

1st Global Conference on Israeli Apartheid:  
Dimensions, Repercussions and the Means to Combat it  
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# From Occupation to Apartheid: Embracing the Paradigm Shift

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## NOTE TO VIEWERS:

This PPT file is being made available solely those attending the AARD conference. It represented the visual portion of the talk delivered in the plenary session on 29 November.

It is best viewed in

## SLIDE SHOW MODE

because graphics will not appear correctly otherwise.

The Arabic commentary is available from the video coverage of the conference organizers. English may also be available.

# Sources: 16-year analysis

- ▶ 2004: *Sharing the Land of Canaan* by Mazin Qumsiyeh
- ▶ 2005: *The One-State Solution* by Virginia Tilley
- ▶ 2006: *One Country* by Ali Abunimah
- ▶ 2009: Human Sciences Research Council of South Africa, commissioned by the Government of South Africa
  - ▶ 2010: *Occupation, Colonialism, Apartheid? A Reassessment of Israel's Practices in the Occupied Palestinian Territories under International Law*, by team of legal scholars (V Q Tilley, project leader)
  - ▶ 2012: *Beyond Occupation: Apartheid, Colonialism and International Law in the Occupied Palestinian Territories* (Pluto Press, V Q Tilley, ed.)
- ▶ 2017: *Israeli Practices towards the Palestinian People and the Question of Apartheid* commissioned by the United Nations Economic and Social Commission for West Asia – Richard Falk & Virginia Tilley
  - ▶ **LINK: French, Italian & [Arabic translation \(link\)](#)**

لجنة الأمم المتحدة الاقتصادية والاجتماعية لغربي آسيا (الإسكوا)

## الممارسات الإسرائيلية تجاه الشعب الفلسطيني ومسألة الأبارتايد (الفصل العنصري)

فلسطين والاحتلال الإسرائيلي

الإصدار الأول



Euro-Med Monitor  
FOR HUMAN RIGHTS  
الأورو متوسطي لحقوق الإنسان

هذه النسخة المترجمة من إعداد المرصد الأورومتوسطي لحقوق الإنسان

يوليو 2018

صدر هذا التقرير بنسخته الإنجليزية في 15 مارس 2017 عن الإسكوا، وجرى سحبه عن موقعها الرسمي بعدها بأيام

# Deeper implications of apartheid: a paradigm shift

Occupation Paradigm



Apartheid Paradigm

# The dominant view: “Occupation Paradigm”

- ▶ Israel is the belligerent occupier of the West Bank & Gaza Strip (OPT)
  - ▶ *“Palestine problem” traces to 1967 war*
  - ▶ *Will be ended by ending the occupation*
- ▶ Occupation is temporary: Israel must withdraw from the OPT – and therefore will
  - ▶ *Retaining the OPT would violate the international legal prohibition on acquiring territory by force*
- ▶ Palestinians are a people with the right to self-determination in Mandate Palestine
- ▶ Jews are a separate people with the right to self-determination in Israel
  - ▶ Israel will remain a Jewish state
- ▶ Israel’s withdrawal will allow a “Palestinian” state to form in the OPT: **2-state solution**



# Occupation Paradigm: suggests two states “State of Israel” (where?): “State of Palestine” in OPT

- ▶ **Norms:** rests on the “**principle of partition**”
  - ▶ UNGA Resolution 181 of 1947: “Arab State” & “Jewish State”
  - ▶ “Binational” model: “Two peoples in one land,” “two states for two peoples”
- ▶ **Diplomatic/legal support for partition:**
  - ▶ Oslo Accords: implicit
  - ▶ Road Map: explicit
  - ▶ UN Security Council Resolutions 1515, 1850, 2334
- ▶ **Political:** PA seeks recognition by UN Member States
  - ▶ 137 States recognized “State of Palestine” (Nov 2019)



# Occupation Paradigm: accepts fragmentation of the Palestinian people & “problem”

**1 Domain 1: Citizens of Israel**

**2 Domain 2: Residents of Jerusalem**

**3 Domain 3: In the Occupied Territories**

**4 Domain 4: Refugees and Forced Exiles**

▶ Aims to protect Jewish democracy

▶ Casts conflict as international  
(occupation)



# Occupation Paradigm has failed:

- ▶ Israeli not withdrawing; it is annexing West Bank
  - ▶ FACTS: Rapid growth of West Bank settlements: half-million settlers

- ▶ Palestinian
- ▶ “State of Pa

- ▶ British Ma
- ▶ Resolution

- ▶ Jewish state
- ▶ Jewish-nat

- ▶ Requires a full Israeli c

- ▶ Occupation

- ▶ For Israel, F



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# Defining Apartheid: 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.

