

**[INT-02] On Recognition That Israel's Laws, Policies, and Practices Constitute Apartheid Against the Palestinian People**

**Source:** Presbytery

**Committee:** [INT] International Engagement

**Profile #:** [OVT-005]

**IOB Link:**

**Event:** 225th General Assembly (2022)

**Sponsor:** Grace Presbytery

**Type:** General Assembly Full Consideration

### Action Summary

#### Recommendation

#### Action

On this Item, the General Assembly acted as follows:

Approve as Amended (AA)

On this Item, the International Engagement Committee acted as follows:

Approve as Amended (CA)

## Assembly Action

*On this Item, the General Assembly acted as follows:*

### Approve as Amended

Electronic Vote - Plenary

Affirmative:266

Negative:116

Abstaining:

### Final text:

**The Presbytery of Grace overtures the 225th General Assembly (2022) of the Presbyterian Church (U.S.A.) to do the following:**

- 1. Recognize that the government of Israel's laws, policies, and practices regarding the Palestinian people fulfill the international legal definition of apartheid. Apartheid is legally defined as inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them. This occurs in Israel/Palestine through:**
  - a. Establishing two sets of laws, one for Israelis and one for Palestinians, which give preferential treatment to Israeli Jews and oppressive treatment to Palestinians,**
  - b. Expropriating Palestinian land and water for Jewish-only settlements.**
  - c. Denying the right to freedom of residence to Palestinians.**
  - d. Dividing the population along racial lines by the creation of separate reserves and ghettos for the Palestinians.**
  - e. Denying Palestinians the right to a nationality.**

2. Urge members, congregations, presbyteries, and national staff units, including the Office of Interfaith Relations, to seek appropriate ways to bring an end to Israeli apartheid.
3. Direct the Stated Clerk to communicate this action to all other PC(USA) councils.

## Referral

*Referral to OGA from INT-02*

3. Direct the Stated Clerk to communicate this action to all other PC(USA) councils.

Status:	Referred to Entity
Refer to Entity:	Office of the General Assembly
Expected Completion Date:	

## Committee Recommendation

*On this Item, the International Engagement Committee acted as follows:*

### Approve as Amended

Counted Vote - Committee
Affirmative:28
Negative:3
Abstaining:

**Final text:** Show Amended Text

### Text for Assembly Consideration

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  - b. Expropriating Palestinian land and water for Jewish-only settlements.
  - c. Denying the right to freedom of residence to Palestinians.
  - d. Dividing the population along racial lines by the creation of separate reserves and ghettos for the Palestinians.
  - e. Denying Palestinians the right to a nationality.
2. Urge members, congregations, presbyteries, and national staff units, including the Office of Interfaith Relations, to seek appropriate ways to bring an end to Israeli apartheid.
3. Direct the Stated Clerk to communicate this action to all other PC(USA) councils.

# Recommendation

*This item was referred from the 224th General Assembly (2020) for consideration during the 225th General Assembly (2022).*

**The Presbytery of Grace overtures the 225th General Assembly (2022) of the Presbyterian Church (U.S.A.) to do the following:**

- 1. Recognize that Israel's laws, policies, and practices regarding the Palestinian people fulfill the international legal definition of apartheid. Apartheid is legally defined as inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them This occurs in Israel/Palestine through:**
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  - c. Denying the right to freedom of residence to Palestinians.**
  - d. Dividing the population along racial lines by the creation of separate reserves and ghettos for the Palestinians.**
  - e. Denying Palestinians the right to a nationality.**
- 2. Urge members, congregations, presbyteries, and national staff units, including the Office of Interfaith Relations, to seek appropriate ways to bring an end to Israeli apartheid.**
- 3. Direct the Stated Clerk to communicate this action to all other PC(USA) councils.**

## Rationale

### Purpose

This overture is pursued with the hope it will lead to a peaceful reconciliation for the people of Israel and Palestine similar to that which occurred in South Africa when apartheid was internationally acknowledged.

