

What Apartheid Means for Israel

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A growing consensus has formed around the term—not as a rhetorical comparison to South Africa, but describing a system of domination built on the partition of Palestine.

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A Palestinian protester trying to block Israeli security forces on their way to break up a demonstration against new construction of Jewish settlements and a section of the separation wall in Turmus Ayya, a village near Ramallah, West Bank, August 7, 2020

Future historians may single out 2021 as the year the tide turned for the Palestinian struggle—though it was hard to see coming. The final months of 2020 were among the bleakest in decades, as a US administration bent on furthering Israel’s right-wing expansionist vision sought to dismantle, bit by bit, the central concerns that make up the Palestinian cause: the right of refugees to return to homes from which they were expelled in 1948, the status of Jerusalem as the capital of Palestine, and the right to self-determination on lands currently occupied by Israel. At the year’s end, the coup de grâce came when several Arab states turned their backs on Palestine, normalizing diplomatic and economic relations with Israel despite its continuing subjugation of Palestinians. The Palestinian people seemed to have been vanquished, while Israel pursued its annexation of occupied territory.

But breakthroughs came unexpectedly. In January 2021, B’Tselem, Israel’s leading human rights organization, released a report unambiguously titled *A Regime of Jewish Supremacy from the Jordan*

River to the Mediterranean Sea: This Is Apartheid. In it, the authors argued that their organization’s mandate from its founding in 1989—to bring to light Israeli human rights violations in the Occupied Territories—was no longer adequate. “The situation has changed,” the report explained. “What happens in the Occupied Territories can no longer be treated as separate from the reality in the entire area under Israel’s control.”

The power of this report was not in the accusation, delivered by an Israeli organization, that Israel was practicing apartheid; Yesh Din, an Israeli human rights organization committed to protecting Palestinians living under Israel’s military regime in the West Bank, had leveled that charge six months earlier, as had several leading Israeli public figures. Indeed, numerous Israeli and international voices have warned for years that Israeli practices, left unchecked, would amount to a system of apartheid. What was different about B’Tselem’s analysis was its challenge to a pervasive myth, one to which much of the international community subscribes, that Israel’s military rule in the occupied Palestinian territory can be treated as somehow separate from the state of Israel. Instead, the organization characterized Israel as a single “regime that governs the entire area.”

Three months later, Human Rights Watch, the world’s leading international human rights organization, echoed this finding when it issued an exhaustive report, including extensive legal analysis, which concluded damningly that a historic threshold had been crossed: Israeli authorities were committing crimes against humanity, in the form of apartheid and persecution of the Palestinian people. Beyond the South African origin of the term, apartheid is universally prohibited under the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, and the 1998 Rome Statute of the International Criminal Court, which also prohibits the crime of persecution.

To justify their claim of a watershed, B’Tselem and Human Rights Watch cited a number of developments: Israel’s continuing de facto annexation of Palestinian territory; the laws with constitutional status within Israel enshrining Jewish supremacy; the entrenchment of Israel’s system of control over Palestinians; the demise of the peace process; and the efforts of the US to ratify and formalize this reality under the guise of a nominal commitment to a two-state solution. For both organizations, as for many other analysts, activists, and policymakers, the convention of treating Israel’s occupation of the West Bank, including East Jerusalem, and the Gaza Strip as temporary—and therefore a matter that could potentially be resolved outside the confines and control of the state of Israel—was no longer an accurate description of reality. There was no indication of anything other than the permanence of Israel’s hold over “the entire area,” as B’Tselem had put it.

Then, in May, the uprising that Palestinians have come to dub the “Unity Intifada” erupted, set off by Israel’s planned expulsion of several Palestinian families from their homes in East Jerusalem. Within days, Israel was facing popular protests by Palestinians in Jerusalem and the West Bank, a mass mobilization against state-sanctioned violence in Israeli cities, and protests among the Palestinian refugee and diaspora communities. As the crackdown by Israeli police in Jerusalem intensified in violence and scale, militants in the Hamas-controlled Gaza Strip offered armed resistance, sending barrages of rockets farther into Israel than they had in previous conflicts; this escalation inevitably drew a disproportionate military response from Israel. By the time a truce was called, at least 248 Palestinians in Gaza had been killed, including sixty-six children; a dozen Israelis had died, including two children.

The ground zero of the uprising, the Jerusalem neighborhood of Sheikh Jarrah, had emerged as both a symptom and a symbol of the regime that B’Tselem and Human Rights Watch had identified: a sprawling nexus of legal, military, and economic institutions, both directly of the state and by proxy, whose primary purpose was to consolidate land for Jewish settlement by dispossessing Palestinians. Overnight, Sheikh Jarrah became emblematic of what Zionism has wrought in Palestine over more than a century, and the uprising across the land heralded a rejection of the regime’s decades-long efforts to divide and fragment Palestinian unity.

