

Is Israel an Apartheid State? A Critical Analysis of the Realities in Palestine

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This paper will examine whether the mainstream accusation of Israel being an apartheid state has some validity to it and if so, to what extent. In doing so, it will help build upon the already present political literature surrounding the Israeli-Palestinian conflict, while presenting a different perspective in the context of apartheid. Specifically, this paper analyzes the historical creation of Israel and how that directly set the tone for the inequalities present in the state today. In this regard, I rely on two case studies, which help determine whether Israel really qualifies as apartheid, so to speak, in terms of international law. Moreover, I present a rebuttal to my thesis and attempt to foil it.

Introduction

In 1948, the United Nations General Assembly adopted Resolution 181(II), which proposed the partition of historic Palestine into two separate states: one for Jews, one for Arabs. Even though the resolution was rejected by Arab governments, it was accepted by the wider international community, and the State of Israel came into existence. Since then, Israel has emerged as a major power in the Middle East, rivalling other regional powers like Iran and Syria, while Palestine has been pushed into the periphery, fighting for international recognition and self-determination. This situation is further complicated when looking at the on-ground realities of the relationship between Israel and Palestine, one that many have described as reminiscent of apartheid regimes (Yiftachel, 2009). While others have questioned the legitimacy of the apartheid analogy, smearing it as “anti-semitic propaganda”, I believe it holds significant truth to it (Tobin, 2017, n.p). This paper will explore the notion of painting Israel as an apartheid regime, and if and how that is accurate. First, I will provide a brief historical introduction in order to frame the issue in the context of apartheid and postcolonial theory. Then, I will briefly analyze Ben-Gurion’s Plan Dalet and how it set course for the inception of modern conditions of apartheid that are inflicted upon Palestinians today. To illustrate these conditions, I will rely on two different case studies that both point out apartheid-like practices committed by Israel. The first case is a study of the basic differences of civil rights between Palestinians and Israelis under the Israeli legal system. These differences are mainly highlighted within the Israeli state, as the Israeli Arabs account for more than 20% of the state’s current population. Furthermore, the second case includes the practice of the water apartheid that occurs in the Occupied Territories, which is an infringement of basic human rights. Taking these studies into consideration, I also examine a rebuttal to my thesis and attempt to foil it. Finally, I conclude my paper by briefly establishing what I believe the future holds for the two peoples, and if there is any chance at reconciliation and what that may look like.

Theoretical Framework and Historical Context of Apartheid

The word ‘apartheid’ comes from the Afrikaans term ‘apart-hood’, the literal meaning of which is ‘separateness’ (Abu Laban & Bakan, 2010, p. 337). This legal policy was a self-identified mission of the settler government in South Africa, that maintained its commitment to racially segregate the indigenous population from the White settlers that came from Europe. Under the leadership of the National Party, Black South African had less legal, democratic, civil and human rights than their white counterparts, a system that was enshrined in the state’s law (Dugard, 2000). Furthermore, in the context of international law, apartheid is a legal concept, that was outlawed in both the International Convention on the Suppression and Punishment of the Crime of Apartheid (Convention on Apartheid), as well in Article 7 of the Rome Statute. The Convention on Apartheid defines apartheid as “inhuman acts resulting from the policies and practices of [...] racial segregation and legal discrimination” and therefore declares it a crime against humanity (United Nations, 1976, p. 245). In the Rome Statute, a more comprehensive definition of apartheid is formed as it is categorized as an “inhumane acts committed in the context of an institutionalized 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” (UN General Assembly, 1998). Simply put, apartheid can be defined as a legal system that allows for the progression of one racialized group at the direct expense of another, who is systemically subjugated by the state (Dugard, 2000). Moreover, in comparing the situation of Palestine under the analogy of apartheid, it is helpful to understand that the system often relies on the “construction of capitalist state power relations and racial contracts” (Abu Laban and Bakan, 2010, p. 337). The system can further be attributed to a “generic policy associated with colonial settler states”, which allows us to draw a meaningful comparison between Israel and Apartheid South Africa (Abu Laban and Bakan, 2010, p. 338).