Just thirty years ago there was serious injustice, widespread suffering, and major human rights abuses in South Africa because of apartheid laws, practices, and policies that established a preferential legal status and material privileges to one group of people based on their identity while discriminating against another group based on their inferior status. The favored group received preferential access to land, water, other resources, and to government benefits and services while the disfavored group was confined to ever shrinking non-contiguous territorial enclaves. The peaceful reconciliation of the peoples in South Africa and the creation of a stable political state were accomplished only after the churches and the nations of the world recognized that South Africa's laws, practices, and policies constituted a crime against humanity In the 1960s South African soccer teams were banned from international soccer competition because of the government's apartheid policies. A few decades later South Africa hosted the 1995 Rugby World Cup, a remarkable demonstration of the political transformation that can take place when the world recognizes apartheid and a government responds by granting human rights for all people. It is hoped that the Israeli government policies toward the Palestinian people will undergo a similar transformation if Israeli apartheid is internationally acknowledged.

## Why Presbyterians Must Act

To solve a problem, one has to honestly recognize and acknowledge that the problem exists. The rationale section of this overture will demonstrate how Israel's practices towards Palestinians fit the United Nations and World Court definitions of apartheid. As Presbyterians we believe the prophetic mission of the church is to speak the Word of God courageously, honestly, and lovingly in the local context and in the midst of daily life; following the example of Jesus, the church is called to stand alongside the oppressed to help bring about justice, peace, and reconciliation. Christians spoke out in the 1950s against segregation in the United States and later against apartheid in South Africa. They must again raise their voices and condemn Israel's discrimination against Palestinians and give a name to the crime against humanity that this discrimination represents, the crime of apartheid.

The PC(USA) would not be the first to name Israel's practices as constituting apartheid. As Nobel Peace Prize laureate Archbishop Desmond Tutu wrote to the 221st General Assembly (2014) delegates, "I know firsthand that Israel has created an apartheid reality within its borders and through its occupation."

The National Christian Coalition of Christian Organizations in Palestine (NCCOP), in a letter to the World Council of Churches that was formally received and recommended for study by the 223rd General Assembly (2018) of the PC(USA), called upon the church to urge "the ending of [Israel's] occupation, Apartheid and discriminations, and accept refugees to return to their home land and properties" (*Minutes*, 2018, Part I, p. 1129).

Many Jewish leaders, both Israeli and American, have similarly named Israel's practices as apartheid. former Israeli Minister of Education, said: (2008). former Israeli Minister of Education, said: " (2007). , former director of the American Jewish Congress & Synagogue Council of America, said, (2007). Indeed, a 2012 poll of Israeli Jews found that a majority recognize that Israel practices apartheid. [https://www.haaretz.com/.premium-israelis-say-no-vote-to-arabs-if-w-bank-annexed-1.5194145\\_](https://www.haaretz.com/.premium-israelis-say-no-vote-to-arabs-if-w-bank-annexed-1.5194145_)

Recent events have only made the situation clearer, most especially with Israel's Nation-State law, passed in 2018, that declares that "The right to exercise national self-determination in the State of Israel is unique to the Jewish people." The Palestinians who have lived there for centuries have no such right.

For too long, too many Americans and Presbyterians have seen the conflict between Israeli Jews and Palestinians through the frame of two peoples who can't get along. This frame is not accurate, and thus not helpful. The core of the conflict is not enmity between two peoples but an unjust structure of power that privileges one group of people over another, a structure that is reflected legally at all levels of society. Following our Palestinian Christian siblings, Archbishop Desmond Tutu, many Israeli Jewish leaders, and the majority of the Israeli Jewish populace, we must name this unjust structure by its most accurate name—apartheid.

## 2016 General Assembly Assessment of Israel-Palestine Facts on the Ground

The 222nd General Assembly (2016) approved a report entitled "Israel-Palestine: For Human Values in the Absence of a Just Peace" that assessed the situation in the West Bank, East Jerusalem, and Gaza. This report was prepared in response to a mandate from the 221st General Assembly (2014) to prepare a report assessing the viability of the two-state solution to the Israel-Palestine conflict. Below are some of the conclusions of Section 1 of this report, which summarizes the facts on the ground in Israel/Palestine.

- Two different sets of laws apply to Jews and non-Jews in East Jerusalem

East Jerusalem, which the Oslo Accords identified as the capital of a future Palestinian state, has been cut off from the rest of the West Bank by Israel's erection of a fortified wall and security checkpoints, keeping out most Palestinians. The Israeli government has annexed all Jerusalem and expanded the city's boundaries to include settlements, while depriving Palestinian residents

of citizenship and public services, despite their full payment of taxes to Israel. This claim that Jerusalem is all part of Israel and its united capital, in violation of international law, made Palestinian residents of East Jerusalem stateless, with tenuous and frequently cancelled permission to continue living in their homes. Systematic land reconfiguration and large, strategic settlements in support of “an exclusionary Jewish Jerusalem” are “marginalizing the other national and religious equities in the city,” increasing interreligious tension and contributing to the loss of Christian presence.

