

Confronting Apartheid

International
Institute of
Social Studies

Erasmus

A critical discussion



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House Demolition, Johannesburg, South Africa, 1961



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House Demolition, Jerusalem, Palestine, 2018

11 April 2019 | 16.15 – 17.45 | Aula B

International Institute of Social Studies

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Note: Registration is compulsory: www.iss.nl/11AprilEvent

Speakers

John Dugard Professor of International Law, author of *Confronting Apartheid* (2018)

Ronnie Barkan Founder of the Israeli Movement *Boycott From Within*

Shawan Jabarin Human Rights Lawyer, General Director of *Al-Haq* (Palestine)

Adri Nieuwhof Writer & Former Member of *Holland Committee on Southern Africa*

Moderator

Jeff Handmaker Senior Lecturer, *International Institute of Social Studies*

About the Event

This event on *Confronting Apartheid* involves a critical discussion about the law and legal history of apartheid, the impact of apartheid on society and civic and government responses to this.

Professor John Dugard, a Judge Ad Hoc of the International Court of Justice and former member of the International Law Commission has written a [commentary](#) to *The Convention on the Suppression and Punishment of the Crime of Apartheid*. Dugard has observed that the origins of apartheid as an international crime primarily have origins in a racialized legal regime of the Government of South Africa that lasted from 1948 to 1990.

Condemned by the United Nations General Assembly (from 1952 until 1990) and by the Security Council (after 1960), apartheid eventually became labelled as a 'crime against humanity' following a UN General Assembly Resolution in 1966. The Security Council later endorsed this in 1984.

From this earlier, Apartheid Convention, in 1998 the Rome Statute Establishing the International Criminal Court incorporated apartheid in its list of crimes, namely:

inhuman acts ... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime

"Inhuman acts" that fall within the scope of this crime include: murder, torture, inhuman treatment and arbitrary arrest of members of a racial group; deliberate imposition on a racial group of living conditions calculated to cause its physical destruction; legislative measures that discriminate in the political, social, economic and cultural fields; measures that divide the population along racial lines by the creation of separate residential areas for racial groups; the prohibition of interracial marriages; and the persecution of persons opposed to apartheid.

While the legal origins of apartheid refer to South Africa, which was closely tied to the situation in (then) Southwest Africa (now Namibia), which was a territory occupied by South Africa, it is unfortunately the case that apartheid is not confined to a specific geographical boundary. Israel in particular has been regarded as an apartheid regime by, among others, [Dugard and Reynolds](#) as well as Tilley and Falk, who [authored a report](#) that was commissioned by the United Nations Economic and Social Commission for Western Asia.

The impact of apartheid on South African society from the 1950s until the early 1990s was significant, triggering an anti-apartheid movement that operated underground, in exile and in cooperation with a global movement of activists in the so-called Frontline States in South Africa, Europe, North America and most other parts of the world. One of the most important organizations in the

Netherlands was the Holland Committee on Southern Africa, whose [archives are located in Amsterdam](#).

In Israeli and Palestinian society, apartheid has also had a significant impact, with numerous local organisations providing legal advice, conducting advocacy and documenting violations. These organisations include: Adalah, B'tselem, Hamoked, Al-Haq (in the occupied Palestinian territory of the West Bank) and Palestinian Center for Human Rights (in the occupied Palestinian territory of Gaza). On 19 July 2018, the situation worsened, or in Adalah's view became formalized, when Israel's parliament enacted the so-called "Nation-State Law".

Among various controversial provisions, the law states that: "Israel is the historic homeland of the Jewish people" and that Hebrew is the sole, official language of the country (excluding Arabic as an official language). The Nation-State Law reinforced a longstanding situation whereby there has never been legal recognition of an Israeli nationality – recognition of 132 different nationalities has been in place, but only Jewish nationality is fully protected.

The civic responses to the nation-state law since it was passed have been considerable. Tens of thousands of Palestinians and Israeli Jews have taken to the streets to protest against its discriminatory character. The Haifa-based organization Adalah filed a petition to the Israeli Supreme Court, describing the law as having "distinct apartheid characteristics". These latest developments build on decades of careful documentation by several local and international NGOs and scholars as well as United Nations and European Union agencies. There have also been responses from governments, and notably the South African government, which has significantly decreased its diplomatic presence in Israel. Meanwhile, the governments of Australia and the United States have strengthened their diplomatic relations with Israel.

This discussion provides a unique opportunity to discuss apartheid from four crucial perspectives.

Professor **John Dugard** will share a lifetime of experiences, documented in a recent book, as a scholar, jurist and also as an advisor to the United Nations, regarding apartheid regimes in South Africa, Namibia and Palestine. Mr. **Ronnie Barkan**, an Israeli human rights activist and founder of the movement *Boycott From Within*, will discuss his perspectives on apartheid as a critical Israeli, exercising non-violent resistance both in Israel and abroad. Ms. **Adri Nieuwhof**, who worked from the late 1970s with the Holland Committee for Southern Africa, will share her past experiences mobilizing globally against apartheid in South Africa and, in recent years, mobilizing against Israeli apartheid as a journalist and human rights advocate. And finally, Mr. **Shawan Jabarin**, a longtime Palestinian lawyer, human rights advocate and currently Commissioner of the International Commission of Jurists (ICJ) and General Director of the ICJ-affiliated organization Al-Haq, will share his experiences challenging Israel's apartheid policies in the West Bank by way of the Courts and other means.