

## **Tools to Remedy Israeli Apartheid: Reconstituting the UN Special Committee against Apartheid and the UN Centre against Apartheid**

*It will forever remain an indelible blight on human history that the apartheid crime ever occurred. Future generations will surely ask: what error was made that this system established itself in the wake of the adoption of a Universal Declaration of Human Rights. It will forever remain an accusation and a challenge to all men and women of conscience that it took as long as it has before all of us stood up to say enough is enough.*

*—Nelson Mandela in a speech before the Special Committee against  
Apartheid (22 June 1990)<sup>1</sup>*

The United Nations and the international community played a key role in supporting South African activists and civil society toward bringing the apartheid regime in South Africa to an end. The establishment of the UN Special Committee against Apartheid (the Special Committee) and the UN Centre against Apartheid (the Centre) were key tools in that struggle. Now, the scourge of apartheid must still be confronted, and it is imperative that the international community take this same principled position with respect to the situation in Palestine and take effective measures to put an end to Israel's apartheid regime over the Palestinian people.

### **UN Special Committee against Apartheid**

In 1962, the UN General Assembly (UNGA) adopted resolution 1761 establishing the Special Committee against Apartheid, which remained active until 1994. The mandate called for the Special Committee to “keep the racial policies of the Government of South Africa under review when the Assembly is not in session” and to “report either to the Assembly or to the Security Council or to both, as may be appropriate, from time to time.”<sup>2</sup> The resolution further called on Member States to help the Committee fulfill its mandate and to refrain from any act likely to delay or hinder the implementation of the resolution.

The mandate of the Special Committee was to review and report on the situation in South Africa to the UNGA and the UN Security Council (UNSC). The Special Committee also promoted the international campaign against apartheid, pressed for effective sanctions against the South African regime, arranged for assistance to the victims of apartheid, as well as the liberation movements, and brought the needed publicity to the crime of apartheid and the resistance of the South African people, in order to build support for international collective

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<sup>1</sup> See United Nations, On Racial Discrimination: Statement by Nelson Mandela Deputy President of the African National Congress to the 641<sup>st</sup> meeting of the Special Committee Against Apartheid, 22 June 1990, at: [https://www.un.org/en/events/mandeladay/statement\\_SCAA\\_1990.shtml](https://www.un.org/en/events/mandeladay/statement_SCAA_1990.shtml).

<sup>2</sup> United Nations General Assembly, Resolutions Adopted on the Reports of the Special Political Committee, 17th Session, Res. 1761 (XVII), available at: [https://www.un.org/en/events/mandeladay/statement\\_SCAA\\_1990.shtml](https://www.un.org/en/events/mandeladay/statement_SCAA_1990.shtml).

action.<sup>3</sup> In addition, the Special Committee organized conferences, seminars, hearings and other events around the world to promote coordinated action by governments and the public.

Moreover, the Special Committee shaped public opinion through media presentations and legitimized calls for boycotts, divestment, and sanctions, and assisted in organizing campaigns for the release of political prisoners in South Africa.<sup>45</sup> The Special Committee also promoted action outside of the auspices of the UN such as promoting the establishment of funds and agencies with the support from committed governments and NGOs, in order to supplement and support UN action, as they were able to go beyond the limitations of the UN.<sup>6</sup> In the words of Nelson Mandela, the Special Committee was “a very important instrument in our struggle against the iniquitous and oppressive policies of the South African government.”<sup>7</sup>

### **UN Centre against Apartheid**

In 1976, the UN Centre Against Apartheid was established under the auspices of the Special Committee and continued its work until 30 June 1994. The Centre was created to help the Special Committee develop its international campaign, produce reports and studies on apartheid, lead public awareness campaigns and provide humanitarian and educational assistance to the victims of apartheid.<sup>8</sup> The Centre also reviewed and reported on Third States and their fulfillment of their obligations to uphold international law and implement the countermeasures taken by the United Nations against South Africa’s apartheid regime, such as the arms embargo.<sup>9</sup>

### **Why revive these mechanisms today?**

Since its inception, the Zionist movement to colonize Palestine and its founding institutions have, throughout more than a century, incorporated the notion of a unique racial character of persons of Jewish faith, distinct from all others, and constructed a system of racial supremacy on that basis. As noted by scholars and UN Human Rights Treaty Bodies, this conflation of religion and race has manifested in the constructed concept of “Jewish nationality,” uniquely affirmed in Israeli law, as the basis for perpetual, material discrimination against the indigenous Palestinian people. The consequences of this regime are legend and manifest in the serious crimes of population transfer, pillage, forced displacement, social fragmentation, dispossession

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<sup>3</sup> African Activist Archive, “Special Committee Against Apartheid,” *Michigan State University*, at: <https://africanactivist.msu.edu/organization.php?name=Special%20Committee%20Against%20Apartheid>.