(followed by list of sample “inhuman acts,” such as racial segregation, reserves and ghettos; bans on mixed marriages, etc.)

\* \* \*

## Rome Statute of the International Criminal Court (1998)

# Israel's practices consistent with this definition:

- **“Regime” – yes**
  - Israeli laws comprise a comprehensive **regime** or **system** applied to Palestinians **wherever they live**
- **“Purpose”/“intention” to dominate - yes**: Israeli laws & policies explicitly state this
  - Basic Laws affirm Israel to be a “Jewish and democratic state” - ensure a Jewish majority (relating to immigration, residency, etc.)
- **“Racial” character of the conflict - yes**
  - ICERD: “racial discrimination” as based on **“race, colour, descent, or national or ethnic origin”**
  - In Israeli law & doctrine, Jews are a **“descent group”** sharing one **ethnic/national origin**
- **“Inhuman acts” – yes**
  - Israel practices all “inhuman acts” in Apartheid Convention

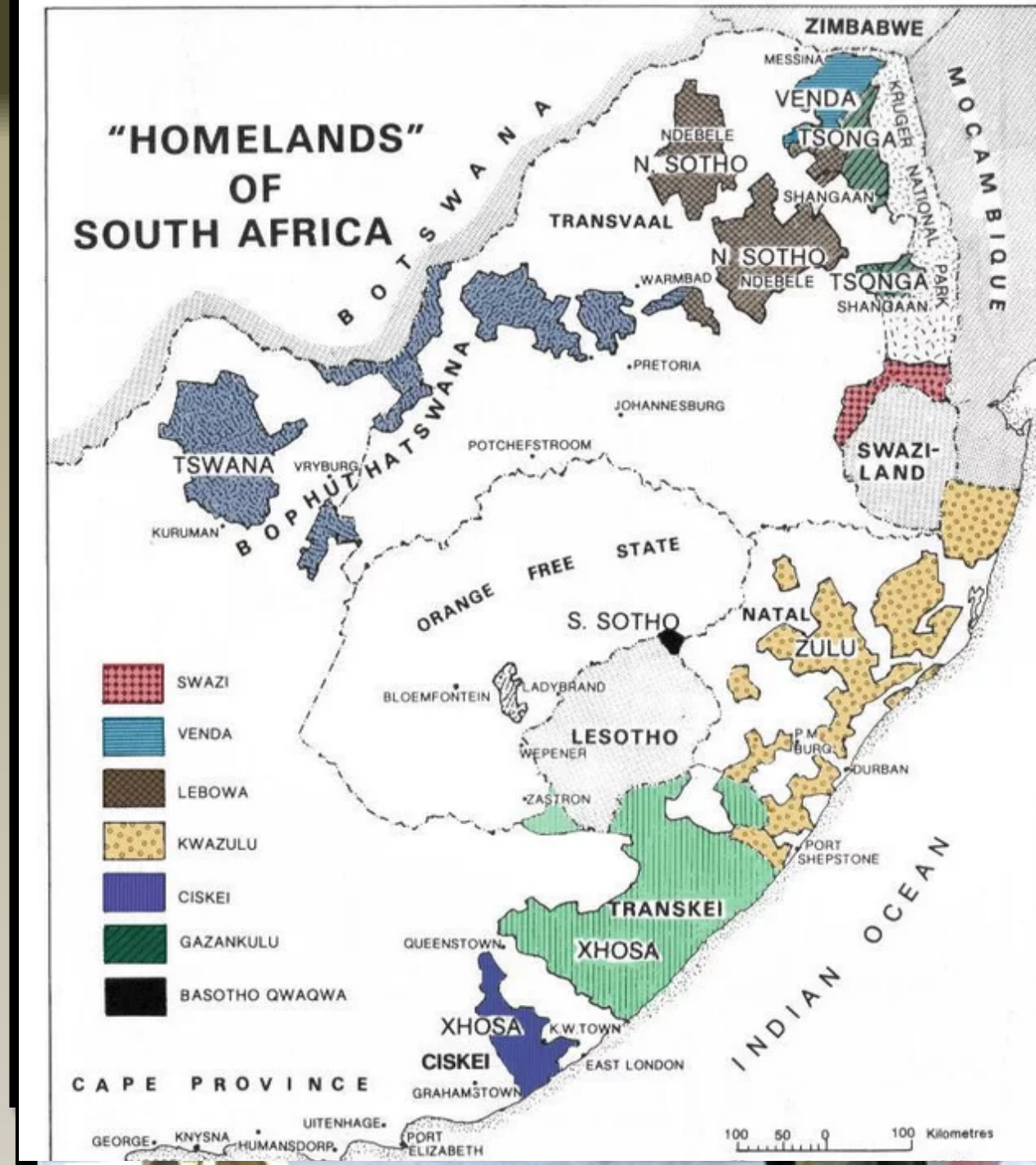


Israeli Practices towards the Palestinian People and the Question of Apartheid  
Palestine and the Israeli Occupation, Issue No. 1

