

✉ 122 St George's Mall, Cape Town 8001

☎ Fax 021 488 4793

✉ Email [arglet@inl.co.za](mailto:arglet@inl.co.za)

## HSRC study fingered Israel for practising apartheid

**BEN LEVITAS** ("Israel's apartheid label is a slanderous fabrication", Cape Argus, March 13) should know that Israel's apartheid label is based on a 302-page Human Sciences Research Council ([www.hsrc.ac.za](http://www.hsrc.ac.za)) study of Israel's policies.

Notwithstanding Israel's classification of the occupied Palestinian territories – the West Bank, East Jerusalem and Gaza – as unoccupied, international law regards them as being under "belligerent occupation", which is intended to be temporary. However, Israel has occupied the West Bank for 46 years and Gaza is still under siege.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965) provides the basis, and the International Convention for the Suppression and Punishment of the Crime of Apartheid ("Apartheid Convention", 1973) as well as the Rome Statute of the International Criminal Court ("Rome Statute", 1998) define apartheid as an international crime, not as it was practised in South Africa, but as a system that denies people's right to life and liberty; imposes conditions to cause the physical destruction of a racial group; implements measures to prevent a racial group from participating in the political/social/economic/cultural life of society; divides the population along racial lines; exploits the labour of a particular racial group, and persecutes organisations and people

opposing apartheid.

Levitas argues that the Israel/Palestine conflict is primarily a religious one, hence the situation cannot be analogous to apartheid. In the occupied territories, the HSRC study finds that "Jewish" and "Palestinian" identities are socially constructed as groups distinguished by ancestry or descent as well as nationality, ethnicity and religion, and therefore meet the requirement of "racial groups" as referred to in international law.

The study assumes that not all the six aspects of apartheid as defined above have to be identified in an existing system to conclude that it is an apartheid system, but that there should be a sufficient number, which in combination constitute a systematic regime of racial oppression.

It concludes that Israel practises apartheid in the occupied territories through the following activities – extra-judicial killings, torture and a separate legal system; restrictions on the right of full development of Palestinians as a group such as those on their freedom of movement, place of residence, nationality and work; impeding Palestinians' education

and running a segregated education system; restricting Palestinians' freedom of expression and opinion as well as their freedom of peaceful assembly; dividing the West Bank into racial cantons, extensive appropriation of Palestinian land for exclusive Jewish use; arresting, imprisoning and banning the travel of Palestinians, and targeting Palestinian parliamentarians, national political leaders and human rights defenders.

Levitas argues further that there are two hostile states, Israel and Palestine, and that Israelis need to protect themselves.

The study acknowledges the merit of Israel's claims for security. It notes that the devolution of power to the Palestinian National Authority and Legislative Council (created through the Oslo Accords) has been only partial, and that Israel retains ultimate control.

It concludes that Israel's security actions are disproportionate to its security needs, their primary purpose being to prevent Palestinian opposition to racial domination.

Levitas's argument that it is the countries "hosting" the Palestinian refugees who are guilty of perpetuating apartheid demonstrates a cynical opportunism in its denial of the role of Zionism in creating the refugees. In this regard, I recommend Benny Morris's 2004 interview with Haaretz ([www.counterpunch.org/shavit01162004.html](http://www.counterpunch.org/shavit01162004.html)).

Levitas's criticism of the Boycott, Divestment and Sanctions (BDS) campaign against Israel for ignoring anti-Semitism is inaccurate – BDS South Africa commemorated the Holocaust in January and is opposed to anti-Semitism and all forms of racism within and outside its ranks.

In arguing that the BDS campaign apportions all the blame to one side, Levitas neatly sidesteps the crucial point that the systematic implementation of a colonial policy by Israel oppresses the Palestinians' right to self-determination.

I write as a Jewish South African who stands against the demonisation of the Palestinian people, and for an objective account of the facts of their circumstances.

**PAUL HENDLER**  
Stellenbosch

## Arab Ummah behind crisis

**FAZLIN Fransman** ("Obama has turned his back on Palestine", Cape Points, April 2) says that Obama's praise for Israeli democracy is "A slap in the face for those destitute Palestinians who suffer under the yoke of the Israeli regime".

If anyone is responsible for the destitution and suffering of the Palestinians it's the Arab Ummah.

During the 20th century, millions of refugees were created by wars and all except the Palestinians have been integrated into host countries.

Arabs caused the refugee problem in 1948 by their rejection of a two-state solution and attacking the nascent Jewish state. They maintain the refugee problem by keeping them in squalid camps where they are denied basic human rights and are treated as social outcasts. The Arab League rejected the giving of citizenship to Palestinian refugees to prevent their integration into host countries and they use the suffering they have caused as a weapon in their unending war against Israel.

UN Relief and Works Agency official Alexander Galloway stated: "The Arab states do not want to solve the refugee problem. They want to keep it as an open sore, as an affront to the UN and as a weapon against Israel. Arab leaders don't give a damn whether the refugees live or die."

The Palestinian Authority has not improved the lives of ordinary Palestinians. If the Arab Ummah is so concerned about the Palestinians why do they only contribute 5 percent to the PA's budget?

**CLAIR DE JAGER**  
George