refugees, and absorb a number into Israel, but believes the final agreement must preserve the principle of ‘two states for two peoples’.

Something that is often not recognised is that the right of the majority to have its identity reflected in the public square, in the public culture of the state, is as much an expression of democratic principles as the need to preserve minority rights.

Dr. Tal Becker, an international fellow at the Washington Institute for Near East Policy, and a lead Israeli negotiator during the Annapolis talks in 2008.

DIDN’T THE ZIONIST LEADERS HAVE A PLAN – ‘PLAN D’ – TO EXPEL THE PALESTINIANS?

‘Plan D’, or Tochnit Dalet in Hebrew, was not a plan to expel the Arabs. Dalet is simply the fourth letter of the Hebrew alphabet and Plan D was nothing more than the fourth version of the Haganah’s evolving plan to defend the infant Jewish state. The historian Benny Morris concluded from his intensive study of the archives that “Tochnit Dalet [Plan D] was not a political blueprint for the expulsion of Palestine’s Arabs.” He went on: ‘There was no Zionist “plan” or blanket policy of evicting the Arab population, or of “ethnic cleansing”’.90

The Arab population of Israel was 150,000 in 1948. In 2013, according to the Central Bureau of Statistics, ‘the Arab population numbers approximately 1.6 million residents’.91

89 Shirley Racah and Abed Kannaneh, ‘48 human beings were massacred – and we have forgotten them’. 972, 3 November 2013. http://972mag.com/48-human-beings-were-massacred-and-we-have-forgotten-them/81313/
Israeli President Zalman Shazar speaks with Sheikh Amin Tarif at Beit Hanassi in Jerusalem during a reception for meetings of the Druze community on the occasion of the Feast Eid al-Adha, 4 April 1968. Cohen Fritz, GPO
PART 3: WHY BEING A ‘JEWSH STATE’ DOES NOT MAKE ISRAEL AN APARTHEID STATE

ISRAEL CALLS ITSELF A ‘JEWSH STATE.’ DOESN’T THAT MEAN IT DISCRIMINATES AGAINST NON-JEWS?

The term ‘Jewish state’ does not mean that Israel is a theocracy (rule by clerics) or a state exclusively for Jews. Israel is a democracy (rule by the people), governed by the rule of law as drafted by an elected parliament, the Knesset. All faiths vote and enjoy freedom of worship.

‘Jewish state’ just means that Israel is the national homeland for the Jewish people with citizenship, civic equality and minority rights for its non-Jews. Tal Becker, the Israeli lawyer and peace-negotiator under the Annapolis process in 2007-8, puts it most clearly: ‘When we say Israel is a Jewish state, we mean that it is the national home of the Jewish people, where the Jewish people realise their right to self-determination. The Jewish people realising their right to self-determination is not a principle that is contrary to democracy. It is a universal legal principle.’

Israel’s so-called ‘Basic Laws’ – its quasi-constitution – are interpreted by the independent judiciary, which has shown itself willing to challenge discrimination against Israel’s minorities on many occasions. Racial and other forms of discrimination are prohibited by Israeli law.

Yes, Israel is a state with a national character; it is the national home of the Jewish people. But as Tal Becker points out, ‘Many states around the world are both national homelands for a majority ethnic or racial group and democracies.’

The Declaration of Independence explicitly provides for the protection of minorities: ‘[Israel] will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture.’

He goes further: ‘most democracies are nation states in this way. These states realise and express the rights of the ethnic majority to self-determination, but they are still democracies because of their systems of government and because the rights of the minority are protected in terms of equality before the law, and so on.’ To take just one European example, Slovenia, a member of the European Union, states in its constitution that ‘Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovenian nation to self-determination.’

Being a ‘Jewish state’ means being a state in which Jewish traditions, language and customs are given full expression. Thus, Jewish holidays are observed by the organs of the state, Hebrew is the national language, traditional Jewish

92 Tal Becker, ‘The idea of a Jewish state is itself democratic: an interview with Tal Becker‘, BICOM, 6 November 2013 http://www.bicom.org.uk/analysis-article/8082/
The Palestinian Islamist party Hamas, in its founding Charter, describes Palestine as 'an Islamic Waqf (Endowment) consecrated for future Muslim generations until Judgment Day.' The Hamas Charter opens with this statement: 'Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it.'

Denying Israel’s right to define itself as a 'Jewish state' with rights for minorities, while allowing other countries to define themselves in religious and/or ethnic terms, without rights for minorities, is a double-standard.

There are plenty of states whose national identity has an ethnic dimension. It seems to me that most states emerging from colonial domination or imperial rule have based themselves on the right of their particular nation to self-determination. In all such cases there are urgent questions concerning the treatment of people inside the territories of these newly emerging states, who are not deemed to belong to the ruling nation in question.’

Professor Robert Fine, University of Warwick

ISRAELI JEWS WISH TO PRESERVE A ‘JEWISH MAJORITY’ IN ISRAEL. ISN’T THAT A FORM OF RACISM TOWARDS NON-JEWS?

It is not unusual that one community is the majority within a nation and seek to maintain that status. In fact, this is true in nearly every country in the world.

Moreover, societies usually reflect the cultural identity of the majority. India and Pakistan were established at the same time as Israel, but no one believes these nations are illegitimate because one is predominantly Hindu and the other Muslim, or because the laws and customs of each country – from the role of Islam in Pakistan to the treatment of cows as sacred in India – reflect those majorities.

Something that is often not recognised is that the right of the majority to have its identity reflected in the public square, in the public culture of the state, is as much an expression of democratic principles as the need to preserve minority rights. This is true in Israel no less than any other state that has ethnic minorities, be it Britain, Germany, Italy, France or any other country.

Dr Tal Becker

THE ‘LAW OF RETURN’ GRANTS A JEW FROM ANYWHERE IN THE WORLD AN AUTOMATIC RIGHT TO BECOME AN ISRAELI CITIZEN. THIS RIGHT IS NOT ENJOYED BY NON-JEWS. ISN’T THAT APARTHEID?

Many states define their immigration policies based on their own specific context, history and ethnic or national character. In every generation throughout its history, the Jewish people have suffered persecution and expulsion. This situation culminated in the Holocaust, a genocide from which the Jews of Europe found no place of refuge. One of the primary goals of the Zionist movement was to create one state in the world, which would be a national home for the Jewish people, and a refuge which would, by definition, be open to Jewish immigration.

When the State of Israel was founded in 1948, one of its most urgent challenges was to absorb hundreds of thousands of stateless Jewish refugees who had been forced from their homes and lost everything in the Holocaust. At the same time it had to absorb over 850,000 Jews who fled rising persecution or were expelled from Arab and Muslim lands after the 1948 War of Independence.

Israel duly passed a law – The Law of Return – which granted the right of citizenship to any Jew who wished to live in Israel. Whilst the traditional religious definition of a Jew is someone who has a Jewish mother, the law of return takes a broader definition. In Nazi Germany, individuals were murdered as Jews if they had even one Jewish grandparent, and that is why the State of Israel defines a Jew for the purposes of the right of return as anyone with one Jewish grandparent. The principle is that anyone who could be persecuted for being Jewish ought to have the right of refuge. This policy has facilitated the immigration of diverse ethnic groups, not just white Europeans. Mass immigration from Asian and African countries, including Yemen, Iraq, Libya, India and Ethiopia, testifies to the non-racial character of the Law of Return. Israeli law does not distinguish between Israeli citizens on the basis of the origin of their citizenship; ‘returning’ Jewish citizens enjoy no preferences over existing non-Jewish citizens.

The facilitation of Jewish immigration was, of course, the principal purpose of setting up a Jewish state as prescribed by UN Resolution 181 in 1947. The Law of Return is therefore not only fully compliant with international law but fulfils the expressed wish of the international community.

The German constitution offers automatic citizenship to refugees and displaced persons of German ethnic origin from the former Soviet Union and Eastern Europe – individuals who for many generations had no geographic or civic relationship with the state. Greece’s citizenship law confers special advantages on ethnic Greeks, including dispensing with the residency requirement for naturalisation purposes. Finland repatriates ethnic Finns from the former Soviet Union. In Poland, anyone whose Polish origin is confirmed in accordance with its constitution may settle permanently in that country. The Irish nationality law empowers the Ministry of Justice to grant an exemption from naturalisation prerequisites when the applicant is of ‘Irish descent or Irish associations.’

Professor Gil Troy and Martin J. Raffel, authors of Israel: Jewish and Democratic.

International law recognises the legitimacy of taking history into account when designing law in this area. The International Convention on the Elimination of All Forms of Racial Discrimination (1965) legally mandates the establishment of ‘special measures’ for the ‘advancement of certain racial or ethnic groups’ for protecting the ‘equal enjoyment or exercise of human rights and fundamental freedoms.’ As noted by the UN Committee for the ICERD, this provision is intended to remedy ‘inequalities resulting from the circumstances of history that continue to deny to vulnerable groups and individuals the advantages essential for the full development of the human personality’ and to ‘prevent further imbalances from arising.’

The sad truth – which a cursory look at the daily papers will confirm – is that antisemitism has not gone away, and that is why there is still a need for the Law of Return.

IS THE ABSENTEE PROPERTY LAW A CASE OF ISRAELI APARTHEID?

After Arab nations and local Palestinians leaders rejected the United Nations Partition Plan of 1947, the resulting war of independence of 1948-9 saw Israel lose 6000 people, fully one per cent of its population. Under these conditions of bitter fighting in a war of survival, many Arabs fled, or were forced to leave their homes, creating much uninhabited land and property. Israel passed The Absentee Property Law (1950) to transfer ownership of this land and property for administration and use by the state.

The objective of the law was that a ‘Custodian of Absentee Property’ administer the land of those Arabs who had fled, most of them to Arab States, and were thus residents of enemy states. Such administration by the Custodian was, among other things, intended to prevent unlawful occupation of the abandoned houses and property.

Other states have enacted similar laws. For example, Jordan had a Custodian of Absentee Property to manage and sell the property of Jews evicted from Gush Etzion, Jerusalem, Neve Yaakov and other places captured by Jordan during the Arab-Israel war of 1948.95 Indeed, laws have been enacted after wars all over the world, for example in India, where Pakistani land gained in the 1965 war was transferred to the state.96

In Israel’s case, the 1950 law was passed to deal with large areas of uninhabited land in a small, newly established country struggling to integrate a massive influx of immigrants. The law includes provisions for compensation for those who fled – by 1993, over £1.5m had been paid by Israel to over 14,000 Arabs (Israel Lands Administration Report for 1993). It is envisaged by the Israeli Government that those Arabs who fled in 1948, and their heirs, who have not yet received compensation for property they abandoned, will receive compensation in the framework of a peaceful settlement of the Middle East dispute.

