



VIRTUAL EVENT

“Apartheid, International Law and the Occupied Palestinian Territory”

Convened by the
UN Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP)

16 June 2022

CHAIR SUMMARY

The event “**Apartheid, International Law and the Occupied Palestinian Territory**” was held on 16 June 2022, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP). The event was moderated by H.E. Mr. Cheikh Niang, Chair of the Committee and Permanent Representative of Senegal to the United Nations. It consisted of an opening session with remarks by the Chair and H.E. Mr. Riyad Mansour, Permanent Observer of the State of Palestine to the United Nations. The panel comprised of Mr. Zeid Ra’ad Al-Hussein, President and Chief Executive Officer of the International Peace Institute, former UN High Commissioner for Human Rights, and Member of The Elders, and Ms. Agnès Callamard, Secretary General at Amnesty International (AI).

Member States participated in the one-and-a-half-hour event on the WebEx platform, which was livestreamed on UN WebTV as well as the Committee social media channels. The public had an opportunity to make comments and pose questions to the panellists.

At the opening, **Ambassador Niang** explained the Committee’s mandate to raise awareness internationally on the Question of Palestine and the challenges faced daily by the Palestinian people. This event focussed on Amnesty International’s landmark 2022 report entitled “Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity” in which the organization shared its findings and conclusions regarding Israeli policies and practices, the reactions that the report generated, as well as the way forward.

Ambassador Niang introduced the panellists and stated that over several years now the General Assembly, the Security Council and the Secretary-General, as well as the Committee, had reaffirmed that ending the continued Israeli occupation and discrimination against Palestinians was essential to stopping the conflict, stressing the need for accountability for violations by Israel, the occupying Power, as essential for realizing these objectives. Several international, Palestinian and Israeli organisations concluded that those Israeli practices in the Occupied Palestinian Territory (OPT), including East Jerusalem, met the definition of the crime of apartheid, while the United Nations Commission of Inquiry “on the Occupied Palestinian Territory, including East Jerusalem, and Israel” had recently reached a similar conclusion.

In his introductory remarks, **Ambassador Mansour** expressed that under every consideration and definition, Israel was committing the crime of apartheid. Prominent human rights organizations and UN Rapporteurs had also reached a similar conclusion or clearly alluded to it. Recognizing this reality and holding Israel accountable for its practices was essential to addressing the situation on both sides of the Green Line.

After an introductory video on Amnesty International's report, **Mr. Zeid Ra'ad Al-Hussein** started the discussion by recalling that this report followed others by prominent organizations and that Israel had criticized them deeply for allegedly lacking balance and being based on "anti-Semitic considerations". He added that it was important to read the report in its entirety before judging its content and conclusions. Mr. Al-Hussein then asked why AI had focussed not only on the OPT but also on the situation of Palestinians inside Israel.

Ms. Agnès Callamard stated that the response rested on the definition of the crime of apartheid as being a "*crime against humanity committed through inhuman acts and perpetuated in the context of an institutionalized regime of systematic oppression and domination by one racial group over another, with the intent to maintain that system*". Israel's segmentation of territories and establishment of different legal systems were part of a system of apartheid on both sides of the Green Line and administered for the benefit of Jewish Israelis to the detriment of Palestinians. Israel put in place actions and policies inside its own territory to maintain this system of institutionalized discrimination, such as the adoption in 2018 of the "Basic Law: Israel as the Nation-State of the Jewish People", which created distinctions among people based on ethnicity and religion.

Ms. Callamard further stated that land allocation policies and family reunification laws denying the right of Palestinians in Israel to live with their families if they originated from the OPT were part of the same discriminatory regime. She added that while Palestinians could vote in elections, the fragmentation of the electoral system favoured Jewish Israelis, and the representation of Palestinians in the Knesset was limited. In addition, the State of Israel supported the taking over of Palestinian properties by Jewish Israelis, including in East Jerusalem and in the Negev.

Mr. Al-Hussein stated that pages 51 to 60 of the report helped clarify the legal understanding of the concept of apartheid in international law and its application to this situation. Considering the Rome statute of the International Criminal Court (ICC) and elements of international jurisprudence, the section on racial groups and the part on specific intent were analysed brilliantly, he added. The chronological narrative of the report was one of the main criticisms as its main section was deemed unbalanced and not taking into consideration Israel's security concerns, including the indiscriminate attacks of Palestinian militant groups on Israeli civilians. Mr Al-Hussein asked if putting those security considerations at the end of the report minimized their importance for the State of Israel and the proportionality of the measures in place. **Ms. Callamard** answered that while they must be acknowledged, the existence of security concerns could not justify the existence of an apartheid regime, stressing that security was often invoked by repressive regimes, as it was the case during South Africa's Apartheid. Highlighting those considerations in an earlier section would not have necessarily made a difference in the way the report had been received.

Mr. Al-Hussein noted that many critics of the report had stated that while AI singled out Israel, many other oppressive regimes had not been subject to similar scrutiny. **Ms. Callamard** responded that AI has regularly conducted extensive documentation and reporting on alleged human rights violations committed in other countries, including by the Palestinian Authority. For Ms. Callamard, claiming that Israel was discriminately targeted was a way to divert the attention on the messenger rather than on the perpetrator.