- Two different sets of laws apply to Jews and non-Jews living in the West Bank

Israeli settlements in the West Bank and East Jerusalem, illegal under international law, have continued to expand in number, territory, and population—now including more than 650,000 settlers. Their location and the roads connecting them (for exclusive Israeli use) hem in Palestinian cities and towns and block time-honored transport connections with each other and with Jerusalem and the wider world. Jewish settlers in the occupied Palestinian territory receive treatment as Israeli citizens under a civil justice system, while Palestinians are under military occupation orders without full citizenship rights and legal protections.

- Two different sets of laws apply to building permits for Jews and non-Jews living in the West Bank

The 650,000 Jewish settlers in the West Bank are living in housing that received permits from Israeli government agencies. Israel issues almost no permits for Palestinian citizens living in the West Bank that is controlled by Israel. The Israeli government routinely destroys Palestinian homes, wells, businesses, and farms in East Jerusalem and most of the West Bank if they are built or repaired without Israeli permits, which are rarely granted. Palestinian property is expropriated for Israeli parks, heritage sites, security zones, and the enclosure wall.

- Two different sets of laws apply to Jewish and Palestinian refugees

Refugees' right of return to their former homes or agreed upon compensation is guaranteed on an individual basis under international law. This right is prohibited for Palestinian refugees. In contrast, Jews from around the world are granted immediate Israeli citizenship when they enter Israel.

- Two different sets of laws apply to the arrest of Jews and non-Jews living in the West Bank

The Israeli military arrests adolescent Palestinians in the night, coerces confessions by threats of indefinite imprisonment, and holds them without trial or access to a lawyer, a translator, or even a parent. Palestinians are often held in Israel where families cannot visit, which violates international law. Palestinians who allegedly pose a threat are often shot on sight. Despite some security cooperation with the Palestinian Authority, the Israeli military frequently conducts incursions into Palestinian areas and conducts constant drone surveillance of Gaza and other Palestinian areas.

- Two different sets of laws apply to access to water by Jews and non-Jews living in the West Bank

Israeli authorities tightly limit the access of Palestinians to water, while assuring that their own citizens and the settlers have full access 24-7. Per capita use of water in 2014 was 183 liters per day in Israel, compared to 73 for Palestinians in the West Bank and a minimum of 100 recommended by the World Health Organization. Palestinians must have permission to drill or deepen wells, which is rarely granted. Many Palestinian towns get water only a few times a week, while nearby Israeli settlements enjoy swimming pools and watered lawns and gardens. Some of the incursions of the wall into West Bank territory seize control of aquifers there. Israeli wells along Gaza's border substantially deplete the safely drinkable water available there.

- Two different sets of laws apply to economic development for Jews and non-Jews living in the West Bank

Economic development in West Bank settlements is encouraged through Israeli state incentives. Economic development for Palestinians in the West Bank and Gaza suffers from Israeli restrictions that hinder exports of their products, imports of raw material, construction of economic infrastructure, transportation within the West Bank and with other economies, access to internet and other communications, and access to financial services. In Jerusalem and elsewhere, Palestinians cannot enforce contracts and property rights vis a vis settlers. A World Bank study showed that removing such obvious restrictions would allow the West Bank GDP to expand by at least a third.

### **United Nations and World Court Definition of Apartheid**

The 2016 report to the General Assembly assessing the facts on the ground in Israel-Palestine described a situation where there are two different sets of laws that apply to different ethnic groups living in the same geographical area. This is defined as a system of apartheid under international law.

The classification of apartheid as a crime against humanity under international criminal law was made most strongly in the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid (U. N. Apartheid Convention), and the 1998 Rome Statute of the International Criminal Court (Rome Statute).

