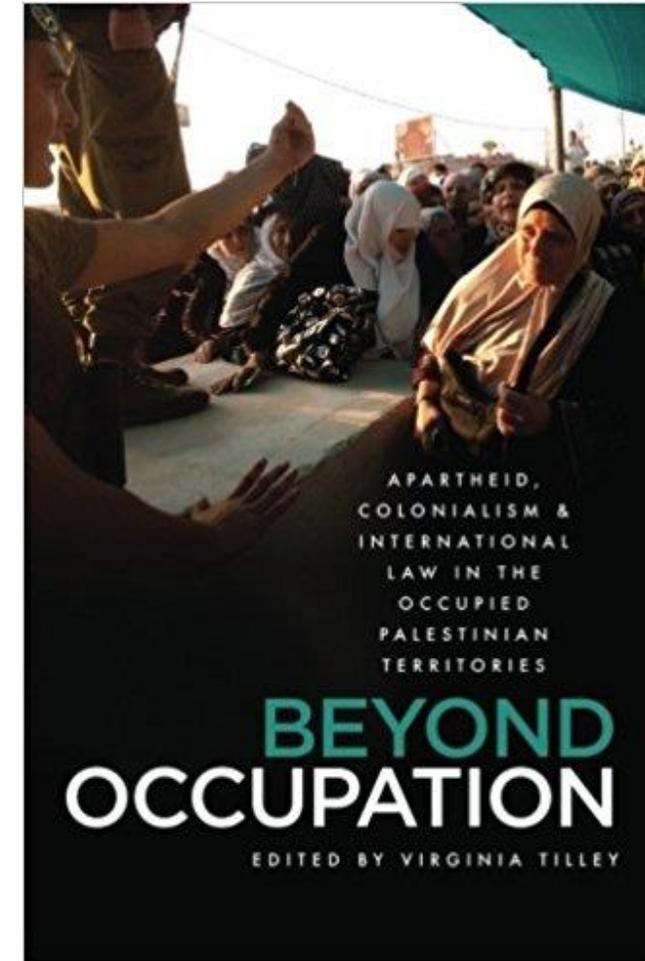
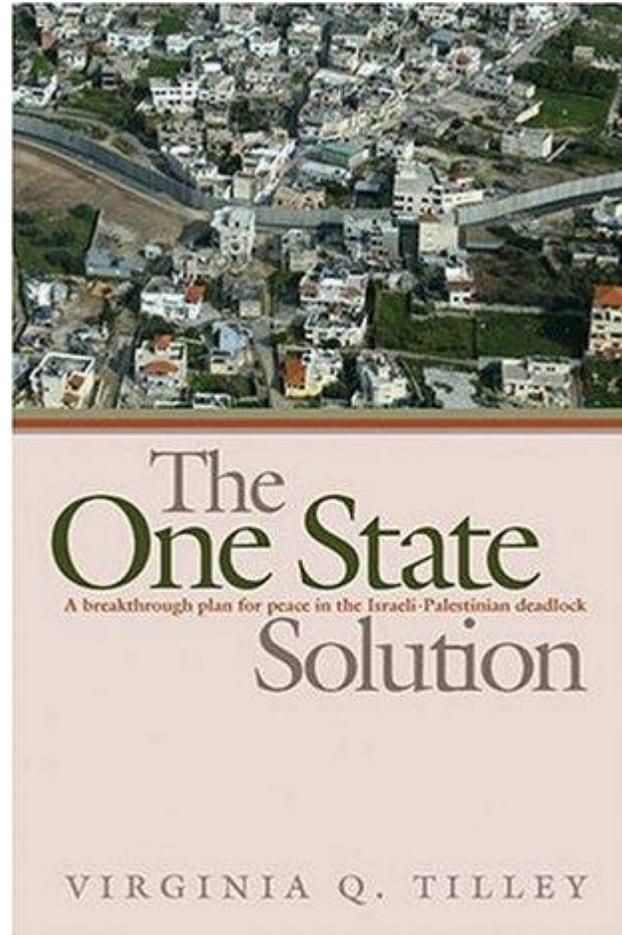




THE ISRAEL LOBBY & AMERICAN POLICY 2018

IsraelLobbyandAmericanPolicy.org
March 2, 2018 at the National Press Club, Washington, DC

Dr. Virginia Tilley
Does the U.S. Support
an Apartheid State?