Historical Context

It is important to remember the context in which this law was enacted. After Israel’s establishment, its Arab neighbours refused to recognise Israel or to make peace. In this state of cold hostility between the infant Jewish state and its neighbours, with legitimate fears of encirclement prevalent, Israel felt it could not allow those who had fled during the war of independence to return.

There were three refugee crises, not one. As well as Palestinian Arabs who were displaced by the war, Israel had to provide homes for hundreds of thousands of refugees who had survived the Holocaust in Europe, as well as absorbing hundreds of thousands of Jews who were persecuted or forced out of Arab countries including Yemen, Iraq, Egypt, Morocco and Libya, where they were generally stripped of their property and citizenship with no hope of restitution. In the decade or so following the 1948 war more than 800,000 Jews from Arab lands were absorbed by Israel. Despite its meagre resources and small size, Israel absorbed all these refugees as citizens of the new Jewish state. It had to use every available resource to manage this, including abandoned Arab property.

By contrast, aside from Jordan, the Arab states that had initiated the 1948 war did not attempt to absorb Palestinian Arab refugees, and left them in refugee camps without rights.

Contemporary debates

The Absentee Property Law is the subject of legal controversy within Israel today. In 2005, then Attorney-General Menachem Mazuz held that the Israeli authorities could not take ownership of unoccupied Arab land in East Jerusalem,97 and that the use of the law to seize land was illegal.98 Recent attempts to apply the law in East Jerusalem have prompted legal debate and scrutiny, which is ongoing.99

96 http://mha.nic.in/pdfs/ceP-mumbai-0212.pdf
IS IT TRUE THAT SOME ISRAELI TOWNS HAVE ‘ADMISSIONS COMMITTEES’ TO STOP NON-JEWS MOVING IN?

Israeli law explicitly prohibits discrimination based on race, religious or nationality. This applies also to the sale of public land.

There are some small rural communities in Israel, built on public land, which may number a few dozen or a few hundred families, who have admissions committees to vet individuals who want to join those communities. For example, a small community made of families that observe the Jewish Sabbath might decide that a non-religious family that wanted to play loud music on the Sabbath would not be suitable to join. These small communities represent a tiny proportion of the Israeli population, most of whom live in cities.

A test case heard by the Israeli Supreme Court in 2007 determined that admissions committees cannot have a membership selection process that discriminates against Arabs. In the Ka’adan v Israeli Land Authority case, the Supreme Court ruled that the Arab Ka’adan family had the right to move into Katzir, a Jewish Agency cooperative settlement, given the democratic character of the Israeli state. ‘The principle of equality,’ the Supreme Court ruled, ‘establishes that the state may not discriminate among individuals when deciding on the allocation of state lands to them … We have held that the State may not discriminate directly on the basis of religion or nationality in allocating state land.’

In 2011, the Knesset passed a law legalising the use of admission committees in rural villages built on public land in the Negev and Galilee, of less than 400 families in size.

The law’s explanatory notes state that its purpose is to protect the unique character of rural villages and to maintain social cohesion. This law has been criticised by some Israeli civil rights groups for potentially creating legal cover for the use of admissions committees to discriminate against Arabs. Israeli civil rights groups have submitted to the Israeli High Court to dismiss the law as unconstitutional. After hearing arguments in December 2012, Supreme Court President Asher Grunis noted that the law forbade discrimination, and proposed that they wait to see if there is an actual case of the 2011 law being used to discriminate against Arabs before intervening.

THE 2003 CITIZENSHIP AND ENTRY LAW BLOCKS THE MARRIAGE PARTNERS OF ISRAELIS FROM LIVING IN ISRAEL IF THEY ARE RESIDENTS OF THE WEST BANK OR GAZA STRIP. ISN’T THAT APARTHEID?

The Citizenship and Entry Law was passed on 31 July 2003 and renewed in 2008 and 2012. It temporarily places limits on granting Israeli citizenship to residents of the Palestinian Authority. The law also applies to citizens of nations who refuse diplomatic relations with Israel including Iran, Iraq, Syria and Lebanon. (Automatic citizenship was granted to spouses until 2003. Few other countries do that. For example, one can’t become a UK citizen by marrying a Brit.)

The Citizenship and Entry Law was not enacted for discriminatory purposes. It was passed after huge debate because of terrorism; specifically, persons ‘who were granted legal status in Israel based on their marriage to an Israeli citizen, and took advantage of their Israeli ID to pass checkpoints and carry into Israel either suicide bombers or explosives’.

It was adopted as an emergency security measure adopted following a wave of attacks in 2002 that killed 75 Israeli civilians (and injured many more) in a single month.

Yuval Diskin, former Head of the Shin Bet (Israel’s internal security service) speaking in 2005, said that Palestinians with reunification residency were involved in 16 suicide bomb attacks. For example, on 31 March 2002, Shadi Tubasi, who was recruited by Hamas in Jenin, blew herself

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100 Reports submitted by states parties under Article 9 of the convention. Thirteenth periodic reports of States parties due in 2004. Addendum. Israel.
up at the Matza restaurant in Haifa killing 15 Israelis. Tubasi was granted Israeli citizenship as her mother is from the Nazareth region. 103

Again, these are the consequences of the absence of a peace agreement. When a state of war exists between two countries, it goes without saying that the citizens of one will rarely be permitted as a matter of course to immigrate to the other. It would have been absurd, for example, to demand of Britain that it allow German or Japanese citizens to immigrate there during World War Two, and to accuse it of racism for not agreeing to do so.

There have been exceptions made to the Citizenship and Entry law for humanitarian reasons, and it does not apply to those under the age of 14, or to women over the age of 25 or men over the age of 35. 104 Temporary residence permits may also be granted, while decisions based on the law can be appealed to the Israeli Supreme Court.

There was a fierce debate in Israel about the Citizenship and Entry Law and it was opposed by several Israeli NGOs. 105 It has also been argued over by Israel’s most senior jurists, and minority opinions have been published. 106

The Citizenship and Entry Law is a case of a democracy wrestling with the excruciating dilemma of striking the correct balance between terror and rights. Whether or not you think Israel has struck the right balance in this case, it is plainly not comparable to the racist discrimination that defines apartheid.

**IS ISRAEL’S LAND ONLY SOLD TO JEWS?**

No. Some 93 per cent of Israel’s land cannot be sold to anyone – Arab or Jew. 107 80 per cent of this land is state-owned and leased long-term to Israeli citizens by the state through an organisation called the Israeli Land Authority (ILA). The ILA leases land to both Arabs and Jews with no discrimination. A further 13 per cent of this land is owned by an organisation called the Jewish National Fund (JNF). This is a not-for-profit organisation that has existed since 1901 (47 years before Israel was established) in order to facilitate and help Jews from around the world (often fleeing persecution) move to the land of Israel. It bought land legally, and then developed it and began leasing it to Jews.

Only seven per cent of Israel’s land is privately traded as a commodity (as in other countries), and sold to whoever offers the best deal.

When the state was established in 1948, JNF owned land came under the administration of the Israeli Land Authority, along with state lands. As an explicitly Zionist organisation that purchased land for the purpose of Jewish settlement, the JNF wanted its land to be leased to Jews.

However, the Israeli Attorney General in 2005 declared that, because JNF land is administered by the ILA, not leasing it to Arab citizens violated Israel’s non-discrimination laws and so JNF land should also be leased to Arabs. 108 A solution was created whereby JNF land should be leased to Arabs on a non-discriminatory basis, and the ILA compensates the JNF with equivalent ‘land swaps’, whereby the same area of state-owned land is transferred to JNF ownership. 109

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103 ibid.
104 Adalah v. Minister of Interior (HCJ 7052/03) http://elyon1.court.gov.il/files_eng/03/520/070/a47/03070520.a47.pdf (ibid Adalah vs Min of Interior)
106 http://elyon1.court.gov.il/files_eng/03/520/070/a47/03070520.a47.pdf (ibid Adalah vs Min of Interior)
IS THE ISRAELI GOVERNMENT FORCING BEDOUIN ARABS OUT OF THEIR HOMES?

The Israeli Bedouin were nomadic tribes-people, but now almost all live in settled communities. They are three per cent of Israel’s population, residing mainly in the Negev area in the south of Israel. Among the poorest communities in Israel, with the highest birth rate, many live in ‘unrecognised’ villages without utilities like electricity and running water. With a fast growing population the Bedouin build around 2000 illegal structures each year outside any planning framework. Israel has been criticised for demolishing these Bedouin structures which it deems to be ‘illegal’ – i.e. constructed without planning permission and not adhering to Israel’s regulatory standards.

It has become a priority for the Israeli government to resolve the issue and improve the lives of the Bedouins. The government continues to consult the Bedouin about a new planning regime, which involves the recognition of the majority of ‘unrecognised’ Bedouin villages, and a series of development projects.110 The Israeli Ministry of Finance has approved NIS 7 billion (£1.2bn) for a five-year plan for the economic, social and educational development of the 205,000 strong Bedouin community of the Negev, with the aim of raising the community out of poverty.

However, up to 30,000 Bedouins may have to relocate. The reason has nothing to do with apartheid or ‘clearing the land for Jews’. 17,000 live in areas considered to be polluted and unsuitable for habitation. The other 13,000 live in communities that are either too spread out, or too small for the Israeli government to provide basic infrastructure such as sewage, water and electricity at a reasonable cost. Each Bedouin community is being consulted in order to determine the best option for them.

Israel is also proposing to recognise Bedouin claims to ownership of land, which currently have no legal status, and exchange them for land they will own legally or financial compensation. Under the proposals, Bedouin will exchange land claims that have never been recognised in law, for a combination of legally owned land and financial compensation.

This proposal is controversial within Israel. It has been attacked by some Bedouin groups but also by the Israeli right, who claim the package offered to the Bedouin is too generous.111 The proposals are not motivated by a desire to ‘rid the land of Bedouins’ but by a desire to improve the lot of a chronically underprivileged group in Israeli society, and create an ordered planning regime that serves the region as a whole. Whether one agrees with the specific policy or not, it is clearly not apartheid.112
DOES ISRAEL DISCRIMINATE AGAINST CHRISTIANS?

There are nine state recognised churches, which allows for the self-regulation of status issues, such as marriage and divorce. Christians enjoy full freedom of religion and equality of rights. The Christian population of Israel has grown from 34,000 in 1948 to 158,000 today. Just since 1995 Israel’s Arab Christian population has grown by 14.1 per cent. Across the entire Middle East, only in Israel is the Christian population growing. Elsewhere, including in Iraq, Syria, Egypt and indeed the Palestinian territories, anti-Christian persecution and discrimination has seen the Christian populations of those countries drop dramatically in recent years.