Understanding Israel–Palestine neither as a conflict, nor as a crisis, but as a system of apartheid is a more accurate representation of what Palestinians have long described as their experience. The necessary corrective now unfolding has been a long time coming, driven mostly by Palestinian advocacy. Often, the accusation of apartheid is made as an analogy to pre-1994 South Africa, presented in comparative historical ways. Increasingly and importantly, though, there is a powerful impetus to understand Israeli apartheid on its own terms. The Human Rights Watch report is a crucial contribution in this regard, as it makes a legal case highlighting apartheid as a crime grounded in Israel’s intention to maintain the domination of one ethnic group over another. The genealogy of this pattern of domination in Palestine is more than a century old, and has its own specific historic and geographic characteristics, which get elided in the political machinations of the so-called peace process. The task of defining the characteristics of Israeli apartheid is a prerequisite for a just political resolution in Palestine.



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A Palestinian man planting an olive tree sapling as part of a protest against Israeli construction of a Jewish settlement in East Jerusalem, March 13, 2020

The reports by B'Tselem and Human Rights Watch are markers of, at once, a new beginning and a conclusion of work by Palestinians and their allies. Some twenty years ago, during the Second Intifada, the Palestinian human rights organizations al-Haq, Badil, and Adalah participated in the 2001 Durban World Conference against Racism, which launched a global anti-apartheid campaign to end “Israel’s brand of apartheid.” The almost eight hundred organizations there issued a conference statement that declared Israel “a racist, apartheid state” and called for “a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa.” Following that, in 2005, Palestinian and pro-Palestinian activists initiated Israeli Apartheid Week, which has become mainstream across university campuses in Europe, the US, and elsewhere. A year later, “inspired by the South African anti-Apartheid movement,” a coalition of Palestinian organizations in the Occupied Territories launched the Boycott, Divestment, and Sanctions movement under the banner of campaigning for freedom, justice, and equality. Then, in 2007, the United Nations special rapporteur for the Occupied Territories, John Dugard, presented a report to the UN Human Rights Council noting that Israel’s prolonged occupation included elements of colonialism and apartheid. His intervention was taken up by South Africa’s Human Sciences Research Council, which carried out its own legal investigation, concluding that Israel “has become a colonial enterprise which implements a system of apartheid” in the Occupied Territories.

The Russell Tribunal in Cape Town, an independent juridical panel of inquiry created by notable figures representing various countries to monitor rights violations that the international community was unwilling or unable to investigate, concluded in 2011 that “Israel’s rule over the Palestinian people, wherever they reside, collectively amounts

to a single integrated regime of apartheid.” In 2014, Richard Falk, in his final report as United Nations special rapporteur for the Occupied Territories, advised the UN that Israeli measures against Palestinians were “amounting to apartheid.” Falk followed this up in 2017, when he and his coauthor Virginia Tilley published another influential report, *Israeli Practices towards the Palestinian People and the Question of Apartheid*, issued by the UN Economic and Social Commission for Western Asia. This concluded that Israel had established an apartheid regime over the Palestinian people through a tiered legal system and a policy of strategic fragmentation. Then, in 2019, a coalition of Palestinian, regional, and international human rights organizations submitted a report “on Israeli apartheid” to the UN Committee on the Elimination of Racial Discrimination (a UN body under the aegis of the Office of the High Commissioner for Human Rights); this identified a systematic regime of domination over Palestinians as a whole, including citizens of Israel and refugees abroad denied their right of return since 1948.

All of this work owed much to decades of tireless Palestinian advocacy to achieve wider recognition of Israeli apartheid. To acknowledge that underlying effort raises the question of why it took the endorsement by Israeli and international organizations, reiterating what Palestinians had long been telling anyone inclined to hear it, in order to make headlines in mainstream Western media. Nevertheless, that qualification does not detract from the power of this moment: the emergence of a broad consensus that has made it much harder to deny either the singular character of the Israeli regime or the essential unity of the Palestinian people. This realization threatens an almost century-old conviction that a partition of Palestine, the land stretching from the Jordan River to the Mediterranean Sea, is the best way to resolve Jewish and Palestinian aspirations for self-determination. What has become increasingly clear is that the adoption of partition as a “solution” to the conflict has—far from being the basis for a just and lasting settlement—enabled Israel to advance over decades policies that led to today’s apartheid reality.

The partition approach was the conclusion of the British Empire’s Peel Commission of 1937, which belatedly noted—twenty years after the Balfour Declaration had helped create the problem by unilaterally ratifying the establishment of a Jewish homeland in Palestine—that “an irrepressible conflict has arisen between two national communities within the narrow bounds of one small country.... Their national aspirations are incompatible.... Neither of the two national ideals permits of combination in the services of a single State.” Accordingly, a decade later, the UN General Assembly issued Resolution 181, which called for the creation of “independent Arab and Jewish States” (as well as a “Special International Regime for the City of Jerusalem”).

At a time when the majority of Asian and African states were still under colonial rule, partition was proposed to the newly formed UN General Assembly. As Fayez A. Sayegh, a leading Palestinian intellectual, noted in his 1965 monograph titled *Zionist Colonialism in Palestine*, “an alien state was to be planted in the land link between Asia and Africa without the free consent of any neighboring African or Asian country.” No one sought the consent of the Palestinians either; the people and their leaders rejected the partition plan, seeing it as a neocolonial tool to justify the imposition of a foreign entity onto their lands, in line with the British Empire’s colonialist partition practices elsewhere.