The U.N. Apartheid Convention states that the term “crime of apartheid” applies to acts committed for the purpose of establishing and maintaining domination by one racial group over any other racial group and systematically oppressing them. For the purpose of the Apartheid Convention, the term “the crime of apartheid” includes similar policies and practices of racial segregation and discrimination as practiced in southern Africa and applies to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

- Denying a member or members of a racial group or groups of the right to life and liberty by murder, serious bodily or mental harm, the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman, or degrading treatment or punishment.
- Arbitrary arrest and illegal imprisonment of the members of a racial group or groups.
- Imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part.
- Denying basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association.
- Measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof.
- Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

The U.N. defines “racial discrimination,” as “any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.” Israeli policies that establish and maintain Israeli domination over Palestinians meet this definition.

Government leaders can be accused of committing the crime of apartheid if they institute or administer laws, practices, and policies that establish apartheid conditions. It is up to the United Nations or the World Court to prosecute those guilty of apartheid. However, individuals, and churches can recognize apartheid and witness to that effect. This procedure is much like our criminal justice system. If a citizen witnesses a crime like a robbery or assault, they can recognize that a crime has been committed and witness to that effect even though only the court system can legally prosecute the crime.

### **How Israel's Laws, Policies and Practices Constitute Apartheid Against the Palestinian People**

Israel has created a system where one ethnic group, Israeli Jewish nationals, have a superior status and another ethnic group, non-Jewish Arabs living in Israel/Palestine, have an inferior status. Israeli laws, policies, and practices systematically prevent Palestinians from participating in the political, social, economic, and cultural life of their country. The expropriation of Palestinian land, restrictions on the freedom of movement and residence, confining Palestinians to ghettos, arbitrary arrest and imprisonment of Palestinians, the restriction or denial of Palestinian rights to work, education, peaceful assembly, and religious practices are all part of Israeli measures calculated to prevent Palestinians from full participation in the economic, environmental, and social life of their country. This discriminatory system benefits Israeli Jews and causes irreparable harm to non-Jews both in Israel itself and in the occupied Palestinian territories.

The 2016 General Assembly assessment of Israel-Palestine describes the facts on the ground in Israel-Palestine that show a system of apartheid. Highlighted below is an elaboration of seven areas in which the state of Israel's laws, policies, and practices violate the International Convention on the Suppression and Punishment of the Crime of Apartheid ratified by the United Nations.

### **Expropriating Palestinian Property for Jewish-Only Settlements and Infrastructure**

- In June 1967 East Jerusalem was occupied by the Israeli military. Twenty-seven square miles of East Jerusalem were annexed to Israel. More than 30 percent of the land in East Jerusalem has been expropriated to build new settlements where approximately 200,000 Israeli's reside in 47,000 units of housing.
- Between 1967 and 2019, vast areas of West Bank land have been expropriated to allow more than 121 settlements and 100 outposts for Jewish residents. Nearly 650,000 settlers now live in the occupied West Bank, including 190,000 in East Jerusalem.
- Separation walls/barriers are constructed on land in the West bank and expropriate an additional 11.9 percent of Palestinian land in the West Bank.
- The agricultural Jordan Valley area, about 30 percent of the West Bank, is now off limits to most Palestinians.
- Inside Israel—confiscation of so-called “absentee property” seized from Palestinians who were displaced from their homes in the 1948 war. Through Israel's passage of the Absentee Property law in 1950, Israel confiscated the land of Palestinians who had been expelled from or fled their homes, and transferred it to the state, thereby depriving Palestinians of their rights to their property.

Most recently, Israeli Prime Minister Netanyahu suggested he would annex further parts of the West Bank, continuing the long trajectory of Israeli confiscation of Palestinian lands. The net result is that the state of Israel systematically and continually expropriates the landed property of Palestinians in violation of the International conventions on apartheid.

### **Denying the Right to Freedom of Residence to Palestinians**

- Israeli laws, policies, and practices systematically prevent Palestinians from freedom of residence through denial of building permits for the construction of Palestinian housing and the demolition of Palestinian housing. In those areas of the West Bank and East Jerusalem where Palestinian housing is destroyed or denied, homes for Jewish settlers are permitted and constructed and only Jewish people can live in the settlement colonies.
- In 1967 the population of East Jerusalem was almost entirely Palestinian. Today there are approximately 190,000 Jewish settlers. Palestinians now constitute one-third of East Jerusalem's population.
- From 1967 to 2019, more than 24,000 Palestinian homes have been demolished in the occupied territories.
- Israel's 1950 Law of Return and its 1952 Citizenship, while conferring automatic citizenship to Jews who immigrate to Israel, denies return and citizenship to those residing outside of Israel between 1948 and 1952, including millions of Palestinians refugees and exiles. Israel thus manipulates the demographics in favor of Jews, while denying the right of return for indigenous Palestinian refugees and their descendants.
- The Citizenship and Entry into Israel Law, enacted in 2003 as a Temporary Order and renewed on an annual basis ever since, prohibits residency or citizenship status to Palestinian spouses from the occupied Palestinian Territories who are married to Palestinians with Israeli citizenship. This law thus prevents family unification and undermines the rights of Palestinian citizens of Israel and of Palestinians from the occupied Palestinian Territories, including the right to family life, and the right to equality in marriage and choice of spouse.