A new pro-Israel Christian Arab political party has been formed. ‘The New Alliance’ supports Arabs participating in national service and recognises Israel as the home of the Jewish people. ‘We are completely Israeli and then comes religion,’ says one of its leaders, Bishara Shlayan of Nazareth.

Indeed ‘Christians are in some ways better off economically than Israel’s majority-Jewish population. They do better in the national matriculation exams, with some 62 per cent passing in 2010 compared with 58 per cent of the Jewish population and 46 per cent of Muslims. The unemployment rate for Christians, at 4.9 per cent, is lower than for the general population.’

Christians participate fully in political life. For example, the current Mayor of Nazareth is Christian, as are two members of the Knesset, Hana Sweid and Basel Ghattas. Israel proudly advertises its Christian heritage sites and makes accommodation for Christian festivals. The Ministry of Religious Affairs deliberately refrains from interfering in their religious life, but maintains a Department for Christian Communities to address problems and requests that may arise.

Not only Christians are fully protected under Israeli law. The Israeli legal system attributes equal status to Jewish, Muslim, Christian and Druze religious law for all personal issues such as marriage, divorce, burial and adoption. Religious courts of all faiths constitute an officially recognised component of Israel’s legal system. Religious freedom in Israel includes the freedom to proselytise. Judaism is the majority religion, but missionising by other faiths amongst Jews is completely legal. Jews who convert to other religions are not penalised for their decision. Elsewhere in the Middle East, promoting religions other than Islam is illegal and sometimes punishable by death.

Another persecuted religious minority in the Middle East are the Bahá’í. In Iran, for example, they have been deprived of jobs, pensions, businesses, and educational opportunities. National Bahá’í administrative structures have been banned and Bahá’í holy places, shrines, and cemeteries have been confiscated, vandalised, or destroyed. By contrast, in Israel, Bahá’í practice their faith without fear of persecution. Indeed, the spiritual and administrative heart of the Bahá’í community, the Bahá’í World Centre, is located in the cities of Acre and Haifa in northern Israel.

PART 4: ISRAEL AND THE TERRITORIES

Since 1967 Israel has occupied the West Bank after winning the Six Day War, a pre-emptive war of self-defence against the Arab armies that were once again massed on its borders, intent on ‘driving the Jews into the sea.’ The occupation persists 47 years later not because Israel wants to rule over the territories but because peace talks – in which Israel seeks recognition and security guarantees in return for the creation of Palestinian state in the Gaza Strip and West Bank – have failed thus far. That is why the occupation continues, not because Israel is running a permanent ‘apartheid’ regime.

Although Jews have a deep historic attachment to the territory of West Bank, known to Jews by the biblical names of Judea and Samaria, most would be prepared to give up control of almost all much of that territory in return for genuine peace.

United Nations Security Council Resolution 242, passed in the wake of the Six Day War, and accepted by Israel, calls for peace to be based on two principles: Israeli withdrawal from territories it captured and an end to belligerency, the recognition of all states (including Israel) within secure and recognised boundaries. In other words, Israel is expected to relinquish territory whilst the Arab states are expected to recognise Israel’s right to exist peacefully in the region. It did not call for immediate and total Israeli withdrawal from all of the Territories but established the basis for peace based on these twin principles.

Israel has a moral responsibility to do all it can to end the occupation, but it also has a responsibility to do so in a way that does not endanger the lives and future of its own citizens, or bring about the circumstances for a future conflict. That is Israel’s dilemma.

Many of Israel’s actions in the Territories that are labelled ‘apartheid’ – the so-called ‘apartheid Wall’ for example – are actually security measures. Palestinian terrorism against Israeli civilians reached unprecedented heights during the Second Intifada. In the period between 29 September 2000 and 31 December 2009, 1,178 persons were killed and 8,022 more were injured as a result of Palestinian terror attacks – of those killed, 790 were Israeli civilians (67 per cent), 328 were members of Israel’s security forces (29 per cent) and 60 were foreigners (5 per cent).116

Since 1967, the Israeli presence in Gaza and the West Bank has been the subject of entirely legitimate criticism (much of it coming from within Israel itself, including from Israeli Prime Ministers, Ministers, security chiefs, and intellectuals).117

But it is not a case of apartheid. As Judge Richard Goldstone a former Justice of the South African Constitutional Court, who led the United Nations fact-finding mission on the Gaza conflict of 2008-9, has written: ‘[In the West Bank] there is no intent to maintain “an institutionalised regime of systematic oppression and domination by one racial group” [the definition of apartheid under the 1998 Rome Statute].’118 South Africa’s enforced racial separation was intended to permanently benefit the white minority, to the detriment of...
other races. By contrast, Israel has agreed to the existence of a Palestinian state in Gaza and almost all of the West Bank, and is calling for the Palestinians to negotiate the parameters.\textsuperscript{119}

The Palestinian population in the Territories has continued to expand rapidly. According to the UN, the total Palestinian population in all the disputed territories (it means Gaza, the West Bank, and East Jerusalem) was 1,094,000 in 1970, 2,152,000 in 1990, and now stands at 4.4 million.\textsuperscript{120}

\textbf{WHY DOESN’T ISRAEL GRANT ISRAELI CITIZENSHIP TO THE WEST BANK PALESTINIANS?}

Israel does not grant Israeli citizenship to West Bank Palestinians – i.e. give every West Bank Palestinian a vote in Israeli elections, subject to Israeli law, in short, make them Israelis – because that would amount to the annexation of the Territories, making them part of Israel, ending all prospects for a Palestinian state. ‘Israel does not want to do that’, its Prime Minister Benjamin Netanyahu has said. ‘We do not want to rule over them, we do not want to govern their lives, we do not want to impose either our flag or our culture on them.’\textsuperscript{121} Most Palestinians don’t want to be annexed to Israel either – they want to be citizens of a sovereign and independent Palestinian state, not citizens of Israel.

\textbf{WHY DOESN’T ISRAEL JUST GET OUT OF THE WEST BANK? WHAT’S TO NEGOTIATE?}

Israel seeks to end the occupation of the Territories by agreeing a peace deal that gives the Palestinians a state while giving recognition and security to Israel: two secure states for two peoples. Successive Israeli governments have repeatedly tried to divide the land through a ‘final status’ agreement – a peace deal. This effort is backed by the US, the EU and the Arab League.

Israel’s reluctance to simply ‘get out’ of the West Bank without any peace deal or security guarantees is understandable once you think about the recent history. Simply put, when Israel ‘just gets out’, Iran ‘just gets in’.

- Israel ‘just got out’ of a security zone it controlled in Southern Lebanon in 2000 and there are now 60,000 rockets aimed at Israel in the hands of the Iranian proxy, the antisemitic and terrorist organisation Hezbollah.
- Israel ‘just got out’ of the Gaza Strip in 2005 and 8,000 rockets have since been fired from the Strip onto Israeli civilians.\textsuperscript{122} And those rockets are getting more powerful; in November 2012 Iranian-supplied Farj-5 rockets\textsuperscript{123} reached Tel Aviv\textsuperscript{124} and Jerusalem.\textsuperscript{125}
- To ‘just get out’ of the West Bank without any security guarantees would be extraordinarily risky because of the topography of the land. The West Bank is the strategically critical high ground overlooking Israel’s narrow coastal plain where most of its population and industry, and its only major international airport, are situated. Unilateral withdrawal from the high ground of the West Bank could be followed by an Iranian-backed Hamas takeover of the FLO and the West Bank, and the conversion of a Palestinian state into an Iranian-supplied rocket base from which missiles could rain down on the Israeli cities strung along the narrow coastal plain.

\textbf{Israel’s PM Ehud Barak and Yasser Arafat shake hands during peace negotiations, Wikimedia Commons}

\textbf{Hezbollah fighters attend a rally to commemorate slain commander Imad Mughiyeh, 2013, Hussein Malla/AP/Press Association Images}

119 Ibid.
In 1967, in the immediate aftermath of the defensive Six Day War, Israel hoped that the Arab states would seek peace in return for Israeli withdrawal from territory it had captured. But in September 1967, at a conference in Khartoum, the Arab League made its famous ‘three no’s’ declaration: no peace, no recognition and no negotiation with Israel.126

In 1979, Israel signed a peace treaty with Egypt. Israel agreed to return the Sinai Peninsula and to evacuate settlements and oil fields developed in the Sinai to implement the agreement.

In 1993 Israel withdrew from Palestinian population centres in Gaza and the West Bank as part of the Oslo Accords signed with the PLO.

In 1994 Israel signed a peace treaty with Jordan. Israel made territorial concessions to Jordan as part of the deal.

In December 2000, after a period of negotiations, US President Bill Clinton presented both sides with a proposal. It gave the Palestinians a state in 94 per cent of the West Bank plus an additional swap of land, and a sovereign capital in East Jerusalem. Israel broadly accepted this proposal but it was rejected by Palestinian leader Yasser Arafat.

In 2000, Israel complied with Security Council resolutions relating to Lebanon by withdrawing all its forces from south Lebanon.

In 2005, Israel withdrew unilaterally from all of the Gaza Strip and parts of the northern West Bank.

In 2008, after the Annapolis Conference, Ehud Olmert, the Israeli Prime Minister at the time, made the most generous proposal of any Israeli leader to date. He proposed a Palestinian state in 93.7 per cent of the West Bank and the whole of Gaza (with a road across Israel connecting one to the other), and offered to give Israeli land – equivalent to 5.8 per cent of the West Bank – to a new Palestinian state. The Palestinian capital would be in East Jerusalem, and there would be international consortium of countries, including Jordan and Saudi Arabia, that would work with the sides to address future arrangement for the Old City and its holy sites. This

Once we understand that Israel cannot either simply grant citizenship to West Bank Palestinians or simply walk out of the Territories, then our attention inevitably, and rightly, shifts how we can play a constructive role in support of the negotiations aimed at securing a final status agreement between the Israelis and Palestinians.

The pain felt by the Palestinians due to these security measures makes more urgent a comprehensive peace agreement. However, while these discomforts understandably give rise to grievances, there is a fundamental difference between security measures and segregation based on religion, sex or race.

But is Israel serious about negotiating the division of the land into two states? Yes. Israel has repeatedly tried to make peace with its neighbours based on the principle of ‘land for peace.’