Palestinian opposition, however, was deemed immaterial. The Green Line, defining the boundary established by the armistice that eventually ended hostilities between Israel and neighboring Arab states in 1949, codified partition into international law, even though the UN had by then prohibited the acquisition of territory by force and acknowledged the right of Palestinian self-determination in that territory. The US and other, mainly Western, countries embraced the independent state of Israel, legitimizing—by obtaining the UN’s blessing—the Zionist colonization of more than three quarters of the land of Palestine.

Despite all pretense that it would be otherwise, this partition proved no lasting settlement at all. After the further outbreak of hostilities in 1967, which resulted in Israel’s conquest and occupation of Palestinian, Syrian, and Egyptian territories, a false distinction was made between “Israel proper,” the nation of the 1948 border—by then a full-fledged member of the international community—and its expanding colonial enterprise beyond the Green Line. This imaginary separation elides the historical reality that the decades-long settler project beyond the Green Line is a continuation of the subjugation of the native people tried, tested, and continuing to this day within it.

For Palestinians, then, the supposed turning point that B’Tselem and Human Rights Watch have identified is not a turning point at all, but one milestone on a continuum. Before Israel’s occupation had even begun, Palestinians had accused the state of practicing apartheid against their people. In his 1965 monograph, Sayegh had written “whereas the Afrikaner apostles of apartheid in South Africa, for example, brazenly proclaim their sin, the Zionist practitioners of apartheid in Palestine beguilingly protest their innocence!” At the time of his writing, the Palestinian citizens of Israel, whom Sayegh described as the “remnants of the Palestinian Arab people who have stubbornly stayed behind in their homeland in spite of all efforts to dispossess and evict them,” were living under military law. Israel ended military rule over Palestinians inside Israel in December 1966, only to impose virtually the same system on the other side of the Green Line just over six months later. The plight of those left-behind

Palestinians, treated as a fifth column within the state ruling over them, was a bellwether for Sayegh, indicating how Israel was to treat Palestinians under its control.

For Palestinians, the idea that “Israel proper” could be split off from its enterprise in the territory has always been a fallacy, which is why the Palestinian struggle had been focused on liberating the entirety of Palestine. As the charter of the Palestine Liberation Organization (PLO), founded in 1964, proclaimed: “Palestine, with its boundaries at the time of the British Mandate, is an indivisible territorial unit.... The partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal.... The Balfour Declaration, the Mandate for Palestine, and everything that has been based upon them, are deemed null and void.” By the mid-Seventies, the PLO’s liberation struggle was failing to achieve any strategic gains, however, and its leadership began considering channels for compromise: granting recognition to Israel, and with it, the Zionist settlement of three quarters of the Palestinians’ homeland, in a bid to gain legitimacy with the international community and pave the way for a diplomatic settlement that would see their self-determination in a rump of historic Palestine. In this quid pro quo, the Palestinian citizens of Israel—Sayegh’s “remnants”—were necessarily excluded from the architecture of the peace process, so called, that got under way in the 1980s. For, by then, the logic of partition determined that the Israeli–Palestinian conflict existed solely outside Israel’s 1948 borders.

It was partition that thus shaped the subsequent quest for the two-state solution. The Palestinian citizens of Israel came to be seen as an internal Israeli issue, a minority group facing discriminatory laws of an unfortunate type (though one hardly unknown in settler-colonial democracies elsewhere), rather than as members of a unified national community who were the victims of apartheid. Partition also meant that Palestinian refugees and their descendants, who would come to number more than seven million people, could not realistically exercise their right of return to homes from which they had been expelled. Through the gradual attrition of protracted negotiations, the refugees’ right of return was swept away in the service of a commitment to maintain Israel as an ethnic state with a Jewish majority in Palestine. Indeed, the Palestinians’ demand was pushed to the margins so effectively as finally to be demonized as tantamount to anti-Semitism, since it came to be regarded by the dominant actors in the international community as synonymous with a call for the destruction of Israel as the Jewish state.

In pursuit of partition, the post-1967 peacemaking industry sheared off crucial constituents of the Palestinian people: those expelled from Palestine in 1948–1949 and those who remained in Israel, leaving only the in-betweens, the ones who, since the 1967 war, have been managed by Israel’s military regime in the occupied territory of the West Bank and Gaza. Such selective accounting has been justified by the desire to

create a Jewish homeland in the Middle East, in accordance with the colonial commitment that the British Empire enshrined in its 1917 Balfour Declaration, which continues to form the backbone of the international community's stance toward Israel, particularly in the aftermath of the Holocaust. To achieve this goal, the peacemakers' approach to conflict resolution has had to embrace the same logic of demographic manipulation. It also entailed the international community's acceptance, over time, of the unilateral right of one side, Israel, to change the de facto line of partition by expropriating occupied land and building settlements on it. Confronting the chimera of partition, as many are now coming to recognize, means turning the lens back on Israel itself, to finally reckon with the state's settler-colonial roots and apartheid present.

