

Israeli Apartheid and the West's Dwindling Moral Credibility

by Andrea Dessì

Amidst spiralling tensions on the European continent, East-West animosities have returned to dominate daily news cycles. Predictably, this has revived rhetoric on competing political systems and norms, giving rise to a flurry of reporting contrasting Western democracy's support for the "rules-based international order" vs an informal "alliance of autocracies" led by Russia and China which embrace military might or economic and political blackmail in "a bid to make the world safe for dictatorship", as recently opinionated the Washington Post.¹

Narratives that divide the world between freedom and human rights loving democracies and revisionist

and repressive autocracies may have served the West well during the Cold War. Today they are quickly losing their appeal and may even be counterproductive or dangerous. Simply put, such rhetoric is shedding its credibility, eroded by the double-standards repeatedly put on display by the United States and certain European allies when it comes to their selective embrace of international law or support for United Nations resolutions.

Nowhere has this erosion of Western credibility been more evident than in the Middle East and North Africa (MENA). Nowhere have Western double-standards done more damage to the so-called liberal international order and broader UN system than in the context of the Israeli-Palestinian conflict. Europe and the US's long-standing bias towards Israel – from the times of the British (and French) Mandate in the 1920s to the Biden administration's triple veto in the UN Security Council (UNSC) to shield Israel

¹ "Russia and China Announce a Bid to Make the World Safe for Dictatorship", in *The Washington Post*, 7 February 2022, <https://www.washingtonpost.com/opinions/2022/02/07/putin-xi-the-dictators-meet-at-olympics>. Also see, David Lenhardt, "A New Axis", in *The New York Times*, 9 February 2022, <https://www.nytimes.com/2022/02/09/briefing/china-russia-alliance.html>.

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from calls for a unilateral ceasefire in May 2021 – demonstrate of how the US and leading European states have instrumentalised multilateral bodies, preventing action when this is deemed counter to the supposed geostrategic interests of leading Western powers.²

The result is a loss of credibility and ultimately of moral authority. This is true not only for the US and its allies in Palestine but also – and more importantly – for the international system, including the United Nations and its role as an arbiter for questions of peace and security and the universal applicability of international law. If the US and its allies can subvert the work of the UN and its agencies, vetoing resolutions or ignoring international legal parameters and recommendations, then other states – including Russia and China – will feel less constrained by these same parameters.

The West and Israel: A legacy of impunity

Standing out as a testament to the shortcomings of the post-World War II international order, the unresolved Arab-Israeli-Palestinian conflict was among the first to be handed to newly minted world bodies charged with resolving international crises via legal and diplomatic means. While uncritical support for Israel is not the only example of Western double-standards, Washington has laboured hard to have exclusive control over the diplomacy of

² See for instance, Marwan Bishara, "Palestine & the UN: History of a Double Standard", in *Al Jazeera*, 21 September 2011, <https://aje.io/e7qqc>.

the Middle East conflict at the expense of international institutions and the UN.

The US stance on the conflict is unprecedented in its disregard for international liberal norms and rules. Since the 1990s, EU member states have themselves been fully absorbed into this US-led "peace process", becoming complicit in efforts to curtail the applicability of international law to the conflict.³

The shielding of Israel from criticism within the UNSC – with the US invoking its veto power at least 53 times since 1972 – is the most obvious example of Washington's bias.⁴ This helps to explain why the United Nations has failed to stop Israeli violations of international law or pursue the fulfilment of Palestinian rights to self-determination.⁵ Further examples include the obstructionism by the US and certain European states with regards to Palestine's application for UN membership in 2011 or its 2015 admission to the International Criminal Court (ICC).

In March 2021, the ICC formally launched an investigation into alleged war crimes in occupied territory since

³ See for instance, Daniela Huber, "Equal Rights as a Basis for Just Peace: a European Paradigm Shift for Israel/Palestine", in *IAI Commentaries*, No. 21|04 (January 2021), <https://www.iai.it/en/node/12653>.

⁴ Creed Newton, "A History of the US Blocking UN Resolutions Against Israel", in *Al Jazeera*, 19 May 2021, <https://aje.io/66qex>.

⁵ See for instance, Daniela Huber, *The International Dimension of the Israel-Palestinian Conflict. A Post-Eurocentric Approach*, Albany, State University of New York Press, 2021.