<sup>4</sup> *Ibid*.

<sup>5</sup> UN ESCWA, *Israeli Practices towards the Palestinian People and the Question of Apartheid*, p. 53–54, at: <https://oldwebsite.palestine-studies.org/sites/default/files/ESCWA%202017%20%28Richard%20Falk%29%2C%20Apartheid.pdf>.

<sup>6</sup> Enuga S. Reddy, “The Struggle against Apartheid: Lessons for Today’s World,” at: <https://www.un.org/en/chronicle/article/struggle-against-apartheid-lessons-todays-world>.

<sup>7</sup> United Nations, On Racial Discrimination: Statement by Nelson Mandela Deputy President of the African National Congress to the 641<sup>st</sup> meeting of the Special Committee Against Apartheid, 22 June 1990, at: [https://www.un.org/en/events/mandeladay/statement\\_SCAA\\_1990.shtml](https://www.un.org/en/events/mandeladay/statement_SCAA_1990.shtml).

<sup>8</sup> Enuga S. Reddy, “The U.N.’s World Campaign Against Apartheid,” *The UNESCO Courier: Southern Africa at Grips with Racism*, November 1977, p. 7, at: <https://unesdoc.unesco.org/ark:/48223/pf0000074816>.

<sup>9</sup> See for example George Houser, “Relations Between the United States and South Africa,” *United Nations Centre Against Apartheid*, August 1984, at: [http://psimg.jstor.org/fsi/img/pdf/t0/10.5555/al.sff.document.nuun1984\\_11\\_final.pdf](http://psimg.jstor.org/fsi/img/pdf/t0/10.5555/al.sff.document.nuun1984_11_final.pdf).

and overt and enforced denial of the Palestinian people's self-determination.<sup>10</sup> This regime has prevailed across historic Palestine since 1948, the same year that Israel's close ally, apartheid South Africa, formally perpetrated its own system of apartheid in its jurisdiction and territory of effective control (including Namibia). The UN recognized the injustice, falsehood and regional threats to peace and security of the apartheid regimes in South Africa, Namibia and Rhodesia, ultimately sanctioning them for breaches of the UN Charter and norms codified as grave crimes prosecuted since the end of World War II. However, a lack of integrity and double standards practiced by certain states have obstructed the same pursuit of justice elsewhere.

Israel has established and maintained its apartheid regime through the strategic fragmentation of the Palestinian people into four distinct legal, geographical, and political domains, which serves to obscure the very existence of the apartheid regime. These four groups comprise Palestinian citizens of Israel, Palestinian residents of Jerusalem, Palestinians in the West Bank and Gaza subject to military law, and Palestinian refugees and exiles abroad denied the right to return to their homes, land, and property. As explained by Virginia Tilley and Richard Falk in the pivotal UN report by the Economic and Social Commission for Western Asia "Israeli Practices towards the Palestinian People and the Question of Apartheid," the international community has "unwittingly collaborated" in this regard by "drawing a strict distinction between Palestinian citizens of Israel and Palestinians in the occupied Palestinian territory, and treating Palestinians outside the country as 'the refugee problem'."<sup>11</sup>

In the last 20 years, the UN has established ten different commissions of inquiry and fact-finding missions to investigate serious human rights violations in the occupied Palestinian territory. Undoubtedly, these mechanisms play an important role in monitoring, documenting, and shedding light on violations and patterns of human rights abuses. While UN Member States have adopted the findings and recommendations of these investigatory bodies, no recommendation from these ten investigatory mechanisms has been implemented resulting in impunity that has led to the continuation of serious human rights violations.<sup>12</sup> In fact, "none of these investigations have ever led to genuine accountability for suspected war crimes and crimes against humanity committed against the Palestinian people."<sup>13</sup>