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A protest against US Secretary of State Mike Pompeo's visit to a Jewish settlement in the occupied West Bank during a diplomatic trip to Israel, Ramallah, November 18, 2020

Partition is, in fact, a cornerstone of apartheid. In South Africa, various euphemisms—"good neighborliness" and "separate development"—were deployed to recast segregation as a beneficial system. The South African government even invoked the concept of "positive apartheid," a line of thinking propagated by, among others, Werner Eiselen, Prime Minister Hendrik Verwoerd's secretary of native affairs in the early 1950s, to justify segregation under white minority rule as a means of allowing Blacks to maintain their cultures and way of life, within purported tribal homelands known as bantustans. Similar notions are prevalent in Israel and the Palestinian territories, where partition is often framed as beneficial because Israelis and Palestinians have strong national sentiments, and each people deserves its own state. This orthodoxy has proved enduring—it has underpinned both the Trump administration's Middle East plan,

which concentrated on making Palestinian bantustans more sustainable through economic incentives, and the European Union's approach of funding institutions and governance of a pseudo-state under occupation, the Palestinian Authority (PA).

As far back as the 1955 Bandung Conference, a united bloc of African and Asian countries at the United Nations seized on apartheid as a term that "exemplified the twin evils of colonialism and statutory racism." Through their own experience of national liberation struggles, many of these third-world anticolonial movements understood apartheid regimes as predominantly the product of colonialism or settler-colonialism and as a scourge to eradicate. South Africa had already, before Bandung, begun to codify apartheid as a system of racial segregation and domination that became the internationally notorious archetype. From 1948 onward, successive governments of the Afrikaner-dominated National Party enacted legislation like the 1953 Bantu Education Act, which established bantustan authority over schools, in a paternalist attempt to confer a veneer of legitimacy on the system through the ostensible goal of preserving cultural differences.

The resonances with the Palestinian Authority are hard to miss. The Oslo Accords that established it transferred the administration of health care, education, and policing to Palestinians in Gaza and restricted areas of the West Bank, institutionalizing the Israeli vision of replacing the Palestinian demand for sovereignty with the granting of limited autonomy. This created an impression of self-determination that camouflaged the larger structure of domination. The commitment by Palestinian leaders to cultivate this autonomy within their largely urban enclaves is, of course, a prerequisite for sustaining the Israeli apartheid regime. Similarly, in South Africa, apartheid might not have lasted as long as it did without the acquiescence of some Black South African leaders who had a stake in control of the bantustans.

Further comparisons with South Africa become obvious once one views Israel–Palestine not through the illusion of partition but as a single territory, a colonized Palestine. In South Africa, the Natives (Abolition of Passes and Coordination of Documents) Act of 1952, more commonly known as the Pass Laws Act, regulated the conditions under which Blacks could stay in white areas, in order to control the flow of labor (itself a product of the 1913 Native Land Act, which played a central role in the dispossession of indigenous Black South Africans of their lands). That legal instrument finds an analogue in the permits that Palestinians in the Occupied Territories need to secure in order to pass through Israeli checkpoints. The confinement of Palestinians to Area A in the West Bank and the Gaza Strip likewise mirrors the South African bantustan model. The sprawling infrastructure of highways and settlements built for exclusive use by Israelis—even as they traverse Palestinian areas—evokes South Africa's model of "whites only" spaces. The similarities extend to the

protection of apartheid on the international stage. Through the 1980s, the US and the UK were two of the most influential players supporting South Africa's apartheid regime at the UN, including in their opposition to, and protection from, sanctions and boycotts.

The razing of neighborhoods and the relocation of millions of Black Africans and "coloureds" in South Africa to fashion white-only urban enclaves was an essential aspect of apartheid, rooted in a segregationist imperative. Cape Town's District 6 is perhaps the most notorious of these locales. Similarly, the historic dispossessions in Israel paved the way for apartheid to become built into the state's very governance. The refugee camps in Lebanon, Syria, Jordan, and the Occupied Territories, to which Palestinians have been systematically exiled to make room for the Jewish state, represent a comparable population transfer. And it has been these very constituencies that have been excluded from the peace process.

The comparisons, though, are imperfect. As with all such historical analogies, as many differences apply as similarities. The demographic characteristics of the beneficiaries of apartheid and its victims bear no direct relation to one another: whites—comprising mainly two distinct populations, one of Anglo heritage, the other Dutch—were a small minority in South Africa (about 15 percent), whereas Jews and Palestinians are roughly at numerical parity in between the river and the sea. The economy of South African apartheid largely depended on indigenous labor, unlike Israel's. Despite ruthless segregation, Black South Africans had nominal rights as tax-paying citizens. And by its final decades, apartheid South Africa's original periods of British imperial and Dutch settler-colonial immigration were long past, whereas Zionist settlement of Israel–Palestine is alive and well, thanks to the Law of Return that continues to encourage Jewish immigration to Israel from all over the world.

For many pro-Palestinian activists, the appeal of highlighting the similarities rests largely in the desire to make South African history an exemplar to mobilize international support for Palestinians and to inspire hope in the prospect of ending apartheid. Israeli apartheid, though, must be understood on its own terms, as a system that has evolved through several stages since 1948, and consistently reconstituted itself in different guises and under various governments (albeit all committed to enshrining Jewish supremacy in Palestine). It is not possible to reach an understanding of Israeli apartheid solely by noting the examples of racist governance or the practices of daily segregation, as opposed to the larger system that organizes them: the barrier that Israel constructed during the Second Intifada to separate Jerusalem from the rest of the West Bank, and which Palestinians refer to as the Apartheid Wall because of the way it limits their freedom of movement and enables the colonization of their land, is merely a physical manifestation of Israeli apartheid; in similar fashion, the discriminatory laws faced by Palestinian citizens in Israel and the

tiered legal system that applies to Palestinians (from citizens in Israel to permanent residents in Jerusalem and stateless subjects in the Occupied Territories) are surface phenomena of the underlying structure. Israeli apartheid works instead as a comprehensive apparatus of territorial and demographic manipulation, one that is rooted in the Zionist settler-colonization of Palestine before 1948.