Is the US supporting an apartheid state?

A TALK BY DR. V. Q. TILLEY

**PRESENTED AT THE ANNUAL CONFERENCE OF THE
WASHINGTON REPORT ON MIDDLE EAST AFFAIRS &
THE INSTITUTE FOR RESEARCH: MIDDLE EASTERN POLICY**

NATIONAL PRESS CLUB, WASHINGTON DC

2 MARCH 2018



So, [why] is the US supporting an apartheid state in Israel-Palestine?

SHORT ANSWER: YES

- ▶ Israel is an apartheid state.

DEEPER ANSWER: SO ARE OTHERS

- ▶ Those seeking partition also endorse an apartheid state.

THE DILEMMA:

- ▶ Apartheid anywhere is inadmissible, destabilizing and cannot comprise the basis for a just and stable peace.

This talk:

PART I: The Analysis

- ▶ Apartheid – the legal definition
- ▶ How Israel's apartheid regime works: strategic combination of 4 “domains”
- ▶ Why apartheid requires Israel to sustain its military occupation.

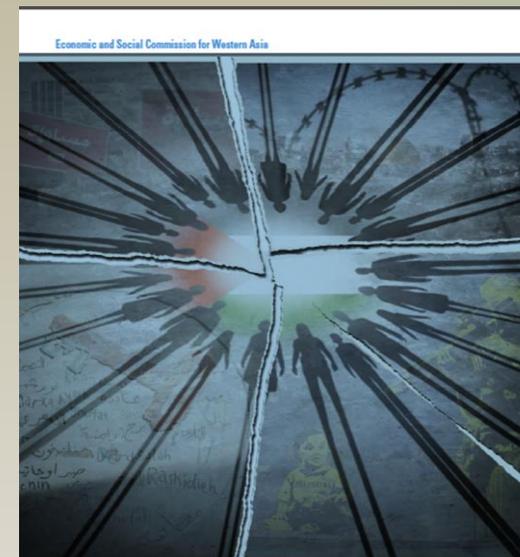
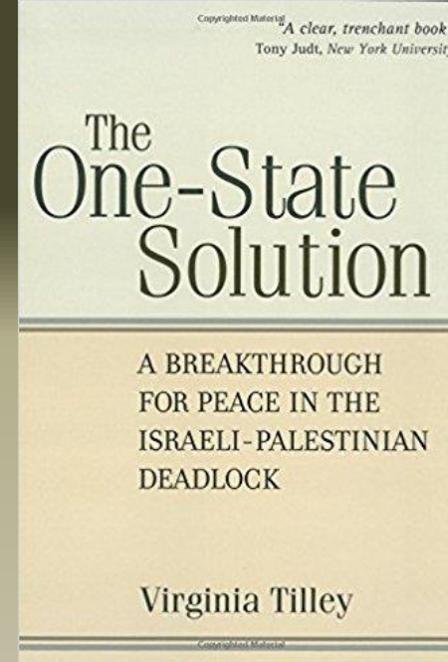
PART II: Implications?

- ▶ Why partition only sustains apartheid
- ▶ Why “State of Palestine” leads to Bantustan/partition trap
 - ▶ Unification, not partition
 - ▶ Rethinking aims: “end the occupation”
 - ▶ Rethinking identities:

Palestine as one country wrongly divided by race

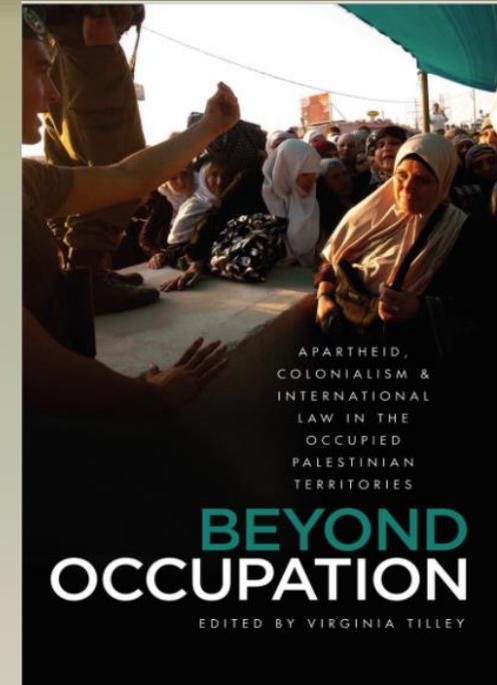
Analysis is based on ...

- 1) V Tilley: *The One-State Solution* (2005)
- 2) V Tilley, ed. (with legal team), *Beyond Occupation: Apartheid, Colonialism and International Law in the Occupied Palestinian Territories* (2012) – commissioned by the South African Department of Foreign Affairs
- 3) Richard Falk & V Tilley, *Israeli Practices towards the Palestinian People and the Question of Apartheid* (2017) – commissioned by the United Nations Economic and Social Commission for West Asia



Israeli Practices towards the Palestinian People and the Question of Apartheid

Palestine and the Israeli Occupation, Issue No. 1



What is apartheid?

“Apartheid” can be treated in polemics as:

General impressions of segregation and discrimination

Discrete acts and practices: e.g., “Apartheid Wall”

Social racism: private attitudes and behavior

(by Israeli-Jewish public, settlers, in job discrimination, etc.)

Class divisions with racial elements: “economic apartheid”

Anonymous forces: e.g., ‘global capitalism’



BUT if we argue that states are accountable for fulfilling legal responsibilities to end apartheid, we must use the **international legal definition** in the law that specifies those responsibilities.

Apartheid in international law

International Convention on the Suppression and Punishment of the Crime of Apartheid (1973):

... Article 2: The term 'the crime of apartheid', which shall include similar policies and practices of racial segregation and discrimination as practiced in southern Africa, shall apply to... 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.

Rome Statute of the International Criminal Court (1998):

