

## **From Occupation to Apartheid?** Peace Now Brings the Question to the Israeli Public

By Dana Naomy Mills

The normalization of Israel's unending occupation has led to a dramatic change of policy by the Israeli government, mostly overlooked both within and outside of Israel. New attempts to expropriate Palestinian land and to legally annex the West Bank are now underway, posing a grave threat for Israel's democratic future.

On a stormy winter's night, hundreds of Israelis adjourned in a legal conference, organized by Peace Now under the title "From Occupation to Apartheid?" The conference presented four leading voices on Israel's settlement policy: Adv. Talia Sasson, who wrote a report on illegal outposts under the government of Ariel Sharon; Brig-Gen (ret) Ilan Paz, former head of the IDF Civil Administration and brigade commander in the West Bank; Adv. Michael Sfard, expert on human rights, and; Hagit Ofran, who heads the Peace Now Settlement Watch team. All four were there to answer the questions: How have Israeli policies regarding the settlements transformed the nature of occupation in the West Bank, and what are the best paths for the peace and human rights camp to challenge those policies?

The move towards annexation of the Palestinian Territories creates a situation in which Palestinians are subjected to Israeli civil law without themselves having citizenship, explained Peace Now Executive Director Shaqued Morag. Financing and bending laws to extend Jewish presence in Palestinian areas is a brazen political endeavor, and lacks military justification. In such an environment where a minority occupying population has rights and the local, occupied population does not, violation of human rights becomes inevitable. Is this the course Israel has taken to become an apartheid state?

Hagit Ofran reported the changes in government policy. Occupation, she explained, is meant to be a temporary state. Another major change she noted was the affirmation of this process by Attorney General Mandelblit. Sfard discussed how problematic it is to pursue a legal route of dissent when the state so clearly takes the settlers point of view, enshrining lack of legal parity in everyday practice. Brig. Gen. Paz noted that illegal neighborhoods of so-called "legal" settlements are far more problematic than unauthorized outposts, illegal under Israeli law. He revisited the temporariness of the Oslo Accords, which, together with the supposed temporary occupation, has long shielded Israel from more severe international scrutiny. Sfard provided the legal definition of apartheid as the structural withholding of rights and discrimination of one group by another in the context of domination by one group over another. Apartheid is a crime against humanity, explained Sfard. Occupation is not illegal only so long as it is temporary.

The justice system has always played a role in the settlement policy and has normalized settlements, but the most dramatic changes in Israeli government policy have been since Ayelet Shaked was appointed Justice Minister in 2015 and Avichai Mandelblit became the government's attorney general in 2016. A report from which this conference drew claims states "These new positions of the State Prosecutor and of the Attorney General are the product of close to 9 years of right-wing governments headed by Netanyahu, and even more so in the past two years under the current government with Ayelet Shaked as a justice minister." Moreover, "The government is creating the atmosphere, exerting pressure and expressing the expectation that the

Attorney General will supply the goods that will allow it to expand the settlements, expropriate land and reduce the Palestinian presence in Area C.”

These changes are liable to implicate Israel with flagrant violations of international law. This political and legal shift is part of an ongoing process of de facto annexation of these territories and the creation of a bi-national state, in which the Palestinians live under a discriminatory regime without rights. This reality distances us from the prospect of a peaceful solution and territorial sovereignty for two peoples.

Words matter. They carry weight, history, and presence of different places and times that teach us valuable lessons when we place them in context and allow the different locations from which they arise to speak with each other. The shift from referring to discussing occupation to discussion of apartheid carries legal and historical significance. Conditions of segregation and legal oppression bring time and time again reflections upon the relationship between human beings, narratives and history. African-American author James Baldwin once wrote, “People are trapped in history and history is trapped in them.” Those who care about human rights of Palestinian and Israelis must listen to this critical work. In an era of anti-internationalism and the rise of the far-right around the globe these lessons are both particular in application but universal in teaching; they seek freedom and justice for all and rejection of oppression and violation of human rights towards an affirmation of humanity. The report authored and discussed by Peace Now looking at shifting from occupation to apartheid permits us to reconsider viable paths of dissent out of a worsening relationships between Israelis and Palestinians. Attention and discussion of this report is a first step towards challenging this constant deterioration and accepting it as inevitable.



*Peace Now director Shaqed Morag speaks at the event, “From Occupation to Apartheid?”*