Sustaining Israel as a Jewish state—the ultimate priority of Western support—has only been possible by depopulating Palestine and preventing refugees from returning. There could be no Palestinian participation in the Knesset *as a minority group*, participation that supporters tout as evidence of Israel's supposedly democratic nature in part to deflect the accusation of apartheid, without the original ethnic cleansing of the Palestinian people of that land. Neither could Israel maintain its Jewish majority without enforcing the blockade on the Gaza Strip, where two thirds of its two million Palestinian inhabitants are refugees seeking return.

Israel persists today as a Jewish homeland in Palestine only through systems of control and fragmentation built to prevent any reversal of the Nakba. Partition thus was, and is, a central pillar of Israel's architecture of demographic separateness, which underpins its apartheid logic, as a means of safeguarding a Jewish state and perpetuating the Nakba.

To understand Israeli apartheid in both its historical and current forms in Palestine is to understand Zionism as a racist ideology. As a settler colony committed to Jewish self-determination in Palestine, Sayegh explained, three vital characteristics are intrinsic to the Zionist state: its ethnocentric complexion and racist conduct, its addiction to violence, and its expansionist ideology. The racism, according to Sayegh, is not incidental, "it is congenital, essential and permanent. For it is inherent in the very ideology of Zionism and in the basic motivation for Zionist colonization and statehood." In 1975, the UN General Assembly passed Resolution 3379, which equated Zionism with racism and identified it as an ideology aimed to maintain the racial domination of one group over another. Race, in this instance, is defined according to UN conventions as being "on the basis of descent and national or ethnic origin." Building on previous resolutions, including Resolution 1904 (from 1963), which stated that "any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous," Resolution 3379 noted that, along with Israel, "the racist regimes in Zimbabwe and South Africa...[are] organically linked in their policy aimed at repression of the dignity and integrity of the human being." The resolution passed, but was later rescinded after intensive US and Israeli lobbying, which included accusing its backers of anti-Semitic animus.

This controversy did not go away. It returned in 2001 with a vengeance—and in, of all places, South Africa—at the World Conference Against Racism in Durban, which the UN General Assembly had decided in 1997 to hold as “a landmark in the struggle to eradicate all forms of racism.” The Durban Declaration, as it became known, called for the restitution of Resolution 3379; this provoked a fierce backlash from supporters of Israel and prompted the US and Israel to walk out and dismiss the UN as anti-Israel. (At that same conference, the US also condemned the inclusion of language that called for reparations over slavery in the same declaration.) Several iterations of the same confrontation have played out over the decades since Durban. In 2005, for example, at the World Conference Against Racism, which brought together 166 nongovernmental organizations from around the world, Israel was again branded an apartheid state; the conference also recommended the reinstatement of UN Resolution 3379, which Israel and the US again condemned as anti-Semitic.

Israel’s supporters based this claim on grounds that equating Zionism with racism singled out for opprobrium the right to national self-determination of just one particular group, the Jewish people. These critics defined Anti-Zionism as the “New Anti-Semitism,” the latest iteration of historic forms of anti-Jewish hatred, now disguised as criticism of Israel. According to this scenario, the right to self-determination of the Jewish people was an overwhelmingly just cause, next to which the Palestinian Nakba was unfortunate but unavoidable and ultimately acceptable collateral damage. In the words of the Israeli journalist Ari Shavit, writing in *The New Yorker* of the Israelis who massacred Palestinians in Lydda in 1948:

I will not damn the brigade commander and the military governor and the 3rd Battalion soldiers. On the contrary. If need be, I’ll stand by the damned, because I know that if not for them the State of Israel would not have been born. If not for them, I would not have been born.

In Shavit’s view, the Jewish combatants’ murder of hundreds of Palestinians and expulsion of more than 70,000 from their homes—in what became known as the Lydda Death March—was tragic but necessary: “They [its Jewish perpetrators] did the filthy work that enables my people, my nation, my daughter, my sons, and me to live.”

Despite the widespread violence and expulsions against Palestinians that had accompanied Israel’s independence, Zionism in its early years still seemed to hold the promise of many of the founders’ socialist and democratic ideals. In 1961, Israel voted to condemn South African apartheid at the UN, prompting Prime Minister Hendrik Verwoerd, chief architect of apartheid, to fire back: “Israel is not consistent in its new anti-apartheid attitude. They took Israel away from the Arabs after the Arabs lived there for a thousand years.... Israel, like South Africa, is an apartheid state.” Despite the pertinence of that statement,

the pervasive and largely liberal worldview both within Israel and among Western powers accommodated the possibility of a different Zionism that made the apartheid comparison and accusation of racism appear crude and reductive. Golda Meir, the Labor politician who was Israel's prime minister from 1969 to 1974, embodied this dissonance by stressing Israel's opposition to South African apartheid and aligning Israel with Africa's anticolonial movements. When Israel was first founded in 1948, the international left predominantly viewed it not as a settler-colonial project but as a socialist and anti-imperialist one, at least until the occupation began in 1967. Few then regarded the birth pangs of the Zionist state as presenting much of a moral or political problem, if acknowledging one at all.