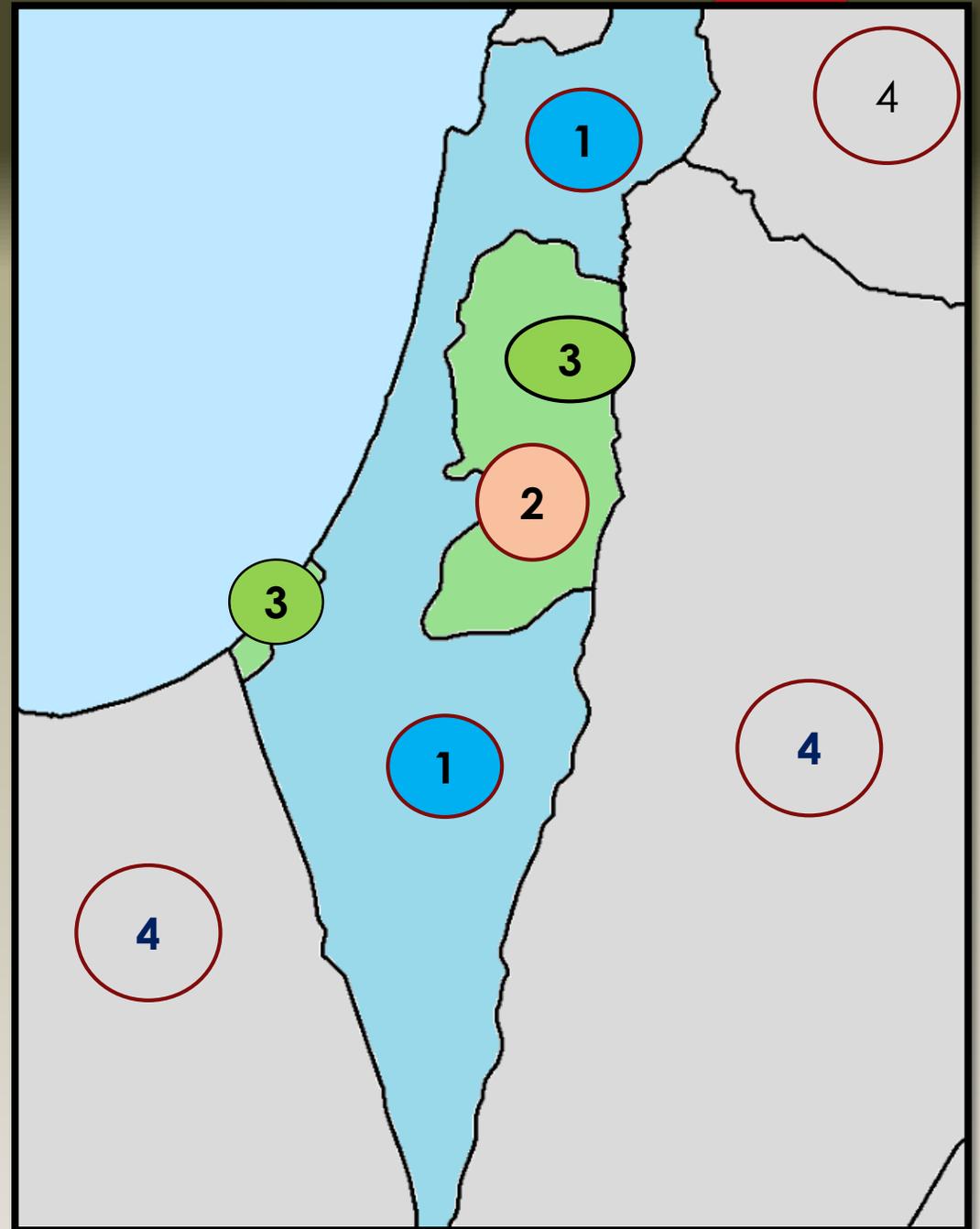
- ... Article 7/2 (h): 'The crime of apartheid' means inhumane acts ... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime; ...

All these elements of definition are satisfied:

- **Institutionalized regime – yes,**
 - Israeli law comprises a comprehensive system that ensures Jewish-national privileges while dominating and oppressing Palestinians
- **“Including” policies “similar to” South African – yes**
 - Policy variations do not disqualify
- **“Racial” – yes**
 - Ref. ICERD - construction of “Jewish” & “Arab/Palestinian” identities as descent groups
 - E.g., Declaration of the Establishment of the State of Israel (1948)
- **Purpose/intention to ensure permanent racial domination (the “Jewish character” of Israel) - yes: for example,**
 - Israel Basic Law – Israel as a “Jewish and democratic state”
 - Law of Return & other laws to ensure an “overwhelming Jewish majority” (immigration, residency, etc.)

Variations secure Jewish statehood: four interwoven domains (territorial/discursive)

- ▶ **Domain 1: Palestinian citizens of Israel**
 - ▶ Right to vote but not to eliminate Jewish-national privilege; minority status
- ▶ **Domain 2: Palestinian residents of Jerusalem**
 - ▶ No national vote, insecure residency
- ▶ **Domain 3: Palestinians in the Occupied Territories**
 - ▶ No vote: voting rights only for PA
- ▶ **Domain 4: Palestinian Refugees and Forced Exiles**
 - ▶ No right of return



The four domains comprise one regime:

Each domain has distinct laws & rules to ensure each population cannot gain capacity to alter Israeli law.

All domains operate strategically to guarantee that Palestinians as a people can never challenge the Jewish-national character of the state.

NOTE: Israel's occupation of the OPT is absolutely essential to this system.

- Israeli withdrawal/sovereign Palestinian state would challenge Israel's restrictions on movement.
- Integration would require providing citizenship to Palestinians.