# Bantustan solution = "Grand Apartheid"

SAME STRATEGY in S AFRICA and Palestine:

- ▶ Regime installs "national" governments to provide for "self-determination"
  - ▶ "Bantu Self-Government Authorities"
  - ▶ "Palestinian Self-Government Authority"
- ▶ Four functions:
  - ▶ Denationalization: transfer citizenship & rights to Bantustan government
  - ▶ Pacification: make Bantustan government responsible for repressing dissent
  - ▶ Economic dependency: ensure Bantustan economy remains subordinate to & dependent on settler economy
  - ▶ Political dependency: make Bantustan government dependent on dominant power
  - ▶ Proxy rule: staying in power is conditional on fulfilling these functions



# New view: “Apartheid Paradigm”

## APARTHEID PARADIM REVEALS PARTITION AS ILLEGAL:

- ▶ ESCWA Finding: Israel as a “Jewish democracy” is institutionally an apartheid regime
- ▶ Partition into 2 states has no rationale other than perpetuating Jewish statehood and therefore an apartheid regime in one of them
  - ▶ Two-state premise:
    - ▶ Israel remains an apartheid regime;
    - ▶ Palestinian state is a secular democracy
    - ▶ Coexistence requires “separate development” – alternative name for “apartheid”
- ▶ Apartheid is **always illegal**; it cannot be ended by moving a border that preserves it in one area
  - ▶ *no special case or exemption for Israel*
- ▶ The only solution consistent with international law is to unify Mandate Palestine as one nonracial state



Apartheid Paradigm: fragmentation is a deliberate illusion.  
Israel governs all Mandate Palestine as one apartheid regime



# The Paradigm Shift summarized:

## OCCUPATION PARADIGM

- ▶ “Conflict” traces to **Six-Day War (1967)**
- ▶ State of Israel: is a **legal given**
  - ▶ Mandate Palestine was legally extinguished; as a state, it is **obsolete**
  - ▶ Jewish statehood expresses Jewish people’s right to self-determination: **legitimate**
- ▶ Israel is a **belligerent occupier** in part of Mandate Palestine: **must withdraw**
- ▶ Negotiations involve **homologous actors** (war model)
  - ▶ Israel & PA are state governments equally responsible & legally capable

## APARTHEID PARADIGM

- ▶ “Conflict” traces to **Balfour Declaration (1917)**
- ▶ State of Israel: partition is **racial**, therefore **illegal**:
  - ▶ Mandate Palestine remains the “state” in question: it is the state or country of reference
  - ▶ Jewish statehood expresses doctrine of ethnic domination consistent with apartheid: **illegitimate**
- ▶ Israel is **sole sovereign** throughout Palestine: **must democratize**
- ▶ Negotiations involve **asymmetric actors** (settler colonial model):
  - ▶ State of Israel is apartheid regime facing indigenous resistance

# The Paradigm Shift summarized:

## OCCUPATION PARADIGM

- ▶ **Solution: TWO STATES - ethnic nationalism:**
  - ▶ “Two peoples in one land”
- ▶ Domestic Israeli law confirming “Jewish statehood” is irrelevant
  - ▶ Fall outside the scope of peace talks
- ▶ Palestinian right to self-determination can be satisfied by a state in the OPT
- ▶ Israel cannot be granted sovereignty in OPT: **it must withdraw from the OPT**

## APARTHEID PARADIGM

- ▶ **Solution: ONE STATE - civic nationalism:**
  - ▶ “Palestine belongs to all who live in it”
- ▶ Domestic Israeli law confirming “Jewish statehood” is the origin of the problem:
  - ▶ Elimination is prerequisite to just peace.
- ▶ Palestinian right to self-determination can be satisfied only by reunifying Mandate Palestine
- ▶ Israel must **accept burdens of sovereignty and provide equal rights to all residents of Palestine**

# Most radical implications of the occupation paradigm: self-determination in an anti-apartheid struggle

If *Palestine belongs to all who live in it* – all citizens have full and equal civil, political, social & cultural rights – this signifies that ...

**“Palestinian”** returns to its original multi-sectarian identity embracing everyone in the territory of Mandate Palestine; ...

**“Jewish”** is reconceived as an ethnic group with the same civil, social & cultural rights as everyone else; ...

both groups have a “homeland” in Mandate Palestine as part of one “people of Palestine”

**Major ideological/discursive shift.**





**Thank you.**

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