Mr. Al-Hussein agreed that different United Nations (UN) human rights bodies were often accused of selectivity while in reality all States were subject to scrutiny. He had also been accused of anti-Semitism during his tenure as High Commissioner for Human Rights, similarly to other representatives to high-level human rights organizations. **Ms. Callamard** added that both the United Nations and AI had repeatedly condemned anti-Semitism as a real and growing threat around the world but noted that labelling human rights defenders as anti-Semitic was a way to “weaponize” the term and in fact undermined the fight against anti-Semitism. Amnesty International was committed to tackling anti-Semitism, but these efforts should not prevent the international community from denouncing the situation faced by Palestinians and engaged to ensure respect of international law.

Asked about the chances to see the report’s recommendations implemented, **Ms. Callamard** answered that the international community must denounce this crime against humanity and countries must revise their cooperation agreement with Israel, ban products from settlements, and utilize universal jurisdiction to bring about accountability. In addition, she emphasized that some countries were using double standards in defending Israel and that this is unacceptable and undermines accountability.

In her video message to the event, **South Africa Minister of International Relations and Cooperation, Ms. Naledi Pandor** compared Apartheid in her country and the situation in Palestine, drawing parallels between the violence in South Africa from 1955 to 1965 and violence against Palestinians in East Jerusalem and other areas of the OPT. Freedom in South Africa was achieved thanks to the steadfastness of South Africans and the support of the international community, with the UN taking a leading role. This is what she hoped would happen in the case of Palestine. Minister Pandor further recalled the similarities in the detention, persecution and torture of youth in both countries. The responsibility rested with the international community to act against this injustice and the inhumane conditions Palestinians have been subject to, an obligation under international law. All international mechanisms must be used to end Israel’s impunity as long-lasting peace would be achieved only after a negotiated and just settlement and the end of Israeli occupation.

During the **Question-and-Answer** session, panellists addressed several questions submitted by the audience. One questioned the assumption that all Arabs in Israel identify as Palestinians, and **Ms. Callamard** responded that the report aimed at addressing the treatment of all Palestinian communities, conducting extensive analysis of legislations, statements and orders. The research showed that Palestinians were considered by the State of Israel as a different group within the Israeli Arabs and the report acknowledged that not everyone was discriminated at the same level. Racial discrimination in Israel was not necessarily based on physical traits, but Palestinians as the dominated group were considered different and inferior due to their Arab and non-Jewish status. This was clear in the 2018 State Law that distinguished between nationality

and citizenship. Hence, AI did not speak on behalf of the entire Arab population of Israel but stressed that the Palestinians were the victim of an apartheid system.

Responding to a question on actions by the Security Council, and on the veto cast by the United States to defend Israel, **Mr. Al-Hussein** argued that the use or threat of use of the veto made it difficult to exert pressure on Israeli authorities to cease violations. However, the situation in the United States was changing, with progressive Jewish groups being critical of Israel's policies towards Palestinians. Moreover, pressure is being exerted by youth in university campuses throughout the country. Quoting the late Israeli President Shimon Peres, he added that "the occupation destroys not only the occupied but also the occupier".

Panellists were asked about anti-Semitism in Palestine and why AI and the UN were disproportionately focused on criticising Israel rather than providing an impartial analysis calling out any form of racial discrimination. **Mr. Al-Hussein** responded that the key to credibility for heads of human rights organizations or UN bodies was consistency. AI covered almost every country situation, similarly to the OHCHR and the mandate of UN Special Rapporteurs. However, the same could not necessarily be said about the Human Rights Council. In addition, AI also looked at the situation under the Palestinian Authority control, as reiterated by **Ms. Callamard**, documenting attacks against Israel and civilians by Palestinians, including from Gaza. Jewish Israelis should however confront what their government was doing in their names and not be complacent to this crime.

On a question regarding what follow up CEIRPP and others could do to revive the UN Special Committee Against Apartheid, **Ms. Callamard** stated that discussions were ongoing between Namibia, the State of Palestine and South Africa to put forward a General Assembly resolution on re-establishing the Special Committee. Amnesty International supported this initiative. It was reiterated that states must use all the available tools, including universal jurisdiction, to end this system of oppression. The ICC must also move ahead with investigations of crimes committed by Israel, to ensure consistency in the application of international law.

In his closing remarks, following a video featuring the late Archbishop Desmond Tutu on similarities between the situation of Apartheid South Africa and Palestine, **Ambassador Mansour** thanked the Chair, the Committee, the Division for Palestinian Rights and the panellists for their insightful conversation and for the report released by Amnesty International. **Ambassador Mansour** also thanked Minister Naledi Pandor of South Africa for her strong message of solidarity with the Palestinian people, adding that the international community must act now. It was essential to continue to promote the rights of Palestinians through our collective efforts at the UN including through resolutions and other decisions, and to document the violations of international law and human rights of the Palestinian people towards achieving a just solution and peace.

Ambassador Niang closed the event stressing the importance of further examination and follow up on this important topic to ensure respect for human rights and accountability.

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****Note: This Summary attempts to provide an overall picture of the deliberations of the virtual Event. A video of the Event can be found on the webpage of the CEIRPP, www.un.unispal.org as well as in its official Facebook page and YouTube account.*

****Note: The views and opinions expressed in this summary are those of the speakers and do not necessarily reflect the official position of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.*