Over the years, the electoral and political erosion of Meir's Labor bloc paved the way for rightward-moving Israel to become an active supporter of South Africa's apartheid regime. This came to involve extending military assistance to the rogue republic and colluding with its officials on how best to evade the economic sanctions and diplomatic pressure that were gaining support across the West. The relationship was driven as much by hard-nosed foreign policy interests as by any political or ideological affinity. Both settler colonies found common cause in viewing themselves as European frontier outposts upholding a civilizational struggle in bad neighborhoods, and both identified with an imperative to maintain ethnic control in their respective states. As a former Israeli chief of general staff told a student convention at Tel Aviv University in 1987, a few years before the collapse of the apartheid regime:

Blacks in South Africa want to gain control over the white minority just like Arabs here want to gain control over us. And we too, like the white minority in South Africa, must act to prevent them from taking us over.

Today, Zionism is a far cry from the socialist, democratic ideal that many supporters of Israel always hoped it could have become, and it has become harder to countenance even for liberals who have previously justified its crimes, or for others who have held onto it as an ideology representing a Jewish collective, independently of however it has currently manifested as the State of Israel. For Palestinians, this trajectory was all but inevitable, and Sayegh's words from 1965 about a state committed to expansion and violence appear prescient. The plain facts are these: Israel now has close to 700,000 settlers living illegally on occupied land, more and more of which is being annexed and declared an integral part of Israel; since the beginning of the Second Intifada, in September 2000, Israeli security forces and civilians have killed more than 10,000 Palestinians; and in 2018, racial segregation and Jewish supremacy were enshrined in Israel's Basic Law, in the form of the Nation-State Law, stating that Jews have a unique right to self-determination in Israel, which is the "nation state of the Jewish people." The law has been upheld by the country's Supreme Court, and celebrated by Israeli politicians and

institutions—then Prime Minister Benjamin Netanyahu declaring Israel “the national state, not of all its citizens, but only of the Jewish people.”

Resolution 3379 may still have appeared politically premature in 2001. But in light of the Israeli state’s more ruthless push in recent years to contain the Palestinian populations under its control in bantustan-like enclaves, the previous episodes of the Durban conference seem to have foreshadowed the debate now unfolding over Israeli apartheid. In tandem with this debate has come new pushback against the instrumental invocation of anti-Semitism to foreclose legitimate criticism of what has been wrought in the name of Zionism. The shift signaled by the recognition from both the US-based Human Rights Watch and the Israeli-based B’Tselem of what Palestinians had long argued about Israeli apartheid is remarkable. With Israel now led by a prime minister who was formerly a settlement leader and who is proudly committed to abolishing the Green Line, the description of the situation as apartheid can hardly be controversial anymore. That has not prevented redoubled efforts to suppress such language. Many supporters of Israel are acutely aware of how devastating for the Zionist project a widespread loss of legitimacy in the eyes of the international community would be.

In 2016, an intergovernmental organization called the International Holocaust Remembrance Alliance (IHRA) published a document that outlined examples of what constitutes contemporary anti-Semitism. These included “denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.” With significant support from official Israeli bodies, the IHRA quickly gained traction: public and educational institutions around the world, as well as several governments, have adopted it as *the* standard by which to gauge anti-Semitic behavior.

Some opposition has come from within Jewish communities outside Israel; these critics see a danger to Jews of the diaspora in wielding charges of anti-Semitism in the self-serving way that successive Israeli governments have done. Their concern is that using the IHRA definition as, in effect, a tool of Israeli “soft power” will lead to misrecognitions of actual anti-Semitism that could put Jewish lives outside Israel in danger. It also complicates the desire to identify with a Jewish collective that is not implicated in Israeli violations of human rights and international law. This pushback is visible in, for example, the Jerusalem Declaration on Antisemitism (JDA), signed by more than three hundred leading scholars of Jewish history, Holocaust studies, and Middle Eastern studies, who have proposed a new definition of anti-Semitism with guidelines that provide greater clarity and clearly distinguish anti-Semitism from criticism of Israel and Zionism. These guidelines accordingly permit valid critiques of Israel as a settler-colonial state or an apartheid state, rather than automatically conflating such criticism with anti-Jewish hatred.



Emmanuel Dunand/AFP via Getty Images

Mural paintings on a section of Israel's separation barrier in the occupied West Bank, Bethlehem, March 31, 2021

The Palestinian mobilization that has underpinned these shifts has been driven predominantly by grassroots constituencies in Palestine and the diaspora. It is a testament to the power and effectiveness of such civil society action that, five months after the Unity Intifada, in October 2021, the Israeli government designated six of the most notable Palestinian humanitarian groups, including those pushing forward the legal case against Israel at the International Criminal Court (ICC), as “terrorist organizations.” These groups have gained influence despite an absence of strategic, democratic leadership from the official Palestinian national movement.