The net result is that the state of Israel systematically and continually denies the freedom of residence to Palestinians in violation of the International conventions on apartheid.

### **Denying Palestinians the Right to Freedom of Movement**

- Israeli laws, policies, and practices systematically deny Palestinians the right to movement. Israel uses a number of means to restrict Palestinian movement in the West Bank, which include: permanent and temporary checkpoints, physical obstructions, the Separation Wall, roads on which only Israelis can drive, and the movement-permit regime.
  - *Checkpoints:* In 2019 more than 600 checkpoints and roadblocks in the occupied West Bank restrict Palestinians' freedom of movement to their homes, businesses, schools, jobs, hospitals, and farms. Palestinians routinely suffer indeterminate waiting, humiliating treatment, uncertainty, and denial of access at checkpoints.
  - *Segregated roads:* Segregated roads, which Israel euphemistically calls "bypass roads," link settlement colonies with one another and with Israel. The 493 miles of bypass roads provide unrestricted access to Israeli vehicles but restrict or prohibit Palestinian travel. These roads cut off Palestinians from their agricultural land, schools, hospitals, markets, and extended families, and carve up the West Bank into isolated enclaves.
  - *Separation Wall:* In the West Bank much of the Separation Wall extends well beyond the internationally recognized border and separates Palestinian homes from their farmland, businesses, schools, hospitals, and the homes of family and friends. In East Jerusalem the Separation Wall is constructed through the middle of a once contiguous city, much like the Berlin Wall. The wall's main purpose is not security, but rather to separate Palestinians from Israeli settlement colonies on expropriated Palestinian land. The Separation Wall cuts deeply into the West Bank in several locations. There is creeping confiscation of land in the areas between the Green Line and the Wall, where severe movement restrictions continue to result in the inability of Palestinian landowners to farm their land. Along this zone between the Green Line and the Wall



thousands of Palestinians on both sides of the barrier are being driven into poverty by restrictions on residency, lack of access to farm lands, inability to market their crops, and confiscation of land.

- By implementing these means, Israel has split the West Bank into six geographical areas: North, Center, South, the Jordan Valley, and northern Dead Sea. Movement between the sections and within each section has become, in recent years, hard, slow, and sometimes impossible. Israel almost completely forbids the movement of Palestinians between the West Bank and the Gaza Strip and impedes Palestinians from entering Israel and going abroad.
- These restrictions significantly affect the daily lives of Palestinians in commerce, in access to medical treatment and educational institutions, and in conducting social activities. Simple actions such as going to work in a nearby town, marketing farm produce, obtaining medical treatment, and visiting relatives entail bureaucratic procedures and great uncertainty.
- Israel's restriction on freedom of movement for non-Jewish Palestinians is discrimination based on ethnic origin since these restrictions apply only to Palestinians. Jewish residents are permitted to enter and leave settlements without restriction.

The net result is that the state of Israel systematically and continually denies the freedom of movement to Palestinians in violation of the International conventions on apartheid.

### **Dividing the Population Along Racial Lines**

Sections a, b, and c and maps 1, 2, and 3 show how Israeli laws, policies, and practices in the West Bank combined with the infrastructure of illegal settlements, bypass roads, checkpoints, and the separation wall/barrier systematically create separate reserves or ghettos for Palestinians in the West Bank. Palestinians are forced to live in isolated enclaves, which in turn eviscerates the Palestinian economy, and prevent the creation of a viable, contiguous, sovereign, and independent Palestinian state.

Inside the Green Line, Israel has formalized sub-national divisions of the Palestinian people into sometimes overlapping categories such as Christians, Druze, Arabs, Muslims, and Bedouin, as if each were distinct from the Palestinian people. In addition, other sub-groups of Palestinians are variously categorized for special status and treatment, including “absentees,” “present absentees,” Arameans, Jerusalem residents (annexed, but rendered stateless) and “unrecognized village” residents. All these Israeli-constructed categories of the Palestinian people remain perpetually inferior in status and rights to “Jewish nationals” as a matter of law in Israel and are effectively accorded second-class citizenship.