2014.⁶ US and European governments joined Israel in denouncing the court, ignoring an open letter signed by over fifty senior officials underscoring how such opposition "cannot be tolerated if we are serious about promoting and upholding justice globally".⁷

Palestinian efforts to "internationalise" the conflict – joining world bodies and seeking the applicability of international law – are routinely opposed by the US and certain European states as unilateral actions that distract from the fundamental need to negotiate with Israel. Yet, Israeli leaders have repeatedly voiced opposition to Palestinian statehood, continuing to illegally colonise Palestinian land and devise means to strip Palestinians of their individual and collective rights, both within Israel and across occupied Palestinian territory.⁸

By repeating the mantra of "direct negotiations, without preconditions", European states and the US are consciously ignoring the massive

power asymmetry between the sides. As a result, these actors have effectively become parties to the conflict, complicit in Israel's decades long denial of Palestinian rights. Deepening economic and military cooperation with Israel stand out as a further testament to the duplicity of Western policy on the conflict.

There is a clear contradiction implied in the US and Europe's insistence that Palestinians embrace peaceful resistance while at the same time closing down available legal avenues for them to do so. This cynical approach is hard to reconcile with the West's professed role as a promoter of the "rules-based international order". It also raises serious doubts about Europe's and the US's support for the two-state framework or equal rights for Israelis and Palestinians.

Israeli apartheid and Western duplicity

The latest example of Western double-standards came in early February 2021. This followed the release of an Amnesty International report that formally recognises Israel's system of racial discrimination against the Palestinians as a crime of apartheid according to the Rome Statute and the Apartheid Convention.⁹

Echoing the conclusions of other studies compiled by Human Rights Watch (HRW), the Israeli human

⁶ International Criminal Court (ICC), *Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine*, 3 March 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>.

⁷ Peter Beaumont, "Senior Figures Attack 'Obstruction' of ICC's Palestine Investigation", in *The Guardian*, 31 May 2021, <https://www.theguardian.com/p/hj6fj>.

⁸ Such opposition was most recently reiterated by Prime Minister Naftali Bennet in an interview with the *Jerusalem Post*. See, Lahav Harkov, "Prime Minister Naftali Bennett Sums Up First 7 Months Leading Israel", in *The Jerusalem Post*, 28 January 2022, <https://www.jpost.com/israel-news/politics-and-diplomacy/article-694839>. Also see, B'tselem, *This Is Ours – And This, Too. Israel's Settlement Policy in the West Bank*, March 2021, <http://www.btselem.org/node/213343>.

⁹ Amnesty International, *Israel's Apartheid Against Palestinians. Cruel System of Domination and Crime Against Humanity*, February 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en>.

rights organisation B'tselem and the Palestinian organisation Al Haq,¹⁰ amongst others, the Amnesty report will prove significant in normalising the applicability of this term to Israel. The report further documents how official US and European policies have deviated from established norms, exposing the duplicity of Western policy towards Israel compared to other conflicts and crises.

Predictably, the Amnesty report, like previous investigations, has been condemned by Israel and its key western backers.¹¹ Israel accused Amnesty International of anti-Semitism, a charge repeated by a number of Israel-centric organisations in the US and Europe.¹² Other governments, including the US and Germany, focussed their opposition on the term "apartheid" while wilfully ignoring the substance of the report's findings, including its detailed analysis of Europe and the US's complicity in Israeli crimes.¹³

¹⁰ See, Human Rights Watch, *A Threshold Crossed. Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2022, <https://www.hrw.org/node/378469>; B'tselem, *A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This Is Apartheid*, January 2021, <http://www.btselem.org/node/213260>; Susan Power, "The Legal Architecture of Apartheid", in *AARDI Briefs*, 2 April 2021, <https://aardi.org/?p=6914>.

¹¹ See, Marwan Bishara, "Israel's Apartheid and the Myth of the Democratic Jewish State", in *Al Jazeera*, 8 February 2022, <https://aje.io/k6e3ub>.

¹² Lazar Berman, "Israel Blasts Amnesty UK for 'Antisemitic' Report Accusing It of Apartheid", in *The Times of Israel*, 31 January 2022, <https://www.timesofisrael.com/lapid-attacks-delusional-amnesty-uk-ahead-of-report-accusing-israel-of-apartheid>.