The premise of Israel was based on the idea that it would be a “land without people for a people without a land”, which became a rallying call for the Zionist movements of the 20th century. However, after the creation of Israel in 1948, more the 750,000 Palestinians were forced out of their home, becoming stateless overnight (Palestine Facts, 2014). Furthermore, after the six-day war in 1967, Israel launched a full-scale military occupation of the territories that were to be known as ‘Palestine’ to the international community. Although, Israel withdrew their forces from Gaza in 2006, West Bank is still controlled by the Israeli military, where there are more than 700,000 settlers that inhabit colonies built on the territory. It is in the West Bank, where apartheid is at its worst, due to the territory not legally being under the Israeli civil law but rather the Israel military law (Tahhan, 2017). Seen from a post-colonial lens, this occupation can be understood as a form of classic colonialism where settlers, usually from Europe, come in and take over land that they think they have a right to. Grisfold attributes this to the idea of ‘manifest destiny’ that was used to launch an era of colonial rule across the Third World, especially in the Americas, where the idea relied on the dispossession of indigenous people from their lands (Grisfold, 2014). Moreover, Israel’s very founding ideology of Zionism embodies “a special offshoot of European settler colonialism that is a colonialism of an exclusivist (ethnoreligious) state-building project” (Hilal, 2007, p. 2). Although that ideology was successfully implemented in the territory known as Israel, it is continuously being utilized to build colonies in the West Bank region and deny the Palestinians access to basic rights.

One of the first phases of Zionism was the removal of Palestinians from their historic homeland, so they could build foundations for the Jewish State. Plan Dalet, or Plan D, was a plan drawn up by Zionist

leadership that instigated the confiscation of indigenous villages and towns through the use of military force, to start a nation where exclusively Jewish people would prosper (Khalidi, 1988). The paramilitary group, Haganah, became the main instrument by which the Zionist leadership gained control of historic Palestine and uprooted hundreds of thousands of Palestinians from their homes (Ageel, 2016). The Haganah was necessary “not only to protect the growing number of Jewish colonies inside Palestine but also—more crucially—because acts of armed aggression were an effective deterrent against possible resistance by local Palestinians” (Itan, 2003, p. 15). Interestingly, Haganah was later legitimized as it became the central force in the initiation of the Israeli Defense Forces (IDF). According to Plan D, the soldiers were to carry out operations that would either be “destroying villages” or by “mounting combing and control operations [inside] the villages” (Ageel, 2016, p. 7). In case of resistance, the soldiers were to depopulate the village and expel the residents outside the state borders. Some of the specific methods used to forcibly evict Palestinians were: “setting fire to homes, properties, and goods; expelling residents; demolishing homes; large-scale intimidation and planting mines in the rubble to prevent the expelled inhabitants from returning” (Pappe, 2003, xii-xiii). Ultimately, Plan Dalet was implemented to create an ethnonational state that would not have to anguish over the potential uprising of the indigenous population, either through violence nor democracy. In essence, by driving the Palestinians out of the area of the contemporary state of Israel, the Zionist leaders were assuring the creation of a Jewish-Democratic state that would only have Jewish citizens to serve. Though it may seem like these events are locked in history, Plan Dalet still continues to be implemented in the Occupied Territories, though under the disguise of a military occupation. The IDF and settlers still use these exact methods of uprooting Palestinians in an attempt to Judaize their lands. Furthermore, by critically viewing the ideology of Plan Dalet and its historic use, we can see how it set the groundwork for an apartheid regime that continuously undermines the rights of Palestinian.

Civil Rights

From the start, there was a need for an ethnically Jewish population to exist within Israel. As stated earlier, this was the whole purpose of Plan Dalet and the wider Zionist agenda. However, after the 1948 Israeli-Arab War, there were still more than 156,000 Palestinians that chose to remain inside the newly established state of Israel (Shapira, 2001), while their descendants now number to close to 1,658,000, representing 20% of the total population (Israel Central Bureau of Statistics, 2013). Moreover, by 2035, this percentage is forecasted to rise well above 28%, due to the high birth rates in the Palestinian community (Chamie, 2014). This presents Israel with an existential crisis: if it wants to continue being a Jewish State, it is going to have to completely take away democratic rights from its Arab citizens, or, if it wants to be a democratic state, it will have to cease its solely Jewish identity. Either way, the shift in demographics of the state is concerning to the Zionist vision and disrupts the whole history of Israel. Furthermore, the Palestinians in Israel, hereby known as Israeli Arabs, are considered to be a security threat to the state due to them being ethnically Palestinian. In their paper, Chamen and Khatib (2017) discuss the national security discourse, which is used to disenfranchise minorities as they present a potential threat to the “state’s territorial integrity” (p. 892). This is especially prevalent in settler-colonial societies, as the indigenous people of the land are considered to be illegitimate within the state. The narrative is precisely used by the Israeli state to disenfranchise its Arab citizens, marginalizing them further in the society. An example that demonstrates this is the never-ending destruction of the Bedouin village of al-Araqib in the Negev Region of Southern Israel, which has been destroyed about 119 times since 2010 (Najjar, 2017). The state of Israel has not their village as an official theirs and continues to call it illegal, prompting demolition after

demolition. Even after the case went to the region court, the judges refused to recognize the Bedouin's right to their village and ruled in favor of the state (Ma'an News Agency, 2017). This not only alienates the residents of the village, but also other Arabs who do not feel that the State respects their existence and subjugates them because of their ethnicity.

