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Kerry Is wrong: Israel is already an apartheid state

By Josh Ruebner

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Last Friday, Secretary of State John Kerry touched off a firestorm of criticism by warning that Israel risks becoming “**an apartheid state**” after his initiative to broker Israeli-Palestinian peace limped this week to its inconclusive deadline. But Kerry is wrong to suggest that Israel will reach this pariah-hood tipping point in the indeterminate future. Since its inception in 1948, Israel has maintained a regime of differentiated rights that privileges Israeli Jews and discriminates against Palestinians.

Palestinian refugees, ethnically cleansed from their homes by Israel before, during and after the state’s establishment on 78 percent of historic Palestine, are denied their internationally guaranteed right to return; however, a Jewish person anywhere in the world can immigrate to Israel, automatically claim citizenship, and even reside on property belonging to Palestinians dispossessed of their land.

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Those Palestinians not expelled from their properties, who are today citizens of Israel, face pervasive societal discrimination, and, according to **Adalah**: The Legal Center for Arab Minority Rights in Israel, “there are more than 50 Israeli laws that discriminate against Palestinian citizens of Israel in all areas of life, including their rights to political participation, access to land, education, state budget resources, and criminal procedures.”

Immediately after occupying the West Bank, East Jerusalem, and Gaza Strip—the remaining 22 percent of historic Palestine—in 1967, Israel promulgated **Military Order 101**, stripping Palestinians of all political rights and embarking on an illegal colonization of their land. More than forty years later, Human Rights Watch concluded, in a report entitled “**Separate and Unequal: Israel’s Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories**,” that Israel’s military occupation has resulted in policies which “harshly discriminate against Palestinian residents, depriving them of basic necessities while providing lavish amenities for Jewish settlement.”

This type of two-tiered system of law, based on factors such as race, ethnicity and nationality, was what the international community sought to end when it defined apartheid as a crime against humanity. Israel’s discrimination against Palestinians is so blatant that even the State Department grudgingly acknowledges in its latest **human rights report** that Palestinian citizens of Israel face “institutional and societal discrimination,” in addition to an extensive catalogue of human rights abuses suffered by Palestinians under Israeli military occupation.

Beyond the proximate causes for the breakdown of this latest round of the interminable “peace process”—Israel’s reneging on its commitment to free a final tranche of Palestinian political prisoners and its ongoing colonization of Palestinian land, which resulted in the Palestinians joining additional international bodies and treaties and signing a unity agreement between the divided political parties of Fatah and Hamas—the reason for its essential failure is clear. For more than two decades, the “peace process” has not been premised on ending Israel’s discriminatory policies toward the Palestinians, but, rather the reverse: the “peace process” has been designed to entrench and reify Israel’s apartheid domination.

U.S. and Israeli proposals made to the Palestinians during this latest round of talks illustrate this point. Rather than uproot its illegal colonies, Israel demanded the annexation of all major settlement blocs, with **Martin Indyk**, the former American Israel Public Affairs Committee employee transmogrified into President Obama’s Special Envoy for Israeli–Palestinian Negotiations, confirming that 75-80 percent of Israeli settlers would be appended to Israel. Rather than dismantle Israel’s apartheid wall, which was ruled to be illegal by the International Court of Justice in 2004, the wall would stay in place, along with extensive security zones dividing

“the eastern and western regions of the West Bank completely,” according to Palestinian negotiator **Yasser Abed Rabbo**. In addition, the putative Palestinian state would have no access to Jerusalem and would be cut off from its neighbor Jordan by a long-term Israeli military presence, turning portions of the West Bank into a non-sovereign entity completely controlled by Israel from without, akin to the situation facing Palestinians in the beleaguered and blockaded Gaza Strip today.

Just as Israel’s proposals for the West Bank sought to perpetuate its apartheid control over Occupied Palestinian Territory, so too did Israel’s demand that Palestinians recognize Israel as a “Jewish state,” rather than a state of all of its citizens like every other country, attempt to codify Israel’s discrimination toward Palestinians. Far from being a simple request to acknowledge current demographic realities, this demand attempted to coerce Palestinians into acceding to a purported Israeli “right” to continue to artificially maintain a Jewish majority by continuing to deny Palestinian refugee rights.

Before Kerry embarked on his shuttle diplomacy to restart Israeli-Palestinian negotiations, he **testified** to Congress last April that there was a one- to two-year window of opportunity for resolving the Israeli-Palestinian issue within a two-state paradigm. With the Obama administration disinclined to further pursue talks as midterm elections approach, Kerry’s window has shut.

But instead of ruing Kerry’s failure, the United States can finally stop trying to hammer the square peg into the round hole. Two decades of a failed “peace process” can now finally result in fresh and creative thinking about how to resolve the Israeli-Palestinian issue on the basis of human rights, international law and equality, rather than on the basis of Israel’s apartheid control over the Palestinian people.

*Ruebner is the policy director of the **US Campaign to End the Israeli Occupation** and author of **Shattered Hopes: Obama’s Failure to Broker Israeli-Palestinian Peace**.*

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