- In 1937, the Zionist movement accepted two states for two peoples when it was proposed by the British Peel Commission, but the Arabs rejected it.
- In 1947 the Zionist movement accepted the United Nations Partition Plan, but the Arabs rejected it.
- In 1967, in the immediate aftermath of the defensive Six Day War, Israel hoped that the Arab states would seek peace in return for Israeli withdrawal from territory it had captured. But in September 1967, at a conference in Khartoum, the Arab League made its famous ‘three no’s’ declaration: no peace, no recognition and no negotiation with Israel.126
- In 1979, Israel signed a peace treaty with Egypt. Israel agreed to return the Sinai Peninsula and to evacuate settlements and oil fields developed in the Sinai to implement the agreement.
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A projection of the final status map suggested by Israel PM Ehud Olmert. Foundation for Middle East Peace
amassed to serious, comprehensive offer from the Israeli side to make peace. Mahmoud Abbas, President of the Palestinian Authority, did not respond. In 2009 Israeli Prime Minister Benjamin Netanyahu made a speech at Bar Ilan University in Israel, in which he endorsed the two state solution. He said ‘In my vision of peace, there are two free peoples living side by side in this small land, with good neighbourly relations and mutual respect, each with its flag, anthem and government, with neither one threatening its neighbour’s security and existence.’

Every Israeli government since 2000 has endorsed the two state solution. The Israeli people back the two state solution by a two-thirds majority. While some — including in Israel — may feel that Israel could do even more to promote peace, laying the responsibility for the failure to reach a peace agreement solely at Israel’s feet shows a disregard for the history of the conflict.

**HOWEVER THE OCCUPATION CAME ABOUT, AND HOWEVER HARD IT IS FOR ISRAEL TO ‘JUST GET OUT’, ISN’T ISRAEL’S DAILY PRACTICE IN THE TERRITORIES A CASE OF APARTHEID?**

No. The Apartheid Smear ignores the context: the absence of a peace deal and the presence of Palestinian terrorism. The emergency security measures taken reluctantly by Israel to cope with both are just that, not apartheid.

Dear Mr Roger Waters,

The troubling situation concerning Israeli treatment of Palestinians in the West Bank is not comparable to apartheid and must be viewed within the context of the ongoing conflict. I grew up reading newspapers with photos of the latest suicide bombing in Tel Aviv or Jerusalem which indiscriminately murdered Israeli men, women, and children of Jewish, Muslim, Christian and other backgrounds on their way to work and school. Close friends of mine have been injured in terrorist attacks and others have bravely volunteered as members of medical teams assisting injured terror victims immediately after the attacks.

When Israel was forced to protect its civilians to prevent such dreadful bloodshed, a system of check points, security roads, identification cards and security barriers were established to separate Palestinian residents of the West Bank and Gaza from Israel’s citizens, providing physical security from the threat of attacks. Many people view these security systems as a source of racism, segregation, and humiliation.

I have great sympathy for Palestinians who are forced to cope with these systems on a daily basis, but I also see that these security systems are protecting my friends and my family members who live there. A balance, which you fail to provide, is required to ensure security for Israelis while working to ease the great pressure on Palestinians and move toward a final peace agreement. This issue is constantly debated in Israel, and the High Court has heard many Palestinian submissions. Rather than misusing the term ‘apartheid’, I highly encourage you to look for means to work with people of goodwill on both sides to advance towards a negotiated two-state solution.

Noam Gilboord, 2013

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127 Aluf Benn, ‘PA rejects Olmert’s offer to withdraw from 93% of West Bank’. Haaretz, 12 August 2008.
FREQUENTLY ASKED QUESTIONS ABOUT ISRAEL AND THE TERRITORIES

Question 1: Is the Palestinian Authority created by the Oslo Accords in 1993 like a South African ‘Bantustan’

Bantustans (separated districts) were puppet regimes for blacks, created and controlled by the white supremacist regime in South Africa. They had no power and were not recognised by a single state other than white minority South Africa government. The journalist Amira Hass argues that the PA controlled areas in the West Bank are ‘similar to the Bantustans in South Africa.’

In fact, the PA is nothing like a Bantustan. It was created in 1994 by the internationally supported Oslo Accords, which were voluntary, based on negotiations between Israel and the PLO, the internationally recognised ‘sole representative’ of the Palestinian people. The creation of the PA was secured without prejudice to the Arab citizens of Israel.

The peace process that created the PA gained its signatories, Israeli Prime Minister Yitzhak Rabin, Foreign Minister Shimon Peres, and Palestinian President Yasser Arafat, Nobel Peace Prizes. The agreement was also signed, as an act of support, by the United States and the Russian Federation. The Interim 1995 Israeli-Palestinian Agreement was signed as an act of support by representatives of the United States, the Russian Federation, Egypt, Jordan, the European Union, and Norway.

The Bantustan analogy is false because Israel is not creating ‘independent homelands’ within its own territory for purposes of denying the putative ‘citizens’ of such homelands their citizenship rights. The West Bank and Gaza were captured in a defensive war in 1967 against Arab armies determined to crush the Jewish homeland that were massed on Israel’s borders. They are not ‘homelands’ since they do not constitute part of Israel, and its inhabitants therefore are not and never were Israeli citizens. Israel has no obligation under international law to annex these Territories and accord their inhabitants Israeli citizenship – indeed, international law demands Israel withdraw from them once a peace agreement has been negotiated.

Question 2: Palestinians are subject to military law while Israelis are subject to Israeli law. Is that apartheid?

Israeli law applies to Israeli settlers in the West Bank while the local Palestinian population is subject to Israeli military administration. Amira Hass argues this as an example of ‘Israeli apartheid’. But she misses two things.

First, to make the Palestinians of the West Bank subject to Israeli law would in effect be to annex the West Bank and make it part of Israel – something most Palestinians do not want; nor do the Israeli government, the PA, or the international community.

Second, since 1993, as part of the peace process, the PA has civilian jurisdiction over the overwhelming majority of Palestinians in the West Bank. Hamas, which splintered off from the PA, has jurisdiction over the whole population of the Gaza Strip, while vast majority of Palestinians in the West Bank live under Palestinian administration and their laws, courts, police, prisons, taxes, etc., are Palestinian and Israel has no jurisdiction over their civilian and administrative affairs. This Palestinian autonomy in civil affairs is intended to be a stage towards a final status agreement in which they are expected to assume full sovereignty over nearly all of the West Bank.

Until the peace deal is agreed and two states created, Israel allows Palestinians in the West Bank access to the Israel Supreme Court to petition against the Israeli army and government. The Israeli Supreme Court has upheld Palestinian petitions in some significant cases, for example over the route of the security barrier. In South Africa, blacks could only address grievances to the Bantustan ‘Supreme Court’.

As a result of the 1993 Oslo Accords and the establishment of the PA, Israel went a long way towards securing the Palestinian people’s ability to rule their own lives – a key and legitimate demand – but there is no doubt that as a result of the failure thus far to reach a final status deal, individual Palestinian political rights are far from fully realised. However, as opposed to the situation under apartheid in South Africa, this is not because a dominant

race is denying rights to a dominated race, but because the realisation of those rights has been deemed by the key international actors – including the Palestinian leadership itself – to be a function of the effort to negotiate Palestinian national rights.

A Palestinian hurls a stone during clashes with Israeli forces in the West Bank, 2012. AP Photo/Nasser Ishtayeh

**Question 3: Has Israel built ‘apartheid roads’ in the West Bank?**

No. There are some roads that have been closed to some Palestinian traffic due to repeated shootings, bombings, and other attacks on Jewish and Arab road users. Before such attacks there were no restrictions. The Apartheid Smear ignores three facts: Israeli traffic is also banned from Palestinian areas because of security concerns; ‘Israeli traffic’ includes the vehicles of over one million Arab citizens of Israel who have also faced terrorist attacks; and all road closures are temporary and subject to constant review by the Israeli courts.

The Israeli-only roads are not an example of apartheid. The motives of the Israeli government officials are not to create a permanent situation of discrimination based on race but a reasonable, temporary and emergency response to deadly security threats.

‘Not every distinction between people, in all circumstances, is necessarily an improper discrimination, and not every improper discrimination is apartheid. (…) We must be careful and cautious about using definitions which characterise security measures taken for the purposes of protecting travellers on the roads as being based on illegitimate racial and ethno-national foundations. The comparison which the applicants made between the use of separate roads for security purposes and the policy and practices of apartheid South Africa is inappropriate … The great distance between the security measures which the state of Israel is taking as protection from terror attacks, and the illegitimate practices of apartheid, require that all comparison or usage of the grave term be avoided … the comparison between the prevention of Palestinians traffic on route 443 to the crime of apartheid is extreme and exaggerated to the point where it should never have been raised.’

February 2010 judgement of Israeli Supreme Court Justice Dorit Beinisch on the prevention of Palestinian traffic on route 443. Beinisch collected evidence for the 1983 Kahan commission which investigated the Sabra and Shatila massacre and received threats to her life when she prosecuted the Jewish terrorists of the Gush Emunim Underground.

**Question 4: Has Israel built an ‘apartheid Wall’?**

The Separation Barrier, built after 2002 is a defensive security response to terrorism. It does not separate races, but protects Israeli population centres, both Jewish and Arab, from Palestinian population centres from where the suicide bombers set out.

Calling Israel an ‘apartheid state’ is absolute nonsense. You might have structures that look like apartheid, but they’re not. The barrier fence has nothing to do with apartheid and everything to do with Israel’s self-defence.

Malcolm Hedding, a South African minister who worked against South African apartheid.

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134 As seen on this road sign: http://www.idfblog.com/wp-content/uploads/2013/05/tsahal-a-zone-panneau.jpg


After the failure of the Camp David negotiations in 2000, the Palestinian leader Yasser Arafat launched the Second Intifada. A wave of suicide bombings and other terrorist attacks hit Israel. Whilst the country has experienced terrorism throughout its history, the attacks had never been so intense. In 2002, a fatal suicide bombing was carried out in Israel nearly every two weeks on average. The attackers predominantly came from the West Bank.

In response, Israel built a security barrier in order to stop terrorists from entering Israel from the West Bank which in turn reduced the need for Israeli forces to enter Palestinian areas to root out terror cells. The barrier contributed to a dramatic reduction in successful terrorist attacks inside Israel and helped bring an end to the Second Intifada. While there are other factors that also help to explain the steep decline in terror attacks that took place after 2002, the Separation Barrier played a major role.

Impact of the Separation Barrier built in 2002
Source: IDF

Palestinians living in the West Bank are able to appeal to the Israeli Supreme Court against the route of the fence where it causes disruption to their lives, and have done so successfully in some cases. The Israeli Supreme Court has reviewed the route of the barrier as well as its impact on Palestinians in more than 100 cases, and has ordered changes where its impact was viewed as disproportional to the security benefit gained, such as in Bil’in. Attempts are made by Israel to minimise disruption caused by the fence, for example by building agricultural gates which allow Palestinian farmers to access their land.