The net result is that the state of Israel systematically and continually divides the population along racial lines in violation of the international conventions on apartheid.

### **Denying Palestinians the Right to a Nationality**

- On November 29, 1947, the United Nations endorsed a Partition Plan for Palestine that divided the League of Nations’ British Mandate of Palestine. In this partition plan 44 percent of the land was allocated for an Arab state and 56 percent was allocated for the Jewish state. While Israel did become an independent state in 1948, the independent Arab state did not come into existence because the land designated as an independent Arab state was militarily occupied by Israel, Jordan, and Egypt.
- From 1948 to date the state of Israel has systematically occupied and/or annexed all of the land that had been designated by the United Nations for an independent Palestinian state.
- In 1967 Israel annexed East Jerusalem in violation of international law.
- From 1967 to date, Israel has controlled Area C in the Oslo Peace agreement. Through the construction of settlement colonies, bypass roads, the separation wall/barrier, buffer zones, and the

creation of land reserves, Israel has left Palestinians in control less than 10 percent of the land area of the British mandate of Palestine.

- Israel has failed to implement the November 22, 1967, United Nations Resolution 242 requiring Israel to withdraw its forces from the West Bank and Gaza.
- As noted earlier, the recent (2018) passage by Israel of the Jewish Nation-State Law stated that “the exercise of the right to national self-determination in the State of Israel is unique to the Jewish people.” This law thus codifies the Jewish character of the state and further cements institutionalized racial discrimination against the Palestinian people, relegating them to a lower status within their own homeland.

The policy of the most recent Israeli governments has been to explicitly obstruct the creation of a Palestinian state. In the words of Israeli Prime Minister Benjamin Netanyahu, “A Palestinian state will not be created, not like the one people are talking about. It won’t happen.” The plan, rather, in Netanyahu’s words “is to apply Israeli law to the communities in Judea and Samaria [the West Bank], which we will do in the next term. I want to do it gradually. I want to do it if possible with American support” <https://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-A-Palestinian-state-wont-be-created-586017>.

The net result is that the state of Israel systematically and continually denies Palestinians the right to a nationality in violation of the International conventions on apartheid.

### **Why Christians Cannot Be Silent about the Israeli System of Apartheid**

The PC(USA) strongly supports Israel’s right to exist as a sovereign nation within secure and internationally recognized borders in accordance with United Nations resolutions. We hope that Israel will live up to its potential to be a democracy with equal rights for all people living in security and prosperity. It is therefore with pain and sorrow that friends of Israel witness Israel’s oppressive policies and actions in the West Bank. It is with great sadness and disappointment that we watch as the promise of human rights for all peoples in the Holy Land for which we hoped has been unrealized, and replaced instead by Israeli laws, practices, and policies that promote the interests and human rights of Israeli Jewish citizens while denying human rights and a nationality to Palestinians, both Christian and Muslim.

The Israeli policies in the West Bank and the infrastructure of the illegal Israeli settlements, bypass roads, checkpoints, and separation wall/barrier that constitute an apartheid regime are in plain view for all to see and have been denounced by PC(USA) at the last two General Assemblies. However, it is difficult for many Americans and Christians to recognize these Israeli actions as apartheid. One reason may be fear of disturbing our relationships with some of our Jewish or Christian brothers and sisters. It is difficult for many Christians to publicly criticize the policies of Israel’s government for fear that even legitimate criticism may be seen as anti-Israel or anti-Semitic or characterized as “picking on Israel” among many countries in the Middle East with human rights violations. Some Christians believe they must silence their criticism of Israel’s policies because of the history of the Nazi Holocaust and the failure of many Christians to speak out at the time. Some believe that using the word “apartheid” has a harsh or jarring effect that can hamper constructive dialog.

Our call as Christians means we must sometimes get out of our comfort zone and risk controversy and criticism from people or organizations with whom we are in relationship. It is because of this call that we must recognize what we witness in Israel/Palestine, which is that Israel’s laws, practices, and policies constitute apartheid against the Palestinian people. The 2016 report approved by the General Assembly clearly described facts on the ground in Israel-Palestine that constitute a system of apartheid.