PART II: Implications ...for diplomacy

- ▶ **STRATEGIC:** Conflict destabilizes whole region; apartheid threatens int'l peace and security. Must be stopped.
- ▶ **MORAL:** Apartheid is crime against humanity. Must be stopped.
- ▶ **But how?**
 - ▶ **“Vision” of two states – fatally flawed**
 - ▶ **Requires Israeli withdrawal that cannot be anticipated.**
 - ▶ **Sustaining Jewish statehood in part of territory sustains apartheid (compare South Africa).**
 - ▶ **Unification**
 - ▶ **Reunification of Mandate Palestine on nonracial terms is the only way to end apartheid, provide equal rights.**



Implications ...for activism

- ▶ “End the occupation”: how?
 - ▶ Israel’s withdrawal from OPT?
 - ▶ CANNOT BE ANTICIPATED. At best, partial.
 - ▶ Would not end apartheid.
 - ▶ Establish a “State of Palestine” to leverage withdrawal?
 - ▶ Under apartheid policies imposed by Israel, this is a BANTUSTAN.
 - ▶ Israel, as long as it is composed as an apartheid regime, cannot tolerate a Palestinian state that is not a Bantustan.
 - ▶ Bantustan state secures Palestinian poverty, underdevelopment, frustration, insecurity.



SPECIAL FOCUS: Art. 2(d)