In an apartheid regime, there is no possibility of judicial review, because the judges are appointed by the regime and all serve one ideology. This is not the case in Israel …

Dr Mohammed Wattad, an Arab-Israeli lawyer
The International Court of Justice, a judicial body of the United Nations, issued an advisory opinion that was critical of the separation barrier. However, the Court did not make any reference to ‘apartheid’ or an ‘apartheid wall.’ Instead, the Court criticized the route of the ‘wall’ for going beyond the 1949 ‘Green’ Armistice Line. It did not deny Israel’s right to build such a security barrier. Under the laws of armed conflict and human rights law, Israel – like any sovereign country – is legally allowed to construct a barrier for ‘control and security’ and for ‘national security,’ ‘public order,’ or to protect the ‘rights and freedoms of others’ including the ‘right to life.’

One legal scholar, John Strawson, has shown that the apartheid analogy has ‘no resonance in international law’ and ‘the international community in reflective mood has never constructed the conflict in that framework.’

A strong objection to the ICJ ruling was made by the British Judge, Rosalyn Higgins QC. She objected to the fact that the court had been asked to make a ruling without considering the complexity of the situation, including the security threats to Israel, and she declared that the court’s ruling was unbalanced. She wrote: ‘I fail to understand the Court’s view that an occupying power loses the right to defend its own civilian citizens at home if the attacks emanate from the occupied territory – a territory which it has found not to have been annexed and is certainly ‘other than’ Israel. Further, Palestine cannot be sufficiently an international entity to be invited to these proceedings, and to benefit from humanitarian law, but not sufficiently an international entity for the prohibition of armed attack on others to be applicable. This is formalism of an uneven handed sort. The question is surely where responsibility lies for the sending of groups and persons who act against Israeli civilians and the cumulative severity of such action.’

‘I think the Court should also have taken the opportunity to say, in the clearest terms, what regretfully today apparently needs constant reaffirmation even among international lawyers, namely, that the protection of civilians remains an intransgressible obligation of humanitarian law, not only for the occupier but equally for those seeking to liberate themselves from occupation.’

Question 5: Are checkpoints in the West Bank like South African apartheid-era Pass Laws?

No. Prior to the threat of suicide bombings and other Palestinian terrorist attacks inside Israel, Israelis and Palestinians travelled relatively freely between the West Bank and Israel. Israeli restrictions on Palestinian movement came in response to terrorist attacks that occurred initially after the signing of the Oslo Accords, but more significantly after the outbreak of the Second Intifada in 2000. The restrictions also prevent Israelis from entering Palestinian towns and cities.

Checkpoints which prevent the movement of people and goods within the West Bank and between the West Bank and Israel are the source of great frustration for ordinary Palestinians. They are a barrier to Palestinian economic development. Israel recognizes this problem, and the need to provide economic opportunities which draw people away from violence. It has therefore worked with the Quartet (UN, USA, EU, and Russia) envoy, Tony Blair, to reduce the number of checkpoints and limit their effect on the daily lives of the Palestinian people.
As a result of the improved performance of Palestinian security forces in recent years, and a reduction in Palestinian violence emanating from the West Bank, Israeli restrictions on movement and access have been considerably reduced. A report by the UN Office for the Coordination of Humanitarian Affairs published in June 2010 noted that as a result of changes in 2008 and 2009, movement between Palestinian population centres was much improved. It stated that ‘large segments of the Palestinian population enjoy better access to services, places of work and markets.’ In the period 2003-2006 there were between 376 and 735 checkpoints. By February 2013, there were 98 fixed checkpoints, according to the Israeli anti-occupation NGO B’tselem.

The relatively stable security situation in recent years has allowed for a much more relaxed policy on entry into Israel. During the Ramadan period in August 2013 around one million West Bank Palestinians entered Israel for family visits, prayers, and pilgrimage to holy Muslim sites.

Nevertheless, Palestinian terrorist groups in the West Bank continue to plan and execute attacks against Israelis. This creates a dilemma: how to balance between the need to promote Palestinian development, and the need to maintain security for Israel.

There is understandably much concern about Palestinians in need of medical treatment being held up at checkpoints. Following a petition that Physicians for Human Rights filed in 1996, Israel’s State Attorney’s Office announced two procedures to regulate the crossing of Palestinians in case of medical emergency, when a permit would not be needed, and in non-emergency cases.

But once again, those outside Israel are often completely ignorant of the all-important local context: Palestinians have used medical cover to launch terrorist attacks.

- December 2004: A Hamas agent with forged documents claiming that he was a cancer patient in need of medical treatment from an Israeli hospital was arrested by security forces. Hamed A-Karim Hamed Abu Lihiya was to meet up with another terrorist, obtain weapons from allies inside Israel, and carry out an attack.
- December 2004: A man recruited by the al-Aqsa Martyrs Brigade to plant a bomb on the railway tracks near Netanya tried to use false papers indicating he needed hospital treatment to enter Israel.
- March 2005: A Hamas terrorist planning a suicide bombing was arrested after pretending to be a kidney donor.
- June 2005: 21-year-old Wafa Samir Ibrahim Bas was arrested attempting to smuggle an explosives belt through the Erez crossing. When she realised soldiers had discovered the explosive belt, she attempted unsuccessfully to detonate it. Bas had been admitted on humanitarian grounds to Soroka Medical Centre in Beersheba several months earlier for treatment of massive burns she received as a result of a cooking accident. After her arrest, she admitted that the Fatah al-Aqsa Martyrs Brigade had instructed her to use her personal medical authorisation documents to enter Israel to carry out a suicide attack. In an interview shown on Israeli television, Bas said her ‘dream was to be a martyr’ and that her intent was to kill 40 or 50 people – as many young people as possible.
- Dr. Izzeldin Abuelaish, a Palestinian obstetrician and gynaecologist from the Jabalya refugee camp in the Gaza Strip, who has worked at the Soroka Hospital, wrote that he was ‘outraged at the cynical and potentially deadly suicide bombing attempt.’

Israel is seeking to balance the rights of Palestinians to free movement with the rights of its citizens to protection from terrorism.

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Yes, the lives of Palestinians and Jews living and working in the old historical centre of the city are difficult and tense. For Palestinians there are curfews, road closures, and businesses that have forced out of operation. Some areas of the city have simply become a ‘ghost town’, with Palestinians leaving the areas near where the settlers live due to the restrictions on their daily lives. The Israeli authorities (mainly the Israeli police) have also, though, taken some steps to protect the Palestinians from settler activities, such as putting a protective grate above the market to protect Palestinian shoppers from settlers who throw garbage and rocks at them.152 Jews also live in a very tense situation, living in the midst of a large and hostile Palestinian population.

The situation is clearly extremely difficult, though as a Daily Telegraph reporter noted, ‘all the anti-settlement organisations I spoke to, including Peace Now, B’Tselem and Rabbis for Human Rights, acknowledged that Hebron is the exception rather than the rule.’153 If the IDF simply abandoned the area, there would almost certainly be an eruption of violence. What is clear is that, as agreed during the Oslo process, Hebron will be part of a final status agreement. The city is now a place of mutual distrust and religious tension but the Israeli authorities are not enforcing apartheid. They are seeking to separate, and prevent violence between, two warring communities.

Question 6: Why are Palestinians and Israelis separated in the city of Hebron?

Hebron is an ancient West Bank city revered by Jews and Muslims as the site of the tomb of the Patriarchs. For Jews this is the burial site of the patriarchs Abraham, Isaac and Jacob and matriarchs Sarah, Rebecca and Leah. Jews claim a presence on and off for the last 4000 years. An ancient Jewish community dating back to the 11th century lived there until dozens of its members were massacred in 1929 by local Arabs, and the rest were forced to flee.149

Ideological and religious Jews returned to live in Hebron after the town came under Israeli control in 1967.

In 1997 Israel handed control of 80 per cent of the city of Hebron to the Palestinian Authority, keeping control only of the area housing the Jewish community and the old city and its holy sites.

Today, Hebron has 250,000 Palestinians and between 500 and 800 Jewish residents. 80 per cent of the city, known as zone H1, is wholly controlled by the Palestinian Authority. 20 per cent of the city, known as H2, is controlled by the IDF and includes the holy sites adjacent to the Jewish communities. The old centre of Hebron (in H2 and at the heart of much of the violence) is held as sacred by both Jews and Muslims and there are special arrangements to administer access and prayer for both religions.

In the H2 area, there are around 30,000 Palestinians living alongside the Jewish settlers. In 1994, the Jewish settler Baruch Goldstein killed 29 Muslims worshipping at the Cave of the Patriarchs. Recently there have been attacks by settlers on local Palestinians150 and some Palestinian attacks on the settlers.151

The protective grate covering Hebron market. Justin McIntosh/Wikimedia Commons

150 Such as when settlers opened fire on Abu Sneineh in 2001, Center of the Storm: A Case Study of Human Rights Abuses in Hebron District, Human Rights Watch: p. 82.
Some people argue that Israel is stealing water in the West Bank that rightfully belongs to the Palestinians and diverting it into Israel or to Israeli settlers. Israel is accused of taking more than its fair share of the aquifer in the West Bank, leaving Palestinians thirsty.

Water does not respect man-made boundaries. It is a resource that it is very difficult to ‘claim ownership’ over: streams often run through borders. In most of the world there are bilateral or multilateral agreements in place governing how this water is shared. In the absence of a final status agreement, this has not materialised in Israel. The mutual need for the same resource will inevitably result in some friction in the absence of a proper agreement. It is also worth noting that Israel did not ‘conquer’ this water resource in 1967; Jews had been using water from this basin since the 1920s, and there was no change in Israel’s water usage after 1967.

During the Oslo peace process, a bilateral Israeli-Palestinian Joint Water Committee was created. The Committee serves both to monitor the use of water by each side, and to approve new water projects. Under this set-up, Israel has provided more water to the Palestinian Authority than the Oslo Accords demanded for a fully-fledged Palestinian state. In 1967, only four of 708 Palestinian towns and villages were connected to a running water network; as a result of Israeli investment, this increased to 309 by 1995. By 2010, more than 96 per cent of the Palestinian population in the West Bank had access to running water. While Palestinians do consume less water than Israelis, the extent of this discrepancy is often exaggerated. Research by Professor Haim Gvirtzman has demonstrated that Israel’s domestic per capita consumption is 84m³/c/y, whereas the Palestinian’s is 58m³/c/y, which is hardly surprising given different levels of economic and industrial development in the two societies (the difference between Tel Aviv and Jerusalem’s consumption levels is greater, for instance). Furthermore, the Palestinian Authority has failed to properly invest in water treatment plants because of a desire not to cooperate with Israeli settlements. As Ha’aretz reported in July 2013, ‘Attempts at Israeli-Palestinian cooperation on this issue [water] have largely gone nowhere, mainly because the Palestinian Authority refuses to cooperate with the settlements. Thus it refused to connect Palestinian towns in the northern West Bank to an Israeli sewage line because the line also serves several settlements. It also nixed a proposed treatment plant that would serve both Palestinian towns and the settlement of Ariel.’

