



Former AG of Israel: With great sadness I conclude that my country is now an apartheid regime

Description

PALESTINA/ISRAEL: OVER THE LAST year, there has been an ongoing public debate as to whether the actions the Israeli government is enacting in the Occupied Palestinian Territories can be classified as apartheid under international law.

On 1 February, [Amnesty International](#) became the latest NGO to class it as apartheid, calling it 'a cruel system of domination and a crime against humanity'. This followed earlier declarations of apartheid by fellow human rights groups, [Yesh Din](#), [B'Tselem](#) and [Human Rights Watch](#).

As the former Attorney General of Israel, I have spent my career analysing Israel's most pressing legal questions. Israel's occupation of the West Bank, Gaza and East Jerusalem was a fundamental dilemma during my tenure and beyond.

'A gross injustice'

Israel's ongoing domination over these territories is a gross injustice that must be urgently rectified.

It is with great sadness that I must also conclude that my country has sunk to such political and moral depths that it is now an apartheid regime. It is time for the international community to recognise this reality as well.

Since 1967 Israeli authorities have justified the occupation by claiming that it is temporary until a peaceful solution can be found between Israelis and Palestinians. However, five decades have now passed since these territories were conquered and Israel shows no interest in rescinding this control.

It is impossible to conclude otherwise: the occupation is a permanent reality. This is a one state reality, with two different peoples living with unequal rights.

Violating international law, Israel has transferred [more than 650,000](#) of its Jewish citizens to live in

settlements in the West Bank and East Jerusalem. These settlements are established in areas that surround Palestinian villages, intentionally fragmenting Palestinian communities from each other, to ultimately prevent the possibility of a contiguous Palestinian state. In East Jerusalem, discriminatory property laws are forcing Palestinians out of their homes in a state-backed policy of Judaising the city.

There are no ‘two Israels’

In Area C of the West Bank, discriminatory planning laws are being used to drive Palestinian communities from their land. These communities face a deluge of settler violence from unauthorised outposts (illegal even under Israeli law), the perpetrators of which face little to no consequences.

Any attempts to resist apartheid are heavily surveilled or criminalised, exemplified by the spurious designation of Palestinian civil society groups as [terrorists by the Israeli Ministry of Defence](#).

Successive Israeli governments including the recent coalition government which billed itself as a shift away from Netanyahu’s intransigence has consistently and publicly affirmed that they have no intention of establishing a Palestinian state.

However, much of the discussion in the international community operates as if Israel’s behaviour in the occupied territories can be distinguished from the liberal democracy that exists within the Green Line. This is a mistake.

You simply cannot be a liberal democracy if you operate apartheid over another people. It is a contradiction in terms because Israel’s entire society is complicit in this unjust reality.

It is the Israeli ministerial cabinet for settlements that approves every illegal settlement in the occupied territories. It was me, in my role as the Attorney General who approved the expropriation of private Palestinian land in order to build infrastructure such as roads that have entrenched settlement expansion.

It is the Israeli courts that uphold discriminatory laws geared to expel Palestinians from their homes in East Jerusalem and their land in the West Bank. Its healthcare providers operate over the Green Line. And Israeli citizens ultimately pay taxes that subsidise the government’s entrenchment of control and domination in these territories.

Between the Jordan River and the Mediterranean Sea, it is Israel that is permanently depriving millions of Palestinians of their civil and political rights. This is Israeli apartheid.

Is there hope?

There are two possible democratic solutions that can resolve this status quo. The first is granting everyone living under Israeli control full citizenship and equality.

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Unfortunately, this scenario would lead to a loss of the Jewish majority and 'Balkanisation' of the entire territory, increasing the likelihood of intractable conflict.

The second possible solution would be for Israel to withdraw from the occupied territories and establish a Palestinian state living side by side with Israel. This would not only ensure the fair division of the land between the indigenous Palestinians and the Jewish people who have been persecuted for thousands of years. It would also guarantee both a sustainable solution to the Israeli-Palestinian conflict and an end to apartheid.

The status quo on the ground is a moral abomination. The delay by the international community in taking meaningful steps to hold Israel accountable for the apartheid regime it is perpetuating is unacceptable.

by Michael Benyair is a former Attorney General of Israel and a former acting judge in the Israeli Supreme Court.

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