On June 8, 2021, one month into the Palestinian Unity Intifada, the PLO issued a report of its own, *It Is Apartheid: The Reality of Israel's Colonial Occupation of Palestine*. Although it did acknowledge the apartheid practices against the Palestinian people from the river to the sea, the PLO study limited its research to Israeli practices of apartheid *within* the nominal state of Palestine (that is, the occupied territory of the West Bank, including East Jerusalem, and the Gaza Strip), which in 2012 was granted non-member observer status at the UN. This is in line with the PLO's historic decision to represent Palestinians in the Occupied Territories and the refugees, without speaking on behalf of the Palestinians in Israel (comprising fully a fifth of the country's population); a decision that may have made sense in pursuit of a Palestinian state, but is a glaring omission now that said state seems extremely unlikely. According to this analysis, across this territory, which the PLO regards as a future Palestinian nation-state, apartheid manifests in the dual legal system that Israel sustains in the West Bank (one for the more than 700,000 Jewish settlers, another for the

Palestinian subjects scattered across 168 territorial enclaves), and in the isolation and separation of Gaza, which Israel maintains through a near total, militarized blockade. In limiting its focus to Israel's military regime in the territory, the PLO report became the latest in a long line of efforts to condemn Israeli apartheid while upholding the logic of partition.

One such attempt began in 2012, when the UN's International Convention on the Elimination of Racial Discrimination (ICERD) warned Israel to "take immediate measures to prohibit and eradicate" apartheid policies or practices of racial segregation in the occupied Palestinian territories in violation of its articles. Two years later, Palestine signed onto the convention, marking a starting point in seeking international legal remedy for Israel's apartheid practices on its territory. Then, in 2015, after Palestine acceded to the Rome Statute, which established the ICC, the Office of the Prosecutor of the ICC began a preliminary investigation into suspected crimes within the state of Palestine. Although focused on settlements in the West Bank and hostilities in Gaza, the ICC Prosecutor's Office noted that it had begun receiving information about "the purported establishment of an institutionalized regime of systematic discrimination" within the state of Palestine. The ICC Prosecutor's Office concluded that inquiry in 2019, and earlier this year opened a formal investigation. The ICC also this year ruled that it has jurisdiction over serious international crimes committed in Palestine, offenses that could include apartheid. While it supported the efforts of the ICC, the preeminent Palestinian civil and human rights organization Al-Haq has consistently argued against the notion that a critique of Israeli apartheid can be limited to the Occupied Territories. In its view, this error would serve only to entrench racial segregation and systemic discrimination by tacitly acquiescing to the fragmentation of the Palestinian people—in other words, the logic of partition.

The official Palestinian leadership's pursuit of a nation-state strategy that limited its focus to Israeli apartheid in the Occupied Territories has unwittingly abetted that entrenchment. Palestinians within Israel, always marginalized from the peace process, often reiterate their view that the PLO's historic decision to recognize Israel and accept partition was an embrace of an apartheid arrangement that treated them differently from the way it did Palestinians in the Occupied Territories—though both were parts of the same system. A prominent Palestinian lawyer told me that the PLO "legitimized Zionism" by accepting partition, adding that "48ers [Palestinian citizens of Israel] are the only Palestinian group that...challenge[s] the Jewishness of the State." The resistance to institutionalized discrimination within Israel is the principal struggle against Zionism, these Palestinians argue, whereas the PLO's strategy is rooted in accepting the Zionist conquest of Palestine as a *fait accompli* and working within that compromised framework to secure some remnant of their rights that fall far short of actual self-determination.

A pragmatic acceptance of partition has been prevalent among ordinary Palestinians as well as their leaders. Even as they acknowledge the reality of Israel's settler-colonial project and apartheid regime, many Palestinians accede in practice to partition as a path toward limited autonomy as it offers separateness, and therefore some relief, from living under the gaze of their oppressors. After decades of discrimination and occupation, many Palestinians, including advocates of a single state, often openly admit their inability to countenance living in the same neighborhoods as those they inevitably see as the perpetrators of their oppression; to them, it seems preferable to preserve an ecosystem that is exclusively Palestinian. Partition, and the elusive two-state solution, have offered the illusion of such a salve.

This is the paradox that many Palestinians carry with them as they push for accountability in the face of Israeli apartheid. As the sole official representative of the Palestinian people, the PLO is vested with the diplomatic and legal powers accorded it only after it acquiesced to partition and recognized the state of Israel. The price of admission to the international community for the PLO was to remain beholden to the same geopolitical order that had underwritten the Zionist colonization of Palestine in the first place. This has remained the case right down to the PLO's newfound but significantly constrained potential to bring charges to the ICC against Israeli apartheid. To one of the members of this Palestinian leadership, to reverse course and dispute partition is not only unthinkable but would be "suicidal"; to another, it would be "[t]he most dangerous thing.... We will lose everything.... What about the UN resolutions?"

