

Israeli Apartheid: Loud Silence

Executive Summary

“The report ‘A Threshold Crossed’ is a landmark in Human Rights Watch research as it accuses Israel of crimes against humanity, apartheid and persecution, for the first time,” writes Océah Davis in her section of **Israeli Apartheid: Loud Silence**. “An examination of the reactions to ‘A Threshold Crossed’ reveals an attack on Human Rights Watch reporting without any refutation of the factual and legal findings of the report. Further it revealed several pro-Palestinian reactions to these findings from within Israel.”

But in examining the Israeli reaction to the report, she found: “The Israeli government has a predisposition to muzzling human rights critics, particularly those whose findings they disagree with. This is a tactic used to maintain its legitimacy through the construction of human rights organisations as an existential threat.

“If Israel wishes to disprove the accusations against them,” Davis writes, “it must allow them to be investigated. If Israel wishes to be a liberal democracy it should begin to behave like one and prioritise human rights for all.”

She refutes Israel’s claim that HRW reports disproportionately on its policies, but rather that its focus on Israel is “appropriate for a state which is committing crimes against humanity”, and suggests that the country should re-engage with credible international human rights organisations.

On the issue of Australian media coverage of the HRW report, Cameron Green finds “only 10 articles...across the news organisations analysed”.

Looking for possible reasons, he writes: “Due to pro-Israel lobby groups previous flak on news organisations over coverage of the Israel-Palestinian conflict, it is likely news organisations chose not to cover ‘A Threshold Crossed’ as it is easier to not report than it is to report. Furthermore, Israeli-sponsored trips to Israel for editors has likely impacted the agenda-setting of news organisations (leading them to) adopt a pro-Israel view.”

He concludes that Australian media organisations likely “chose not to report (on the HRW report) to maintain a positive public perception of Israel”, and that pressure from the Israeli lobby in Australia has contributed to the “loud silence” from the media. “An element of self-censorship has occurred,” Green posits.

But Alicia Turner, reporting on international media coverage, writes that reports from HRW, Amnesty International and B’Tselem “asserting that Israel has established a system of oppression and domination over the Palestinian people, constituting apartheid”, has helped shift public opinion outside Australia.

Turner finds that publication of each major international report attracted “double the coverage of the one prior”, and that the reports “had significant impact on the proliferation of the term ‘apartheid’ in general discourse.”

She also finds that there have been very few negative media reports on the findings of human rights organisations outside Israel, although many reports included Israeli criticism of HRW and Amnesty.

On the use of the term “apartheid” in relation to Israel, Georgia Mansell writes: “Clear breaches of international humanitarian law by Israel fortify the argument (for use of the term). Yet the application of the term ‘apartheid’, entrenched as it is in the historical context of South Africa, still causes discomfort in Australian politics and the international political landscape more broadly. This discomfort is the discomfort of a harsh truth, one which the Australian and international political community must acknowledge and act to rectify.”

Mansell finds that the application of the term “apartheid” to Israel’s policies and laws affecting Palestinians in both Israel and the Occupied Palestinian Territories of Gaza and the West Bank “is accurate”.

She says use of the term “carries significant legal and political ramifications and serves to draw international attention to the reality of the experiences of Palestinian people”. There is a pressing need, she writes, for the international community to recognise the existence of an apartheid regime and to take action to address it, citing the effectiveness of sanctions against apartheid South Africa.

“The tide is turning on Israeli apartheid, and Australia and the wider international community ought now to concern (themselves) with being on the right side of history because, ultimately, the apartheid system does not offer a safe or peaceful future for Palestinians or Israelis,” Mansell concludes.

Turning to international law and how the Israeli government is able to circumvent it with apparent impunity, Michail Ivanov writes that it has a role “in shaping the nature of conflicts. Particularly so for Israeli settlements in the West Bank, where Jewish Israelis are incentivised to settle in order to prevent political unity amongst Palestinians”.

He continues: “The International Court of Justice’s 2004 Advisory Opinion on the ‘Legal Consequences on the Construction of a Wall in the Occupied Palestinian Territory’ found that the settlements violate article 49(6) of the Fourth Geneva Convention, which forms a principle of Customary International Law binding all states. Article 49(6) provides that the ‘occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies’. Despite several United Nations resolutions affirming Israel’s violations, little is being done to halt their settlement activity.”

Ivanov finds that Israel is clearly breaching international law but that the US actively prevents action against Israel through the power of (its) veto at the UN Security Council. That stance should be re-considered, he states, in light of the International Criminal Court’s current investigation into Israel’s possible war crimes. He concedes there is no body to enforce international law.

“It is only through collective action addressing Israel’s flagrant breaches of international law that lasting peace can be achieved and the settlement activity halted,” Ivanov concludes.

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