As such, Israeli Arabs have been continuously demanding the recognition of their minority rights within the framework of a democratic state, and the denial of its ethnocratic power structure (Ghamen and Khatib, 2017). Yet, despite this, Israel believes that seeing itself as a Jewish state, which protects the "supremacy of Jews – and not the democratic system – is an essential part of its national security" (Ghamen and Khatib, 2017, p. 893). To make matters worse, the current government of Netanyahu is planning to adopt a formal constitution for Israel, as it does not currently have one, defining the state as "a democratic Jewish state", constitutionalizing this identity (Ghamen and Khatib, 2017, p. 895). The costs of this act are tremendous, the most obvious one being that non-Jewish people would officially be second-class citizens in Israel. Furthermore, since Netanyahu's government has come into power, it has taken numerous steps to strengthen the state's Jewish identity, passing more than 31 anti-Arab resolutions in the Knesset (Ghamen and Khatib, 2017, p. 896). One of the most glaring anti-Arab resolutions came in February-March 2016 after three Arab parliamentarians visited the families of Palestinians from East Jerusalem who were killed after attacking Israelis. The incident had been reported in the national media and there were many inflammatory remarks made against the three parliamentarians, often by using racialized language to demean them (Harkov, 2016). This led to Jewish lawmakers to introduce the suspension bill that "would allow a three-fourths majority of the Knesset to eject any representative deemed to have denied the Jewish character of the state or incited violence" (Ghamen and Khatib, 2017, p. 896). Although many tried to pass this off as a precaution and not a specific attack against Arab Knesset members, Netanyahu himself stated that the Arab members "built walls of hatred" by visiting the family members of the attackers (p. 896). Moreover, this bill was officially passed in July 2016, a move that Lis called "another step in the erosion of Israeli democracy" (2016, n.p). Actions like these deliberately exclude the Arab citizens of Israel from the democratic process, indicating a breach of their civil rights. Furthermore, as the gap between Jews and Non-Jews becomes more apparent, the claims of an apartheid regime operating in the State are boosted.

The Water Apartheid

In addition to civil rights abuses, there are also instances where Israel has deprived Palestinians of basic human rights. Although there are countless cases where this could be argued, such as the Jewish-only roads in the West Bank and land dispossession in Hebron (Stone, 2016), this paper will focus on the water situations in the Occupied Territories of the West Bank. Historically, the battle for water was directly related to the control over land, i.e "irrigation allowed communities to sustain, develop and expand" (Messerschmid, 2012, p. 2). Prior to the Nakba, the records show that the water usage between the Zionist Settlers and Indigenous Palestinians was about the same, being 350 million cubic meters (mcm) and 353mcm respectively (Messerschmid, 2012). However, the expulsion of Palestinians and the appropriation of most of their irrigable land, caused a severe blow to their water usage, from which they still suffer. Furthermore, the military occupation that followed the six-day war introduced strict water regulations, that were justified under the military law. Specifically, Military Order No.92 allowed the Israeli Military Area Commander to acquire all water resources and control their accessibility in West Bank and Gaza. This was rapidly followed by Military Order No.158, "which introduced the permit system that automatically banned

and criminalized any Palestinian water sector development (including wells, springs, pipes, reservoirs and even household cisterns) unless they had been granted an official permit from the Military Commanders” (Messerschmid, 2012, p. 3). These two military orders are still in effect in West Bank, which remains under the occupation. Moreover, all type of water is criminalized, including “rainwater harvested in-house cisterns” (Messerschmid, 2012, p. 3). It should be noted that the issue it is not that water is unavailable to Palestinians, as there is plenty underground (due to the natural mountain aquifers present in the landscape), but rather, it is that access is actively denied to them.

