



OCCUPATION, COLONIALISM, APARTHEID?
A RE-ASSESSMENT OF ISRAEL'S PRACTICES IN THE OPT
UNDER INTERNATIONAL LAW

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— SYMPOSIUM PROCEEDINGS —

The Significance of the HSRC Report

Dr. Virginia Tilley

It is my belief that this study marks a major change. I don't say this lightly, or because I founded and coordinated the process that produced it. I have worked on Palestine since the mid-1980s – that is 25 years now. Never have I seen the situation so bad. But I have also never had greater hope and this Report marks the dawn of that hope.

In the 1980s, with Palestinians and those around me I was urging a two-state solution. But already the warning signs were there. The West Bank settlements were still small then, but they were growing. In 1991, with Joseph Schechla, I founded a project called Settlement Watch. We had the data, the maps, the historical documentation. It was clear that, if the settlements weren't stopped, a two-state solution would become impossible. We published the data, I testified before Congress.

But no one did anything. The Palestinian leadership threw its energies into state-building through the Oslo process. Human rights groups continued to focus on the burning issues – prisoners' rights, women's rights, freedom of movement, extrajudicial killings. The same as now, in fact. The settlements were just one issue then, often lost among the others.

During the Oslo process, I watched to see what would happen. By 1998, it was already clear that the settlements were still growing and no one would or could stop them. In 2003, the situation was too clear: I wrote the first article saying it was over. In 2004, I wrote a book on the same subject. Like some scientist holding data on global warming back in the 1990s, I had the naïve idea that facts alone were persuasive especially when the facts were plain for all to see. That rarely works. I don't think many people read the book. "Utopian", people said. "Unrealistic." They didn't get the argument: that the one-state solution is not a dream, it is Israel's firm plan and the Palestinians' grim reality, and it is full of dangers even while it raises new hope.

It raises hope because one other country faced those same dangers and defeated them. I came to South Africa to examine that triumph, led by people like Ronnie Kasrils. That comparison soon revealed a challenge: the need to test seriously whether Israel really is an apartheid state. This had to be raised as a serious and independent question of international law so that we could know what kind of animal we were really dealing with.

It was my great privilege to direct the superb team of scholars that came together to produce this study. I can't take credit for their interest: the moment I called and asked them, they said yes, for the possibility that Israel was truly an apartheid state was already striking them. As a result, the team gained counsel from the legendary South African scholar John Dugard; grounding from the eminent theorist Professor Iain Scobbie; the extraordinary legal mind of

South African Professor Max du Plessis; and the rigorous hard legal work of Adalah and Al-Haq.

This Report stands on *their* expertise. The findings should therefore stop us all: an apartheid regime has, indeed, arisen outside of southern Africa, and it is the Palestinians who now face it.

What does this finding mean for Palestinians? That is not my place to say. It is my job as an academic only to make the facts as plain as I can and I have done that as best I can. But I submit to you now that those facts change everything and allow a new light to dawn.

I submit to you that this Report confirms what we have suspected: that all the evils we now see facing the Palestinians – especially, the geographic and political fragmentation -- are the products of an apartheid regime. I submit to you that Palestinian peace, safety and political unity in a Bantustan state is impossible. But I also submit to you that Israel's plans will be its undoing. It cannot survive its apartheid strategy any more than apartheid South Africa could survive. No one can eliminate this apartheid state except the Palestinians and this Report hands the Palestinians the tool to do it.

But I also submit to you that this finding of apartheid should not be seen as just another way to strike at Israel. It should be debated carefully, as the key to a new future. It brings our focus back to the very heart of the conflict. The core premise of separation – apartheid, hasbara – must be attacked and rejected for the racist premise that it is. Division can't be done without violence and cruelty, and it can only generate more terrible violence as long as people on both sides try to make it work. The only solution is unification, and it stands on the shoulders of the great and noble struggle for the same vital solution in South Africa.

South Africa today is a complicated society. It's a state like any state: its leaders are concerned with oil supplies and trade and taxi strikes and petrochemical investments. But it still has many heroes who remember and live the struggle against apartheid. One of them is Ronnie Kasrils, who will address you now.

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