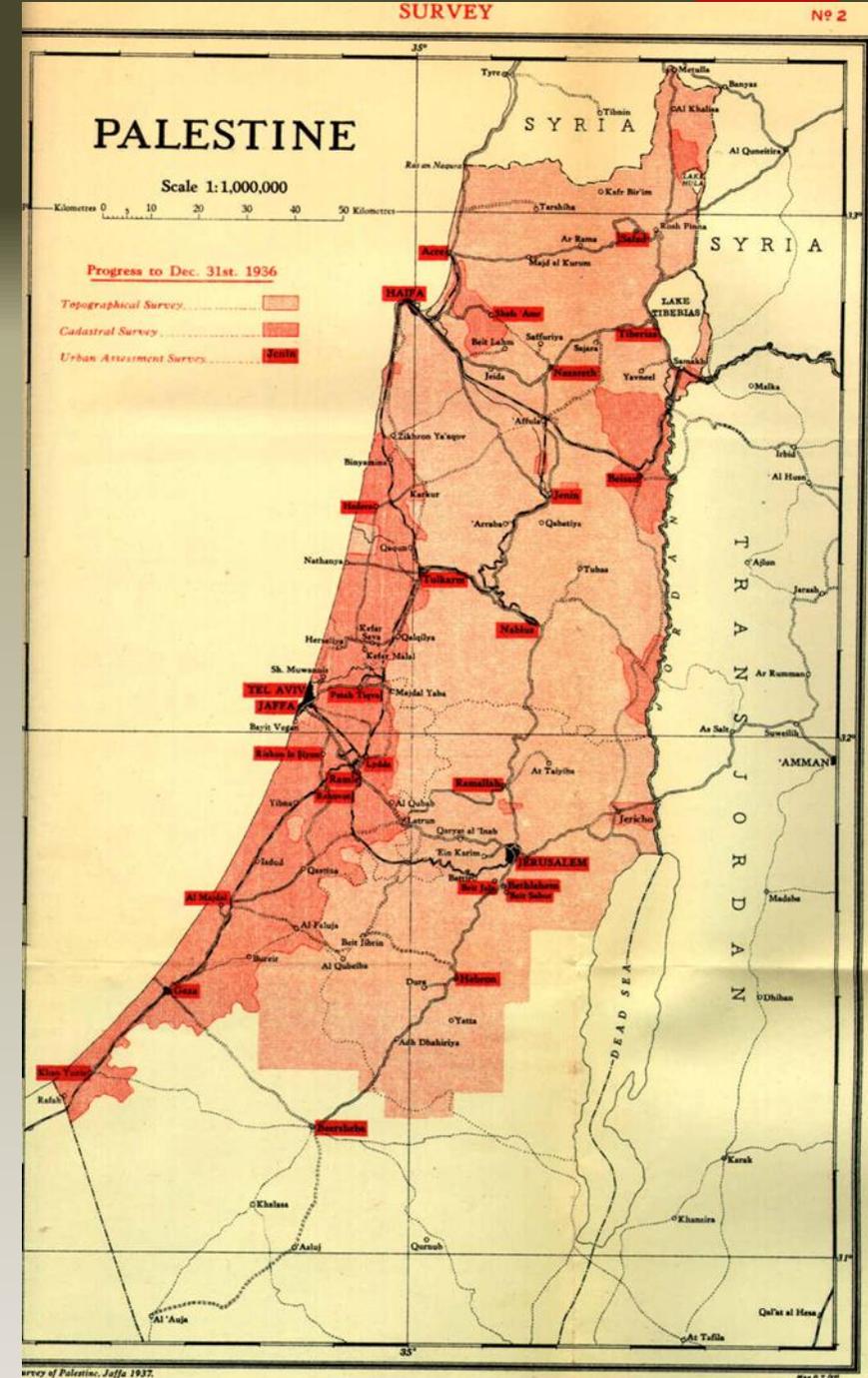
The Bantustans

- ▶ **Apartheid imperative = prevent racial mixing**
 - ▶ ... requires strict geographic segregation
 - ▶ ... requires “Black/Palestinian Self-Government Authorities” to channel indigenous political aspirations away from rights in dominant state to rights in Bantustan
 - ▶ ... requires a leadership that represses indigenous dissent, generates leadership motivated to cooperate
- ▶ **OSLO ACCORDS: established Areas in terms nearly identical to Bantustan constitutions**
- ▶ **ANC: absolutely rejected Bantustan states**
- ▶ **APARTHEID CONVENTION: Listed “reserves” as “acts of apartheid”**
- ▶ **PA: “Palestinian Self-Government Authority” is locked into Bantustan role**



The alternative:

- ▶ IF partition can only sustain apartheid, then we must ...
- ▶ rethink the conflict on South African terms: “colonialism of a special type” and ...
- ▶ switch from colonial to settler-colonial/apartheid model:
 - ▶ **Settler colonialism is ended not by delineating racial reserves (states) but by eliminating settler domination & racial discrimination**
 - ▶ **Treating Palestine as multi-national on the basis of race adopts an immoral and illegal doctrine.**
 - ▶ **Treat the whole territory as one country – Palestine – wrongly divided by race.**
- ▶ **REUNIFY MANDATE PALESTINE.**



Legal basis for reunifying Palestine

- ▶ Partition has failed, and can only perpetuate apartheid.
- ▶ But what is the “country” illegally governed as an apartheid regime?
- ▶ League of Nations Mandate (1922) established “Palestine” as one unified proto-state.
 - ▶ **Article 15: “No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.”**
- ▶ 1922 British Command Paper clarified the meaning of “Jewish national home”:
 - ▶ **“the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded in Palestine.”**
- ▶ 1939 British White Paper reinforced this.
- ▶ 1947 UNGA Resolution 181 recommended “**partition with economic union,**” on conditions eradicated by 1948 war. (No “principle of partition” can be invoked now.)
- ▶ With failure of 1947 partition, unit of reference is original country: Palestine Mandate.
- ▶ Human rights law does not allow any state to discriminate, including by preventing citizenship.

The most radical implications of the apartheid lens: identity changes

- ▶ **“Palestine”** as one state “that belongs to all who live in it,” ensuring full and equal civil, social & cultural rights
 - ▶ NOT the exclusive geographic heritage of any one part of its population.
 - ▶ NOT requiring the departure or exclusion of its rightful residents
- ▶ **“Jewish”** reconceived as an ethnic group with full civil, social & cultural rights
 - ▶ NOT a people with superior or prior rights to Palestine based on descent
 - ▶ NOT a “nation” with the right to self-determination
- ▶ **“Palestinian”** as multi-sectarian identity embracing everyone in the Mandate territory
 - ▶ NOT “Arab” in any sense (ideologically or legally) exclusive of non-Arabs
 - ▶ NOT the racial/ethnic construction affirmed by Zionism and imposed by apartheid
- ▶ **RECASTS EVERYTHING. Which is why no one wants to tackle it.**



Thank you.

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