Following the Oslo Accords, many people thought that the water issue was resolved due to the creation of Palestinian Water Authority, which is ultimately operated through Israeli authorities (Messerschmid, 2012). The organization does not have the ability to start new water projects; it is only responsible for distributing the resource, when given permission by the Israelis. By ‘liberating’ Palestinians in the distribution of resources, Israel disguises the fact that they have the ultimate authority. Moreover, Israeli authorities continue to perpetuate the myth of natural water scarcity, either by blaming the physical landscape of the Middle East, or in recent years, climate change (Messerschmid, 2012). Both of these reasons are mere scapegoats to hide a politically-induced scarcity of water, which continues to permeate the livelihoods of Palestinians in the West Bank. For example, from 1967 to 2011, not a single Palestinian well was permitted by the Israeli authorities, despite the overwhelming population growth in the territory (Messerschmid, 2012). A part of the reason is that Area C constitutes 60% of the West Bank, which is completely under Israeli control. Most of this land is where large reservoirs of underground water lie, yet all infrastructure work, including water development, is prohibited there. Furthermore, if there are developments of any sort, IDF has the ability and the authority to destroy them, which it routinely does. As for Area A, most of the land is urban area and cannot be used for infrastructure as the population density does not allow for that (Messerschmid, 2012). Moreover, for communities that are not connected to any major pipeline that preexisted the occupation, water is brought in by tankers – with “the cost amounting to half of a family’s monthly expenditures” (B’tsem, 2011, p. 25). In comparison, the “average settler family” pays merely 0.9 percent of their monthly expenditure for water consumption (B’tsem, 2011, p. 26). Attending to the actual consumption of water in such communities, it is helpful to look at a specific case study. In 2008, the Ro’i settlement had a per capita allocation of water, for household usage, of 431 liters. In another nearby settlement of Beka’ot, the allocation was similarly 403 liters. Both of these settlements were set up next to the Bedouin community of Al-Hadidya, that had been established there for decades. Prior to the occupation, they had wells in their community that were used for water consumption. However, the IDF destroyed most of these wells, as they were deemed illegal, depriving them of a basic resource. The community now relies on outside sources of water, despite its proximity to a major pumping facility of Mekorot in Beka’ot (Lorber, 2011). The average allocation of water in Al-Hadidya was just 20 liters, barely 5 percent of the nearby settlements. This case does not represent an outlier in the disparity between settlements and nearby villages, but rather, a trend that is seen throughout the Jordan Valley (B’tsem, 2011). Other villages that have been experiencing similar water shortages, despite being located in proximity to a water facility, include the village of Al-Auja and Az-Zubeidat. Practices like these are indicative of an apartheid situation where communities next to each other are treated very differently because of their ethnicity. This is not only a violation of international law on apartheid, but also a violation of basic human rights. Furthermore, the water apartheid is ever expanding, as Israel is continuously destroying water infrastructure in order to facilitate the ongoing settlement projects in the West Bank.

The Israeli Side of the Argument?

When looking at case studies presented in this paper, it is almost impossible to not draw connections to an apartheid-like situation, similar to the one in pre-1994 South Africa. Nevertheless, many proponents of the Zionist ideology actively claim that labeling Israel as an apartheid state is “anti-Semitic” as it is a “multi-racial and multi-colored society” (Sabel, p. 22). In his article, “The Campaign to Delegitimize Israel with the False Charge of Apartheid,” Robbie Sabel attempts to breakdown the apartheid allegation against Israel. First, he makes the argument that a nation founded on Judaism is not necessarily racist as many nations are found with Christian or Islamic values, yet they are pardoned of any criticism (Sabel, p. 23). While there may be some sort of legitimacy in his argument, its very basis relies on the premise that because others are not criticized, Israel should not be either. Not only is this rather senseless, but it also ignores the constant criticism other states get for being exclusionary to minorities. For instance, the U.N has criticized Iran for its horrid treatment of its Baha’i citizens 30 times since 1985 (Baha’i World News Service, 2017). Moreover, in Canada, there has been a significant backlash against Quebec’s anti-Muslim Niqab ban, which even the Canadian Prime Minister distanced himself from (CBC, 2017). The belief that Israel is the only country that is condemned for its exclusionary ideologies is simply false and does not account for the reality of the international community. Furthermore, Israel’s founding principle of Zionism relies on the idea that the Jewish people have an inherent right to historic Palestine while disregarding the thousands of years that the Palestinians have lived on the land. Sabel does not even address this reality and relies on religious connections to the land, that may or may not be true.

