

Apartheid South Africa never wiped hospitals out

Textbook genocide in Gaza



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OPINION
EXCLUSIVE

The horrors that have been visited on the people of Gaza and increasingly the West Bank by the Israeli forces and by illegal settlers have been playing out in international media outlets. More than 20,000 people in Gaza, mostly non-combatants, have been killed. This includes more than 8,000 children and 6,200 women. The war crimes and crimes against humanity are obvious. They are not disputable.

More ominous, a textbook case of genocide is unfolding before us all. The response by the "West"? "Israel has a right to defend itself".

It's a settled fact of international law that an occupying power cannot use military force to attack a civilian population that it generally has complete control over. Gaza, like the West Bank, remains occupied as Israel has had effective control over the territory. By actively supporting Israel's military response in Gaza and increasingly in the West Bank, many European countries and the US may themselves be liable to aiding and abetting these breaches of international criminal law.

Recently, I was asked why South Africa is so clear in its support for the people of Palestine and not for the people of Ukraine. While we could have been clearer in many aspects of our response to the war in Ukraine, and this could be the subject of another article, there are a few areas that we were very clear on.

We called for an immediate cease-fire so that negotiations for a just and lasting peace could begin. We stated very clearly that the use of force is never wise, but if there is war, that the laws of war need to be respected, especially the principle of distinction, which prohibits the targeting of civilians, non-combatants, and civilian infrastructure. This approach was premised on the importance of a just international legal order to stem impunity and to fulfil the promise of a more peaceful world. In New Delhi, India, in September 2023, the leaders of the G20 agreed by consensus on a declaration. That declaration included the principles alluded to earlier. It included respect for the UN Charter and specifically also that the acquisition of land through the use of force is prohibited and should be condemned.

A few months later, it appears that for many in the G20, the just legal order does not apply to Palestinians. The support for the clear violations of international legal norms by Israel was in stark contrast to their invoking it — and correctly so — with regard to the war in Ukraine.

Many in the developing world were not shocked by this, as Israel has been exempted from accountability for their transgressions of international law for decades. Nevertheless, we were most definitely disappointed as we

had hoped that given that these principles were debated and discussed over a number of months, that they would, this time around, be respected and that Israel would be held accountable for transgressions of these principles.

The attacks on civilians by Hamas on October 7, 2023, may constitute war crimes and need to be condemned and investigated. These attacks cannot, however, be a blank cheque for war crimes, crimes against humanity, and genocide by Israel.

The question many South Africans ask is that, given the role that the West played in contributing to the fall of apartheid in South Africa, why is there such differential treatment of apartheid and related crimes against Palestinians?

While former colonial powers did support the South African apartheid state, many did eventually follow the lead of former colonised countries to use the "fundamental values" pillars of global governance to isolate and pressure the apartheid government.

Former colonised countries from the Global South brought the values and characteristics of their anti-colonial struggles into the United Nations' system, and this system was generally responsive. The combination of international law that sought to isolate apartheid South Africa — with an expectation by the UN that the various resolutions would be respected — together with broad anti-apartheid coalitions of states from all regions of the world and civil society movements, served as a veritable global boycott, disinvestment, and sanctions movement against the apartheid South African government.

The ending of apartheid and the subsequent constitutional state that was being built were epoch-making events and served to elevate "fundamental values"-based diplomacy globally, with the democratic South African government seen as a flag bearer for values-based diplomacy.

This approach by the global community is in stark contrast to the oppression of Palestinians. Many South Africans who experienced the horrors of apartheid in South Africa have visited Palestine and expressed views that the oppression of the Palestinians is worse than what we experienced.

While Palestinians share the experience of oppression that fits in with the description of the crime of apartheid, the global power dynamics with regard to the Palestinian struggle and the struggle of South Africans are very different.

There are hundreds of UN resolutions against Israel, including binding UN Security Council resolutions over the past seven decades. All of these have been violated by Israel over the years. Despite these violations and the ongoing unlawful occupation and related violence, there has never been a call for binding sanctions on Israel, including arms embargoes. Instead, unilateral arms embargoes were levelled against the Palestinians. International action in relation



In October 2023, people gathered in Johannesburg, South Africa to express their solidarity with Palestinians and protest Israel's military aggression on in Gaza.

to Israel has taken the form of mild admonishment, as opposed to effective countermeasures by the UN and the global community. Contrast this to the situation with apartheid South Africa where binding UN resolutions with countermeasures were in place, and where these were supported by various countries passing comprehensive anti-apartheid legislation that also made trade, sport, and cultural exchanges illegal and/or difficult.

With the situation in Palestine, some European countries are, in fact, passing legislation that makes criticisms of Israel illegal. Again, it seems that countries that profess to support fundamental rights such as freedom of speech, the right to protest, and the right of association are

willing to sacrifice these values in defending the Israeli cabinet. Due to the lack of real global political solidarity with the people of Palestine and the lack of real effective restraint-oriented international law instruments against the actions of the cabinet of Israel, their oppressive machinery is arguably much more ruthless than was the case under apartheid. We see this in the attack on Gaza!

We were never subjected to air strikes that wiped out hospitals and other civilian infrastructure. There is a robust international campaign, led by the most powerful states in the world, to support the status quo that favours the cabinet of Israel. Unlike apartheid South Africa that had to fund its propaganda clandestinely, the occupation is openly supported by organisa-

tions and governments across the world. The global narrative is to reduce the occupation to one of a "conflict" that seeks to apportion equal responsibility to "both" sides in what is otherwise a very asymmetrical power dynamic.

This explains the differing approaches, but not the why. The why requires a longer paper, but in short, it can in part be attributed to the context and manner in which Israel was founded.

Violence in what is euphemistically and erroneously referred to as the Palestinian-Israeli conflict has been ongoing since the end of World War I. This started with the colonisation of Palestine by Britain following the break-up of the Ottoman Empire, with the express intention of providing a state for the Jewish people in that territory

instead of working towards providing independence to the Palestinian people at that time.

The impetus for these actions was driven by anti-Jewish sentiment in Europe and was led by, among others, Lord Balfour who had also passed an anti-migration act in Britain aimed at limiting Jewish migration to Britain following anti-Jewish pogroms in the Soviet Union.

The history of anti-Jewish criticism by the "West" and its horrific consequences for Jewish people in Europe may in part explain the acceptance of the transgressions of the norms and fundamental values that underpin global governance systems and international law by Israeli cabinets since 1948. The resultant impunity has contributed to the latest atrocities.

Perhaps for the first time in history, people around the world are witnessing a textbook case of genocide unfolding in Gaza. The misguided acceptance of the actions of the Israeli cabinet has to end for a just and lasting peace to be realised.

Continuing to embolden the actions of the Israeli cabinet creates an environment in which hatred and militancy grow, making talks towards a just and lasting peace in which the human rights, dignity, and aspirations of Israelis and Palestinians are upheld, very difficult.

The continued disregard for the norms of international law at this time may further undermine the global governance system to the extent that international law and its institutions are rendered meaningless.

This can only lead to a worsening of an already volatile global order and the spectre of more wars and more loss of life at scales last seen in World War II.



A Palestinian child sitting on a roadblock at Al-Shuhada Street within the Old City of Hebron in the Israeli-occupied West Bank. Palestinians have nicknamed the street "Apartheid Street" because it is closed to Palestinian traffic and open only to Israeli settlers and tourists.

JOHN AUSTIN/LABOUR2PALESTINE

This article by the director-general of South Africa's Department of International Relations and Cooperation first appeared on Daily Maverick.