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<sup>10</sup> Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel, E/C.12/1/Add.27, 4 December 1998, paras. 10–11, 13, 18, 20, 25–26–28, 35–36, 40, at: <https://undocs.org/E/C.12/1/Add.27>; Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel, E/C.12/1/Add.90, 23 May 2003, paras. 16, 18, 32, 34–36, at: <https://undocs.org/E/C.12/1/Add.90>; Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel, CERD/C/ISR/CO/13, 14 June 2007, paras. 13, 15–20, 22, 29, 34–35, at: <https://undocs.org/CERD/C/ISR/CO/13>; Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel, CERD/C/ISR/CO/14–16, 9 March 2012, 10–11, 13, 15, 18, 20, 22–23, at: <https://undocs.org/CERD/C/ISR/CO/14-16>; Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel, E/C.12/ISR/CO/4, 18 October 2019, 11(d), 16–19, 40–41, 68, at: <https://undocs.org/E/C.12/ISR/CO/4>; Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined seventeenth to nineteenth reports of Israel, CERD/C/ISR/CO/17-19, 27 January 2020, paras. 13–16, 19–27, 44–45, at: <https://undocs.org/CERD/C/ISR/CO/17-19>.

<sup>11</sup> UN ESCWA, *Israeli Practices towards the Palestinian People and the Question of Apartheid*, p. 37, at: <https://oldwebsite.palestine-studies.org/sites/default/files/ESCWA%202017%20%28Richard%20Falk%29%2C%20Apartheid.pdf>.

<sup>12</sup> See Al-Haq, *International Commissions of Inquiry and Palestine: Overview and Impact*, 2016, at: [http://www.alhaq.org/cached\\_uploads/download/alhaq\\_files/publications/International.Commissions.Report.pdf](http://www.alhaq.org/cached_uploads/download/alhaq_files/publications/International.Commissions.Report.pdf).

<sup>13</sup> Al-Haq, *Joint Submission to the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, Mr. Michael Lynk, on Accountability*, 31 May 2020, at:

It is against this backdrop of failure by Third States to cooperate to bring an end to the illegal situation that we call for the reconstitution of these mechanisms. During the era of South African apartheid, Enuga Sreenivasulu Reddy, the former Secretary of the Special Committee and former Director of the Centre, noted that in practice the Committee's work went beyond its basic mandate due to the "explosive situation" in South Africa and was "action-oriented from its inception."<sup>14</sup> Likewise, the Committee and Centre should take on a similar role in the Palestinian context, and any General Assembly resolution mandate re-establishing the Special Committee and the Centre must similarly empower these bodies to report authoritatively on Israel's apartheid regime and its laws, policies, and practices used to carry out the underlying criminal enterprise targeting the Palestinian people *as a whole* on both sides of the Green Line, including refugees and exiles abroad and organize, campaign, and advocate for coordinated international action.

For South Africa, the Special Committee and the Centre contributed to the formation of a transnational movement against apartheid in South Africa and so it can for the Palestinian struggle against apartheid. Reviving these two mechanisms is a key step toward ensuring accountability for Israel's discriminatory and oppressive policies targeting the Palestinian people, leading the coordinated international response, and bringing an end to Israel's apartheid regime once and for all.

## **Recommendations**

A General Assembly resolution reconstituting the UN Special Committee a Apartheid and the UN Centre against Apartheid should include:

- A comprehensive mandate, not limited in its geographic scope, that encompasses Israel's apartheid regime as it is imposed over the Palestinian people as a whole;
- Review and report on the role of Third States in providing assistance to the illegal situation of apartheid;
- The mandate to advise all states on their extraterritorial obligations under the UN Charter, specific treaties and peremptory norms of international law;
- Resources to enable research, educational and public activities to inform about the falsehoods of racial categorization, distinction and discrimination, as well as the notions of racial and faith-based supremacy.

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[http://www.alhaq.org/cached\\_uploads/download/2020/06/03/joint-submission-to-unsr-michael-lynk-on-accountability-1591163396.pdf](http://www.alhaq.org/cached_uploads/download/2020/06/03/joint-submission-to-unsr-michael-lynk-on-accountability-1591163396.pdf).

<sup>14</sup> Enuga S. Reddy, "United Nations Special Committee Against Apartheid and Centre Against Apartheid," *South African History Online*, 18 July 2012, p. 2, available at: <https://www.sahistory.org.za/archive/united-nations-special-committee-against-apartheid-and-Centre-against-apartheid-es-reddy>.