¹³ See, "Germany Rejects Amnesty's 'Apartheid' Label for Israel", in *Deutsche Welle*, 2 February 2022, <https://p.dw.com/p/46QUX>; Ali Harb,

The Biden administration, which had made much of its promise to elevate human rights within US foreign policy, had a particularly difficult time explaining its criticism of the report. As pointed out by one journalist present at the White House press briefing, this opposition stands in contrast to the US's tendency to cite Amnesty International or HRW reports as justification for Washington's censoring of third states and actors, particularly when these are considered antagonistic to US interests.¹⁴

Yet, the conclusions of the Amnesty report are fully sourced. By documenting the "explicit policy" of maintaining "Jewish demographic hegemony" over the Palestinians, both within Israel and in occupied territory, Amnesty International has joined hundreds of academics, researchers and other civil society organisations in exposing how "racial discrimination" and "segregation" are "not accidental repetitions of offences, but part of an institutionalized regime of systematic oppression and domination".¹⁵

The report provides damning insights on the various dimensions of this discrimination. It details the "massive seizures of Palestinian land and property, unlawful killings, forcible transfer, drastic movement restrictions, and the denial of nationality and

"Amnesty Report on Israeli 'Apartheid' Garners Bipartisan US Fury", in *Al Jazeera*, 5 February 2022, <https://aje.io/y6kuw9>.

¹⁴ Jacob Magid, "In an interesting exchange, @APDiploWriter pushes @StateDeptSpox...", *Twitterpost*, 2 February 2022, <https://twitter.com/JacobMagid/status/1488660042186436612>.

¹⁵ Amnesty International, *Israel's Apartheid Against Palestinians*, cit., p. 30.

citizenship to Palestinians".¹⁶ The conclusion is that "the State of Israel considers and treats Palestinians as an inferior non-Jewish racial group",¹⁷ an approach that leads to the accusation of apartheid, which constitutes a crime against humanity.

The Amnesty report also condemns the double-standards of Israel's western backers, noting their complicity in Israeli violations, including the crime of apartheid. By underscoring how the international community has "for over seven decades" allowed Israel to "dispossess, segregate, oppress and dominate Palestinians" without accountability, the report also implicates Israel's external backers in undermining "the international legal order".¹⁸

This warning should trigger renewed reflection on the implications of Western double-standards on Palestine (and other contexts) for the broader international order and UN system. Yet, once again, a reflexive alignment with Israel has prevailed, independently from the significant damage this continues to cause to the credibility, soft power and moral authority of Western governments, including EU institutions.¹⁹

¹⁶ Amnesty International, *Israel's Apartheid Against Palestinians: A Cruel System of Domination and a Crime Against Humanity* (press release), 1 February 2022, <https://www.amnesty.org/en/?p=147091>.

¹⁷ Amnesty International, *Israel's Apartheid Against Palestinians*, cit., p. 33.

¹⁸ Ibid. p. 33-34.

¹⁹ Andrea Dessi, "Double Standards on Palestine Will Come Back to Haunt the EU", in *Social Europe*, 31 May 2021, <https://socialeurope.eu/?p=66644>.

Ultimately, it is not only Israel that risks undermining its very existence through the pursuit of short-sighted and illegal policies vis-à-vis the Palestinians. It is the broader international system of rules and legal principles that risks coming undone due to the West's continuing double-standards on Israel-Palestine. The waning credibility of the UN system and the principle of the universal applicability of international law will come back to haunt the EU and the US, depriving these actors of moral authority in other contexts while further eroding their normative influence, both at home and abroad.

If US and European governments are serious about their support for human rights and the "rules based international order" and wish to deploy such norms in other contexts, including the revival of tensions with Russia and China, they should heed Amnesty's warning: "apartheid has no place in our world, and states which choose to make allowances for Israel will find themselves on the wrong side of history".²⁰

There is an urgent need to recognise Israeli apartheid and call for accountability and the applicability of international law to the Israeli-Palestinian conflict. Anything less will only further the West's dwindling international credibility, furthering the US and Europe's direct complicity in the Israeli occupation and the erosion of the broader UN system. Repercussions will unlikely be limited to Israel-Palestine or

²⁰ Agnès Callamard, Amnesty International's Secretary General, quoted in Amnesty International, *Israel's Apartheid Against Palestinians* (press release), cit.

the MENA region, but also impact the new geostrategic rivalries with Russia and China as well as the consolidation or erosion of democratic principles and norms within Europe and the US itself.

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