As with so many issues, water is a tense area of debate between Israelis and Palestinians – and there are legitimate grievances on the Palestinian side – but labelling the Oslo water regime as ‘apartheid’ is wholly inaccurate.

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154 The following link outlines all the bilateral and multilateral agreements in use in Europe, for instance: [http://www.transboundarywaters.orst.edu/publications/atlas/atlas_pdf/4_Treaties_europe.pdf](http://www.transboundarywaters.orst.edu/publications/atlas/atlas_pdf/4_Treaties_europe.pdf)
**Question 8: What about the Jewish settlements in the West Bank?**

A final peace settlement between Israel and the Palestinians is expected to see the restitution of almost all of the land currently under Israel’s control as the occupying power in the West Bank. The exceptions – the land along the Green Line that contains about 80 per cent of the settlers – will be compensated by ‘land swaps’, a principle which has already been agreed with the Palestinian negotiators, and endorsed by President Obama and the EU and, since April 2013, the Arab League.157

Col. (res.) Shaul Arieli, former head of Israel’s administration for negotiations with the Palestinians, has challenged the idea that settlements have killed the two state solution.158 He points out that regardless of where one stands on the wisdom or otherwise of past or future settlement construction in various parts of the West Bank, creating a border between Israel and the West Bank remains entirely possible. The continuing viability of partition from an Israeli perspective is enhanced by the fact that most Israeli settlers are concentrated in blocks, the Israeli settlement presence beyond the blocks is limited, most working settlers are employed inside Israel, Israeli settlements use largely distinct infrastructure from West Bank Palestinians, many settlers are economically motivated therefore likely to move voluntarily in the event of peace, and the number of new homes currently planned for construction within Israel is 20 times the number of households that might need to be relocated.159

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PART 5: HOW THE APARTHEID SMEAR DAMAGES THE PEACE PROCESS

As Nelson Mandela argued, the right approach to the Israeli-Palestinian conflict is to 'recognise the legitimacy of Palestinian nationalism just as we recognise the legitimacy of the Zionism as a Jewish nationalism' and to 'insist on the right of the state of Israel to exist within secure borders but with equal vigour support the Palestinian right to national self-determination.'

The emotional power of the Apartheid Smear works against peace. It poisons hopes for a peaceful resolution of this national conflict by encouraging extremists, demoralising moderates, and fostering a destructive 'boycott activism' in the West. The smear creates intellectual confusion, preventing us from understanding the conflict, and causes political polarisation, damaging the chance of compromise, mutual recognition and reconciliation.

THE APARTHEID SMEAR STOPS US UNDERSTANDING THE CONFLICT

The academic and anti-apartheid writer Robert Fine has pointed out that by heaping all the blame on Israel, the apartheid analogy stops us understanding the Israeli-Palestinian conflict for what it is: 'It does not meet our real political need, which is to understand a conflict, to help find a peace between the parties, and support those in each nation who oppose bigotry, racism, violence and despair.'

Essentialist arguments that construct Zionism as only colonialis and expansionist have a paralysing impact on the effort needed in both scholarship and politics to change the current situation.

John Strawson, Reader in Law, University of London, Co-Director, Centre on Human Rights in Conflict.

The Israeli-Palestinian conflict is best understood as an unresolved national dispute between two peoples, both of whom have legitimate claims for national self-determination, but who have thus far failed to divide the land between them. Negotiations to do so are ongoing and supported by the US, EU, the Arab League and both peoples. As the veteran left wing Israeli peace activist Uri Avnery puts it, 'The mistaken assumption that the Israeli-Palestinian conflict resembles the South African experience leads to a mistaken choice of strategy. The Israeli policy is not based on race theories, but on a national conflict.'

Some intellectuals – the South African sociologist Ran Greenstein is one example – ignore the history of negotiations, ignore Israel’s efforts to make a peace deal, ignore Palestinian rejection of those deals, so that they can then depict ‘Israel’ as seeking to permanently rule all the people from the river Jordan to the Mediterranean sea on the basis of ‘an ethnic/religous distinction’ between Jews and non-Jews. But this is a gross distortion. It brackets both the history of the conflict and the negotiations happening today. Israel has made clear time and again that it supports the creation of a Palestinian state, seeking – and so far failing to receive – security guarantees in return.

In South Africa there was total agreement between the two sides about the unity of the country. The struggle was about the regime. Both whites and blacks considered themselves South Africans and were determined to keep the country intact. The whites did not want partition, and indeed could not want it, because their economy was based on the labor of the blacks.

In [Israel], Israeli Jews and Palestinian Arabs have nothing in common – not a common national feeling, not a common religion, not a common culture, and not a common language. The vast majority of the Israelis want a Jewish (or Hebrew) state. The vast majority of the Palestinians want a Palestinian (or Islamic) state. Israel is not dependent on Palestinian workers. Because of this, there is now a worldwide consensus that the solution lies in the creation of the Palestinian state next to Israel. In short: the two conflicts are fundamentally different.

Uri Avnery, veteran Israeli peace activist, Against the Israel Boycott, 2009.

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The Apartheid Smear Causes Political Polarisation

There are many supporters of Israel, indeed leading Israeli politicians, who warn that if the status quo continues indefinitely into the future without the establishment of an independent Palestinian state, then the situation could become comparable to apartheid South Africa. This is one of the reasons most Israelis support their government engaging in negotiations with the Palestinian Authority to reach a two-state solution. It is why many other Israelis argue that if peace talks fail Israel should consider unilateral withdrawal.

However, the motivation of many of those accusing Israel of having apartheid policies today is generally very different. Those making this analogy are typically opposed to the existence of the State of Israel in any borders and are using the apartheid analogy to distort the current picture and challenge Israel’s legitimacy. This campaign runs contrary to the goal of a negotiated two-state solution.

By demonising Israel, the Apartheid Smear pushes many Israelis into the arms of those who say ‘the West is biased against us, the West does not understand our legitimate concerns, and the West cannot be trusted to protect our interests.’ In short, the smear harms the Israeli peace camp.

As academic David Hirsh explains, ‘By portraying Israel as evil, like the apartheid regime, and by implying that Palestinian freedom requires the dismantling of Israel – an aspiration that the overwhelming majority of Jews strongly oppose – you push peace further away.’

The Apartheid Smear discourages mutual recognition between the parties, blocks cultural exchanges, and poisons the climate for peace.

The Apartheid Smear is Opposed by Those Working for Peace and Reconciliation

The New Israel Fund is a major Israeli NGO that works for ‘human rights, social justice and religious pluralism’. It believes these things are ‘the natural complement of ... the two-state solution and the peace process.’ So it matters hugely that the NIF describes the entire BDS campaign, of which the Apartheid Smear is a part, as ‘inflammatory and counter-productive’, arguing that, ‘Anyone who is truly interested in a peaceful, multicultural and just Israel should realise that global BDS condemns these Israelis, and millions like them, to isolation and vilification. In a small and interconnected society like Israel, the blunt force of global BDS ... pushes moderates towards right-wing nationalism, and spurs rejection of progressive and humanist values.’

TEN WAYS THE APARTHEID SMEAR DAMAGES THE PEACE PROCESS

1. The Apartheid Smear sends a message to the Palestinian leadership that their narrative has been adopted exclusively, and that history has been skewed to omit Israeli grievances, offers and rights.

2. The Apartheid Smear signals to the Palestinians that they will not have to make the painful sacrifices all parties must inevitably make to achieve compromise.

3. The Apartheid Smear tells the Palestinians that the international community will force Israel into submission.

4. The Apartheid Smear stigmatises Israel and Israeli citizens, arguing that they should be ostracised, marginalised and avoided in a way that few if any other nations or peoples have ever been. This has the effect of weakening the Israeli left and supporting hawkish elements within Israel.

5. The Apartheid Smear deepens Israel’s sense of fear and suspicion. The smear ignores the Israeli national psyche, particularly the importance placed on survival and security. Israel was born after the Holocaust of European Jews and has faced existential threats since its inception, with its civilian population enduring brutal campaigns of terror.

6. The Apartheid Smear breeds in Israelis a feeling of isolation, mistrust and a siege mentality which militates against the desire of the government and the majority of the Israeli population to take risks for peace. Israelis read the world media. They note that no other country in the world is being singled out for such treatment.

7. The Apartheid Smear makes conflict resolution more difficult. Experts say dehumanisation and prejudice towards the ‘Other’ is a crucial stumbling block in achieving peace.167

8. The Apartheid Smear promotes a culture of division that stands in the way of building the bridges needed if a peace agreement is to hold. To achieve peace we need to create a culture of peace. The Apartheid Smear does the opposite. As the legal scholar John Strawson puts it, ‘Excessive ideological rhetoric … to de-legitimise the other fuels the conflict.’168

International law defines ‘apartheid’ as a crime against humanity. Labelling Israel as an ‘apartheid’ state is a deliberate attempt to undermine the legitimacy of the Jewish state itself. Criticism of Israel is legitimate. Attempting to describe its very existence as a crime against humanity is not. Israel Apartheid Week is part of a global campaign of proclamations, boycotts and calls for divestment, which originated in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001. Like ‘Durban I,’ Israel Apartheid Week singles out one state, its citizens and its supporters for condemnation and exclusion, and it targets institutions and individuals because of what and who they are – Israeli and Jewish. Israel Apartheid Week goes beyond reasonable criticism into demonisation. It leaves Jewish and Israeli students wary of expressing their opinions, for fear of intimidation. Michael Ignatieff, author, and former leader of the Liberal Party of Canada.
9. The Apartheid Smear provides a spurious intellectual justification for the ‘BDS’ and ‘anti-normalisation’ campaigns. (The latter opposes any contact between Israelis and Palestinians, even for the purpose of reconciliation and peace-making.) David Hirsh again: ‘That too only … creates a siege mentality and pushes peace further away … It should be obvious that if Israeli academics or dancers or writers are ‘banned’ throughout the world, while Zimbabwean or Sudanese or North Korean cultural producers are welcomed onto our campuses and into our theatres, that this will be experienced by Israelis as an antisemitic attack.’