Another point Sabel makes is in regards to the difference in treatment of Palestinians in the Occupied Territories compared to the Settlers that live adjacently. He claims that since the West Bank is “not under the sovereignty of a state”, it is the international norm for it to be under military administration (Sabel, p. 27). Moreover, he maintains that if Israel is to apply its internal (civic) law upon the Palestinians living in Area C, there would be an international uproar against it, so “Israel is damned if it does and damned if it doesn’t” (Sabel, p. 27). This is another misinformed opinion as Sabel ignores the fact that Israel has continuously failed to meet its obligations as an occupying power under the international humanitarian law (Institute for Middle East Understanding, 2012). Specifically, the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) and The Hague Convention Regulations (1907) both set out guidelines on the responsibilities that an occupying power has towards the civilian population. In regards to my second case study, Article 55 of the Fourth Geneva Convention stipulates that the “Occupying Power has the duty of ensuring the food and medical supplies of the population” (1949, n.p). Given the water situation of communities such as Al-Hadidya, Israel is completely undermining the Fourth Geneva Convention and denying Palestinian basic humans rights. Moreover, the occupation of the West Bank has been going on for 50 years now, making it the longest military occupation in modern history (Tahhan, 2017). According to some scholars, the realities on the ground, such as the 700,000 settlers living in the West Bank, has made the occupation irreversible and further reduced the possibility of a two-state solution (Elsner, 2016). While addressing this issue, Sabel is of the opinion that the occupation is “temporary” and it will soon be over (p. 27). Again, he promptly ignores the history of the occupation and the intertwined nature of the settlements with the West Bank. Sabel’s article is not very convincing and continuously misguides the reader about the situation in Palestine. The fact remains that the state of Israel was made “to be exclusively Jewish not only in its sociopolitical structure but also in its ethnic composition”

(Pappe, 2003, p. 9). In order to achieve this goal, Israel has implemented a state with all the characteristics of an apartheid regime, clearly violating the international law.

Conclusion: Where does it go from here?

After establishing that there is indeed apartheid in Palestine, people often ask what the answer is for it. Personally, I do not believe that all hope is lost in regards to the future of the region; however, the solution going forward cannot be a two-state solution due to the complexity of Israel's relationship with the Palestinians. Since this is a major topic that I cannot do justice in a single paragraph, I am going to argue the benefits of a one-state solution through the scope of my paper. In considering the first case study, under a one-state solution, Palestinians would be adequately represented in the Knesset, since they make up about half of the total population in Historic Palestine (Chamie, 2014). This would allow for a proper dialogue of reconciliation between the two peoples and systemic change could occur from within the parliament. The example we can draw upon is the post-apartheid regime in South Africa. After the fall of the National Party in 1994, everyone in the land was allowed to vote, making Nelson Mandela the first post-apartheid Prime Minister. Though the post-apartheid society "continues to be marked by class, race and gender inequalities, the dismantling of formal-legal inequality (in the form of apartheid) remains a significant change" (Abu Laban and Bakan, 2016, p. 339). Furthermore, in Apartheid South Africa, there were 'homelands' created for the Indigenous population known as "bantustans", meant to keep Black South Africans subordinate to the White Settlers. However, in 1994, these bantustans were incorporated in the larger South Africa and given full rights, equal to those of the Settlers. Furthermore, they were given the democratic right to have a direct say on who would represent them and make policies about their livelihoods. In my opinion, the West Bank "Area A" enclaves and the Gaza Strip are elaborate bantustans that are not meant to enjoy political freedom. Instead of advocating for a two-state solution, that would keep Palestinians in these areas subjugated to Israel in more than one way, they should be incorporated into the one-state of Israel-Palestine, giving everyone from the Jordan River to the Mediterranean Sea equal, substantive citizenship (Wintemute, 2014). In referring to this idea of a post-apartheid single state, Abu Laban and Bakan maintain that "a single democratic state grounded in principles of democratic inclusion and equality can offer some hope and optimism in conditions that appear to be otherwise permanently mired in violent conflict" (Abu Laban and Bakan, 2010, p. 347). Furthermore, as for the second case study, water inaccessibility would ideally be resolved through democratic means, as there would not be discriminatory practices against a community due to their ethnicity. I acknowledge that this is rather an optimistic point of view, especially when considering the recent international populist movements that fortify Israel's rule as a settler-state. However, I do not see a viable alternative to the one state solution, as nothing else would be sustainable nor fair to either of the two people due to the complexities of the region.

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