The result is political paralysis—and a disastrous status quo sustained by the chimerical prospect of a two-state solution in which scarcely anyone now believes. The system of international law on which the PLO has staked its hopes, and which Palestinians constantly invoke to highlight Israeli violations of their rights, does still offer important tools, such as UN Resolution 3236, which affirms the Palestinian right to "national independence and sovereignty" and the right of Palestinian refugees to return. Yet, by the same token, it acts as a straitjacket, making international recognition of Palestinian aspirations to nationhood conditional upon legitimizing Israeli settler-colonialism. In other words, the PLO has a powerful incentive to stamp out any recognition of how the whole functions as a system of apartheid. The outcome is a corrupt, collaborationist, and authoritarian Palestinian elite that acquiesces to this system rather than presenting a strategy for liberation that can work through these complexities.

Dismantling Israeli apartheid—just one manifestation of a settler-colonial history that predated 1948—is merely one facet of a process of decolonization upon which Palestinians have embarked. That project—complex, multifaceted, and much misapprehended—holds

within its tensions that can appear irresolvable. For PLO leaders, one such tension derives from the fear that one cannot simultaneously fight occupation and apartheid. This thinking is unnecessarily binary; more importantly, it is too deferential toward international jurisprudence and UN doctrine on Palestine (embodied in various UN resolutions such as 242, which deems Israeli settlements as illegal), both of which come with imperfections, inherent contradictions, and the imprint of colonialism. It is possible to insist on the illegality of Israel's territorial settlement in the Occupied Territories as a legal avenue to hold Israel accountable regardless of any final commitment to partition. An effective Palestinian movement can oppose occupation *and* apartheid as two elements of a comprehensive strategy that must include advocating for equality *and* the right of return. In other words, it is up to Palestinians to break out of the stranglehold of the land-for-peace paradigm, which has the official leadership in its grip, for it is the logic of partition that has constrained a quest for their universal rights.

Another misunderstanding, one often apparent among Israelis and their liberal supporters abroad, is that the objective of dismantling apartheid and seeking equality is to secure full citizenship for all Palestinians in Israel. I have heard countless times from Israeli policymakers and officials that it is understandable Palestinians would seek equality with Israelis given that Israel offers a better quality of life than a Palestinian state might provide. Strangely enough, Palestinian leaders also fret—albeit without the paternalistic overtones—that seeking equality means pursuing citizenship within Israel. One PLO leader passionately told me, “I do not want to be an Israeli. I do not want them to take over Palestine with my approval.” As ever, this view is so attached to a solution based on partition that it fails to grasp an anti-apartheid movement as a crucial element of a larger historical process of decolonization. “Surrender” was the word a Palestinian in Israel used to me to describe seeking citizenship in Israel, before clarifying the meaning of decolonization: “We need to be citizens not of Israel,” he said, “but of a different state altogether.”

The challenge of effectively decolonizing a vastly more powerful economic, diplomatic, and military regime is clearly enormous. The only place for Palestinians to start is a political strategy of decolonization that makes a clear argument for rejecting partition as a destructive dead end. Recognizing that fact does not mean that Palestinians have to give up on the tenets of international law that are premised on such a partition, but rather that a new strategy must be intelligent enough to use those tools, blunt or limited as they may be, in service of the larger push to decolonize Palestine.

The trepidation of Palestine's official leadership aside, the question is not whether the Palestinians should or should not adopt this new framework—for the movement is already in full swing, led not from the top but by the grassroots. The Great March of Return in Gaza in

2018–2019 was a powerful example of Palestinian popular mobilization returning to the language of rights and moving away from the strictures of partition. That campaign subsided only after Hamas asserted its control of the resistance, while the international community largely looked the other way when Israel used indiscriminate lethal violence to repress it. More recently, the Unity Intifada in May issued a *Dignity and Hope Manifesto* that argued against fragmentation and the “Oslo Prison,” as it labeled the peace process accords. The manifesto asserted that the intifada is “reuniting Palestinian society in all of its different parts; reuniting our political will, and our means of struggle to confront Zionism throughout Palestine.”

Several years ago, before the B’Tselem and Human Rights Watch realignment, I asked an EU diplomat if his country would continue its support of Israel if there was broad recognition that it was an apartheid state. His answer was revealing in its candor:

This is already apartheid. When Palestinians [will] actually wage an anti-apartheid struggle, I don’t know. Israel has maintained a de facto two-tiered legal system for fifty years and still EU–Israeli relations are deepening. At what point does apartheid become so egregious that EU governments are embarrassed? The situation is very elastic; the lie can be maintained a long time.

For Palestinians, the stakes are not simply about what strategy might ultimately succeed; they are about survival. The aim of the Zionist colonization in Palestine is coming clearly into view: it is not the entrenchment of apartheid but the further dispossession of Palestinians and consolidation of land for Jewish settlement. When voices on the Israeli right call for population transfers in increasingly explicit terms, as when settlement councils welcome Palestinian transfers in the Occupied Territories to make room for military exercises as “another way to increase governance and control over open space,” we should believe them. The things that their radical predecessors called for, which once seemed outlandish and extreme, have come to pass. The Nakba has never ended—and might yet involve another mass expulsion.

The events of May have reminded us that we Palestinians are one people united in opposing one and the same regime. Within that unity, there is great diversity, of tactics and ideology and sentiment. Our movement must be broad enough to encompass the collective, but there must also be a singularity of vision about what emancipation means: the abolition of settler-colonial rule in Palestine.

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