Dr. David Hirsh, Goldsmiths, University of London, author of Law Against Genocide: Cosmopolitan Trials

The apartheid analogy does not encourage us to think in terms of reconciliation and peace. Antisemitism has always thought of Jews as being decisive in everything bad that happens in the world. The apartheid analogy now tries to position Israel at the centre of all that is threatening by building a global movement for its destruction. It encourages ways of thinking which see Israel as a keystone of global imperialism, as a block to world peace and even as a malicious force which controls American foreign policy.

10. The Apartheid Smear encourages Western activists to treat Palestinian moderates as ‘collaborators’! Noam Chomsky, for example, has attacked the Palestinian Authority, accusing it of ‘playing the role of indigenous collaborators under imperial rule such as the Black leadership of South Africa’s Bantustans.’

Chomsky then visited the Gaza Strip as a guest of the extreme Islamist and antisemitic terrorist group Hamas. The Hamas Charter is full of Nazi-like antisemitism and threats to murder all Jews. It is the polar opposite to the Freedom Charter of Nelson Mandela’s African National Congress.

The South African struggle was between a large majority and a small minority. Among a general population of almost 50 million, the whites amounted to less than 10 per cent. That means that more than 90 per cent of the country’s inhabitants supported the boycott, in spite of the argument that it hurt them, too. In Israel, the situation is the very opposite. The Jews amount to more than 80 per cent of Israel’s citizens, and constitute a majority of some 60 per cent throughout the country between the Mediterranean Sea and the Jordan River. 99.9 per cent of the Jews oppose a boycott on Israel. They will not feel the ‘the whole world is with us,’ but rather that ‘the whole world is against us.’

Uri Avnery, veteran Israeli peace activist, Against the Israel Boycott, 2009.

The Shadow Foreign Secretary Douglas Alexander has made clear the British Labour Party’s support for the two-state solution and its firm opposition to boycotts. He has called on all friends of peace to ‘desist from a language of delegitimisation [and] stop the movement to sever academic and trade union ties’ with Israel. He added that ‘now is the time to deepen, and not to weaken, our economic and cultural ties across the region.’


President Abbas rejects boycott of Israel

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Dr. David Hirsh, Goldsmiths, University of London, author of Law Against Genocide: Cosmopolitan Trials
The Hamas Charter
‘Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it. (...) [Hamas] aspires to the realisation of Allah’s promise, no matter how long that should take. The Prophet, Allah bless him and grant him salvation, has said: ‘The Day of Judgement will not come about until Muslims fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Muslims, O Abdulla, there is a Jew behind me, come and kill him. Only the Gharkad tree, would not do that because it is one of the trees of the Jews.’[^173]

The African National Congress Freedom Charter
South Africa belongs to all who live in it, black and white ... The rights of the people shall be the same, regardless of race, colour or sex.

Take another example – the Western anti-Israel activist Tony Greenstein. He has viciously attacked the Palestinian Trade Union leader Shaher Saeed as someone who is ‘always willing to dance to Israel’s tune’ and abused him as ‘no different from Mahmoud Abbas and the quislings running the Palestinian Authority whose security forces are specially trained by the USA with the purpose of repressing and torturing their own people.’[^174] Saeed’s crime? While Greenstein (who lives in the UK) wants UK trade unions to break their historic links with the Israeli trade union federation (the Histadrut), Saeed (who lives in Ramallah) signed an agreement with the Histadrut. That agreement was facilitated, and celebrated, by the International Trade Union Congress and the British TUC, and was cheered by all the global trade union federations. But not by the ‘Apartheid Smear’ activists. Greenstein was angry, he said, because ‘Saeed has effectively undone the work of pro-Palestinian activists [in the West].’[^175]

This is madness. Not least because, Mahmoud Abbas, the Palestinian Authority President has been very clear that he does not support the boycott of Israel. ‘We do not want to boycott goods coming from Israel’ he has said. ‘We do not ask anyone to boycott Israel itself. We have relations with Israel, we have mutual recognition of Israel.’[^176] Abbas knows the Western activists do not represent the Palestinian people. According to one survey, 85 per cent of Palestinians want to cooperate more with Israel.[^177]

[^3]: See The New Histadrut: Peace, Social Justice and the Israeli Trade Unions (TUFI, 2012). ‘The general secretary of the PGFTU said in a letter ... to Ofer Eini, chairman of the Histadrut, that ‘we must emphasise our mutual need for peace in our two societies, for the benefit both of workers and because peace will reflect stability.’ http://www.bicom.org.uk/analysis-article/7483/
THE ALTERNATIVE: BUILDING THE PEACE NOT PROMOTING THE WAR

The Apartheid Smear and the linked BDS campaign consume energies that should be invested in a different kind of activism, pro-Palestinian and pro-Israeli: pro-peace.

It is very odd that often the same anti-Zionist forces that go out of their way to celebrate Palestinian nationalism insist on negating Zionism. Mutual respect for each people’s collective sense of self is a better approach.  

*Professor Gil Troy and Martin J. Raffel, Israel: Jewish and Democratic*

Only by supporting all efforts towards mutual recognition and peace can we meet Nelson Mandela’s challenge to support those on both sides of the conflict who seek mutual recognition and peace. Many organisations do just that, including One Voice, Parents Circle – Families Forum (PCFF), MEET, TULIP and The Peres Centre for Peace. Getting involved with these constructive ‘pro-Israel, pro-Palestine, pro-Peace’ organisations is the real alternative to the dead-end and destructive politics of ‘BDS’ and the Apartheid Smear.

The One Voice Movement aims to amplify the voices of the mainstream Israelis and Palestinians who desire peace and to empower them to generate change. They do this by having Israelis campaign for concessions from their government and Palestinians doing the same with theirs. They run town hall meetings, have chapters in university classes and provide leadership training for their activists. Indeed, the One Voice Movement has even provided crucial support to the ‘Caucus for Ending the Israeli-Arab Conflict in the Israeli Knesset.’

*The Parents Circle – Families Forum* comprises roughly 600 inspirational Israeli and Palestinian families who have tragically lost a family member as a direct result of the conflict. They seek to channel the greatest grief a person can ever experience into propelling their societies into reconciliation through the humanisation of the other, actively opposing violence and revenge. They come together and acknowledge the other side’s suffering, breaking down preconceived notions. An example of the Parents’ Circle’s work is the ‘Dialogue Meetings’ which reach more than 25,000 Israeli and Palestinian students annually. Proof of their impact can be found in the feedback forms students fill in. One example includes these words: ‘This was a fascinating encounter. I never had a dialogue or met a Palestinian in the past. It was an eye opening experience which gave me a different perspective. I discovered things which I never believed happen on the other side and also their willingness to reconcile. This gave me so much hope and caused me to look at things differently.’ Transmitting such messages to students is vital for achieving, and indeed later upholding, a peace agreement.

*One Voice Israel demonstrate in Tel Aviv. ‘The frozen status quo is blinding’. One Voice*

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178 Professor Gil Troy and Martin J. Raffel, Israel: Jewish and Democratic: JCPA, 2013.
Middle East Education through Technology (MEET) is an exceptional educational initiative that develops and enhances professional skills amongst Israelis and Palestinians. Through a partnership with the Massachusetts Institute of Technology (MIT), MEET provides its participants with advanced technological and leadership competencies while simultaneously instilling the ability for these young leaders to create social change within their own communities. MEET tackles misconceptions Israelis and Palestinians have towards one another and through cooperation and joint educational classes, ensures mutual respect within the class. The MEET programme promotes development and interaction, and is a project that will contribute towards economic growth and cooperation as well as reconciliation.

The Peres Center for Peace is a non-governmental, non-political organisation that brings Israelis and Palestinians together from many spheres. Their projects include the highly successful ‘saving children’ programme that takes Palestinian children into Israeli hospitals for complex procedures and diagnosis where such services are unavailable in the Palestinian Authority. They also have a project called ‘training doctors’ that aims to enhance the Palestinian healthcare system by providing advanced training opportunities for Palestinian doctors in Israeli hospitals.

- Invite these organisations to your campus
- Raise money for their peace and reconciliation efforts
- Write to your MP/MEP and encourage him or her to engage with Israeli and Palestinian sides of the debate
- Reject language that stigmatises one side or the other
- Bring people together to share their perspectives in a spirit of open dialogue and listening, as opposed to adversarial debates.
There have been three key moments in the spread of the Apartheid Smear. Each was a cynical attempt by extremists to demonise the State of Israel.

THE STALINIST MOMENT: ZIONISM TREATED AS CAPITALISM AND IMPERIALISM

It is not well known that the Apartheid Smear originated in the ‘anti-Zionist’ campaigns waged by the totalitarian Communist states during the Cold War. These campaigns frequently descended into antisemitism, the word ‘Zionist’ understood by all as a fig-leaf for ‘Jew’. The huge impact of these well-financed campaigns has been underestimated.

In the view of Stan Crooke, author of The Stalinist Roots of ‘Left’ Anti-Zionism, Communist propaganda ensured that the following ideas spread around the world, especially amongst ‘progressives’: ‘Zionism equals racism; Zionism equals imperialism; Zionism equals South African apartheid; Israel is the USA’s “watchdog” in the Middle East; Zionism is complicit with, or even promotes, antisemitism.’ These themes are now commonplace on the far left in Europe.

But the World Communist Movement did not drop the wider campaign. By the time the 1967 Six Day War gave the ‘anti-Zionist’ campaign a boost, the Stalinists were in alliance with the authoritarian Arab states and parts of the Western ‘New Left’. Stan Crooke again:

In the late 1960s a new official ‘anti-Zionist’ campaign was launched in the Soviet Union, in the aftermath of Israel’s victory in the Six Day War over Arab states friendly to the Soviet Union. It increased in the 1970s, as Israel inflicted another defeat on Arab states in the Yom Kippur War of 1973 and Jewish organisations internationally stepped up their campaign for Soviet Jews. (…) The core of the Stalinist argument was their old technique of ‘the amalgam’. Zionism, so the Stalinists claimed, was tied up with, allied to, linked with, or responsible for, every reactionary force that right-minded people might detest – capitalism, imperialism, even antisemitism and Nazism.180

It is time to dump the politics of the Cold War and along with it the wholly inaccurate analogy of Zionism with apartheid which was mobilised for Soviet foreign policy interests and not in the interests of the Middle East.

John Strawson, Reader in Law, University of London, Co-Director, Centre on Human Rights in Conflict.

These Communist ‘anti-Zionist’ campaigns began in earnest in the late 1940s and initially peaked with Stalin’s 1953 plan to deport the surviving Jews of the Soviet Union and Eastern Europe which was to begin with an antisemitic show-trial of five Jewish doctors on fake charges of poisoning and plotting – ‘The Doctor’s Plot.’ Fortunately, Stalin died first and his successors dropped the plan.

APPENDIX 1: THE HISTORY OF THE APARTHEID SMOKE

The Slansky trial, Prague 1952. Jewish Communist Party leaders were executed as ‘rootless cosmopolitans’. Ma’ariv/Wikimedia Commons

THE UNITED NATIONS MOMENT: ZIONISM TREATED AS RACISM

The second key moment in the rise of the Apartheid Smear came in 1975 when a coalition between the Soviet Bloc, the authoritarian Arab states, and the so-called ‘Non-Aligned Movement’ emerged. This bloc used its built-in majority at the UN General Assembly to pass Resolution 3379, which equated Zionism with racism. (The UN rescinded the resolution in 1991.) Bishop John M. Allin of the U.S. Episcopal Church declared that the UN resolution was ‘an inexcusable offense against those legitimate aspirations of the Jewish people for a homeland which the UN itself certified back in 1947.’

In the same year, in Zionism and Apartheid, an official publication of the communist Ukrainian state, Valery Skurlatov argued that Israel shared with South Africa a ‘racial biological doctrine’ based on the idea of a ‘chosen people’ versus an inferior people. Arab fellow travellers of the communists produced a stream of books in this period that circulated widely in Western universities and often demonised Israel and Zionism. For example, Zionism, Imperialism and Racism, edited by A.W.Kayyali in 1979, included a chapter by Fayez Sayegh which claimed ‘This century has witnessed three perfect racisms: Aryan or Nazi racism, Zionism racism and Apartheid Racism’. It is hard to overstate how corrosive these ideas were to liberal intellectual culture in the West.

By bracketing Zionism with apartheid and racism the [UN] resolution [3379] effectively said that Israel was less of a state and more of a toxic growth within the international system. In its preamble the resolution approvingly notes ‘... resolution 77 (XII) adopted by the Assembly of Heads of State and Government of the Organisation of African Unity [in] 1975, which considered ‘that the racist regime in occupied Palestine and the racist regime in Zimbabwe and South Africa have a common imperialist origin.’ The Kampala formulation strongly reflected both the imperatives of Soviet policy (its domestic antisemitism and its embrace of the Arab cause abroad) and the anti-colonialist idiom used to express that policy.


Is it reasonable that more than 70 per cent out of some 40 resolutions adopted by the United Nations Human Rights Council since 2006 target Israel? Or that in 2006-07, 100 per cent of its condematory resolutions were passed against Israel? Brutalities in Darfur, the Congo, or Burma, human rights abuses perpetrated against minority religions, women and gays are ignored as human rights issues. The Council is dominated by countries like China, Cuba, Libya, Pakistan and Saudi Arabia, none of which are noted for their human rights records.

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THE DURBAN MOMENT: ZIONISM TREATED AS APARTHEID

The third key moment in the growth of the Apartheid Smear came in 2001 with the failure of the Camp David peace talks. This gave the smear an opening which was seized by tightly-organised, politically motivated and well-resourced group of NGOs and anti-Israel activists who hijacked the UN’s World Conference against Racism, Racial Intolerance and Xenophobia in Durban, South Africa.

By bracketing Zionism with apartheid and racism the [UN] resolution [3379] effectively said that Israel was less of a state and more of a toxic growth within the international system. In its preamble the resolution approvingly notes ‘... resolution 77 (XII) adopted by the Assembly of Heads of State and Government of the Organisation of African Unity [in] 1975, which considered ‘that the racist regime in occupied Palestine and the racist regime in Zimbabwe and South Africa have a common imperialist origin.’ The Kampala formulation strongly reflected both the imperatives of Soviet policy (its domestic antisemitism and its embrace of the Arab cause abroad) and the anti-colonialist idiom used to express that policy.


Libyan dictator Muammar Gaddafi (right) with Syrian President Hafez al-Assad, 1977. Both supported the 1975 ‘Zionism is Racism’ resolution. Museum of Syrian History/Wikimedia Commons

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Libyan dictator Muammar Gaddafi (right) with Syrian President Hafez al-Assad, 1977. Both supported the 1975 ‘Zionism is Racism’ resolution. Museum of Syrian History/Wikimedia Commons

They used their control of the gathering to launch a global campaign to label Israel as a ‘racist, apartheid state’ and Israel itself as a ‘crime against humanity’ and called upon the international community to ‘impose a policy of complete and total isolation of Israel as an apartheid state’ and demanded the ‘establishment of a war crimes tribunal’ to ‘bring to justice those who may be guilty of … the crime of Apartheid.’

181 Quoted in Robbie Sabel, The Campaign to delegitimize Israel with the false charge of apartheid. Jerusalem Center for Public Affairs, 2009: p. 5.
183 See these readings on the Durban Strategy to delegitimise Israel. http://www.ngo-monitor.org/article/ngo_forum_at_durban_conference
South Africa's then Deputy Foreign Minister, Aziz Pahad, responded in these terms: 'I wish to make it unequivocally clear that the SA government recognises that … [the Durban Conference] was hijacked and used by some with an anti-Israel agenda to turn into an antisemitic event.'

The 2001 Durban NGO conference was marked by antisemitic hate speech. On the grounds of the U.N. conference itself, the Arab Lawyers Union distributed pamphlets filled with grotesque caricatures of hook-nosed Jews depicted as Nazis, spearing Palestinian children, dripping blood from their fangs, with missiles bulging from their eyes or with pots of money nearby. Attempts to have the group's U.N. accreditation revoked were refused. In a Palestinian-led march with thousands of participants, a placard was held aloft that read ‘Hitler Should Have Finished the Job.’ Nearby, someone was selling the most notorious of anti-Jewish tracts, ‘The Protocols of the Elders of Zion’, a forgery which purports to be the minutes of a world Jewish Conspiracy, and which has been called a ‘warrant for genocide’. Mary Robinson, the former President of Ireland and the UN High Commissioner for Human Rights has said ‘There was horrible antisemitism present – particularly in some of the NGO discussions. A number people said they’ve never been so hurt or so harassed or been so blatantly faced with an antisemitism.’

Sadly, ‘the Durban strategy’ worked, to a degree. It has set off a global campaign against Israel that includes an ‘Israel Apartheid Week’ on campuses here in the UK.

The pattern is clear: whatever the good intentions of some supporters of the Apartheid Smear, in the minds of its hardcore promoters there is a darker purpose: the demonisation of Israel as a pariah state in order to prepare the ground for its eventual destruction.
Antisemitism and the Apartheid Analogy

Answering the Apartheid Smear


NGO Monitor, Countering the Apartheid Slander (a list of resources). 2012. http://www.ngo-monitor.org/article/countering_the_apartheid_slander
Benjamin Pogrund, ‘Israel has moved to the right but it is not an Apartheid State.’ The Guardian, 26 October 2012. http://www.theguardian.com/commentisfree/2012/oct/26/israel-arabs-not-apartheid


VIDEOS

‘Is Israel an Apartheid State?’ (Alan Johnson) http://www.youtube.com/watch?v=uz4Jf_QjkxU

‘Arab Israeli on Israel Apartheid week’ http://www.youtube.com/watch?v=SHP5dBztS98

‘Prof. Steinberg discussing Israel Apartheid Week’ http://www.youtube.com/watch?v=sXMrgcztN2Q

‘Arabs for Israel – Muslims for Israel’ (Ismail Khaldi) http://www.youtube.com/watch?v=XqtUbd1ddIs

VIDEOS
For a well-researched account of the position of Arabs within Israel, see Laurence Louer's *To Be an Arab in Israel*, (C. Hurst & Co Publishers Ltd, 2006).

For an understanding of how the occupation of the West Bank came about it is important to understand the Six Day War of 1967. See the award-winning history *Six Days of War: June 1967 and the Making of the Modern Middle East* by Michael B. Oren (Oxford University Press, 2002).

For an account of the way that the Supreme Court strongly defends the rights of all of Israel’s citizens, see Assaf Meydani’s *The Israeli Supreme Court and the Human Rights Revolution: Courts as Agenda Setters* (Cambridge University Press, 2011).

The BICOM website provides a constantly updated expert analysis of events in Israel and the region. [http://www.bicom.org.uk/](http://www.bicom.org.uk/)

The quarterly free online journal Fathom: for a deeper understanding of Israel and the region journal, website and app looks behind the headlines to provide in depth analysis and open debate. [http://www.fathomjournal.org/](http://www.fathomjournal.org/)


To understand Zionism as an ideology, see Arthur Hertzberg’s *The Zionist Idea: A Historical Analysis and Reader* (Atheneum, 1959), an excellent anthology of key Zionist thinkers. For a short introduction see Colin Shindler, *What Do Zionists Believe?* (Grant, 2007).


For a discussion of human rights in Israel, see Alexander Yakobson and Amnon Rubinstein, *Israel and the Family of Nations: Jewish Nation-State and Human Rights*, (Schocken, Tel Aviv 2003).
THE AUTHOR
Professor Alan Johnson is the editor of the quarterly journal Fathom: for a deeper understanding of Israel and the region. He is Senior Research Fellow at BICOM, an editorial board member at Dissent, and Senior Research Associate at The Foreign Policy Centre. His publications include Global Politics After 9/11: The Democratiya Interviews (Foreign Policy Centre, 2008). A regular commentator on radio and TV about Israel, he has published essays and columns in Radical Philosophy, Historical Materialism, Sociology Review, Oral History, Renewal: a Journal of Social Democracy, Jacobin, Dissent, Prospect, World Affairs, New Politics, Guardian Comment is Free, and The Times of Israel.
As a movement we recognise the legitimacy of Palestinian nationalism just as we recognise the legitimacy of Zionism as a Jewish nationalism. We insist on the right of the state of Israel to exist within secure borders, but with equal vigour support the Palestinian right to national self-determination. We are gratified to see that new possibilities of resolving the issue through negotiation ... we would wish to encourage that process, and if we have the opportunity, to assist.

Nelson Mandela

The parallel between Israel and apartheid South Africa is false. Minorities in Israel are guaranteed equal rights under the Basic Laws. All citizens of Israel vote in elections. There are no legal restrictions on movement, employment or sexual or marital relations. The universities are integrated. Opponents of Zionism have free speech and assembly and may form political organisations. By radical contrast, South African apartheid denied non-whites the right to vote, decreed where they could live and work, made sex and marriage across the racial divide illegal, forbade opponents of the regime to express their views, banned the liberation movements and maintained segregated universities.'

Simon Schama and Anthony Julius