After World War II when the horror of the Nazi Holocaust was revealed, Jews around the world said “never again.” Many Christians around the world were shamed by their silence during the 1930s as Jews in Germany were given special cards identifying their religion, had their businesses shut down, had their land expropriated, and were forced to live in ghettos. Christians too vowed that never again would they be silent if

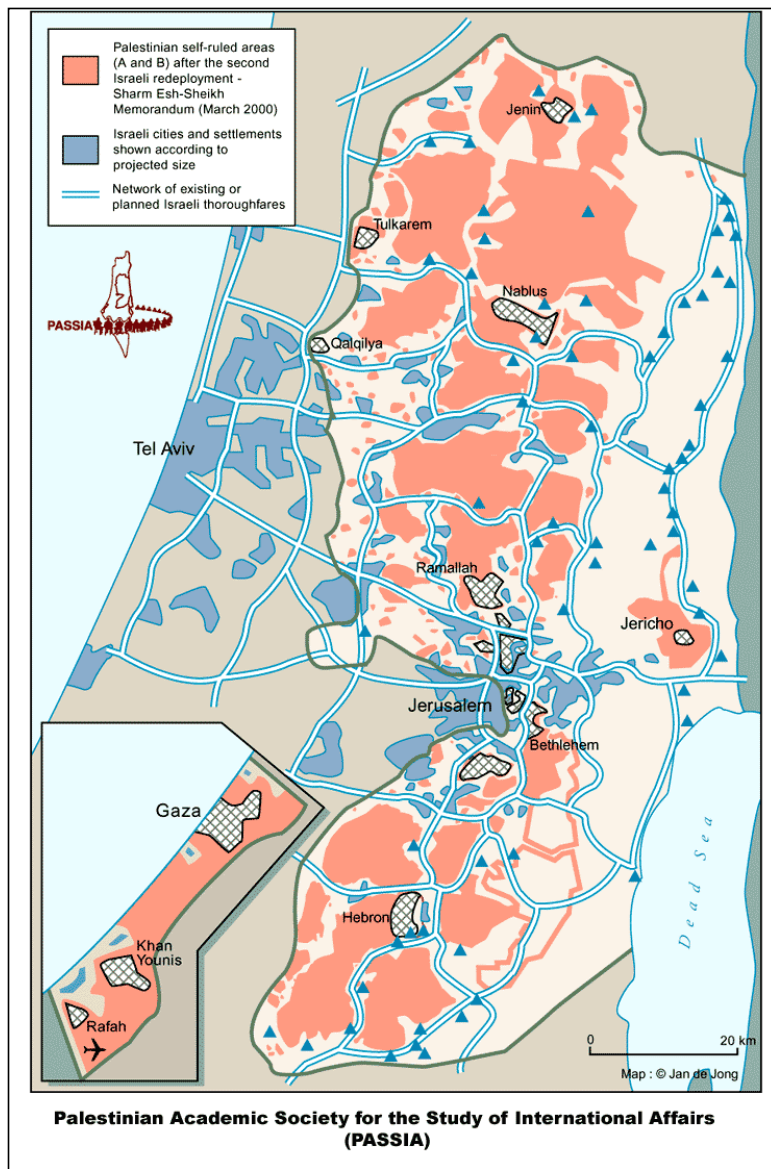
a government passed laws establishing and maintaining the domination by one ethnic group over another ethnic group through systematic separation, oppression, and denial of basic human rights. Silence in the face of evil was wrong then, and it is wrong now.

Each year the ordeals and injustices suffered by the Palestinian people in the West Bank, Gaza, and Israel continue. Land is expropriated, homes are demolished, and freedom of movement is restricted. The combination of Israeli settlement colonies on Palestinian land, the bypass roads connecting these settlements, and the Separation Wall creates a network of barriers that confine Palestinians to live in separate reserves and ghettos. The rights to work, education, freedom from arbitrary arrest, peaceful assembly, and freedom of expression granted under international law are restricted or denied.

## Reference Maps

In order to visualize how the expropriation of Palestinian land and construction of Israeli settlements in the West Bank , Israeli only bypass roads, and the separation wall/barrier combine to restrict Palestinians into isolated and ever shrinking enclaves it is necessary to refer to the four reference maps that are included in this overture. It is helpful to refer to these maps when reading the PC(USA) statements below.

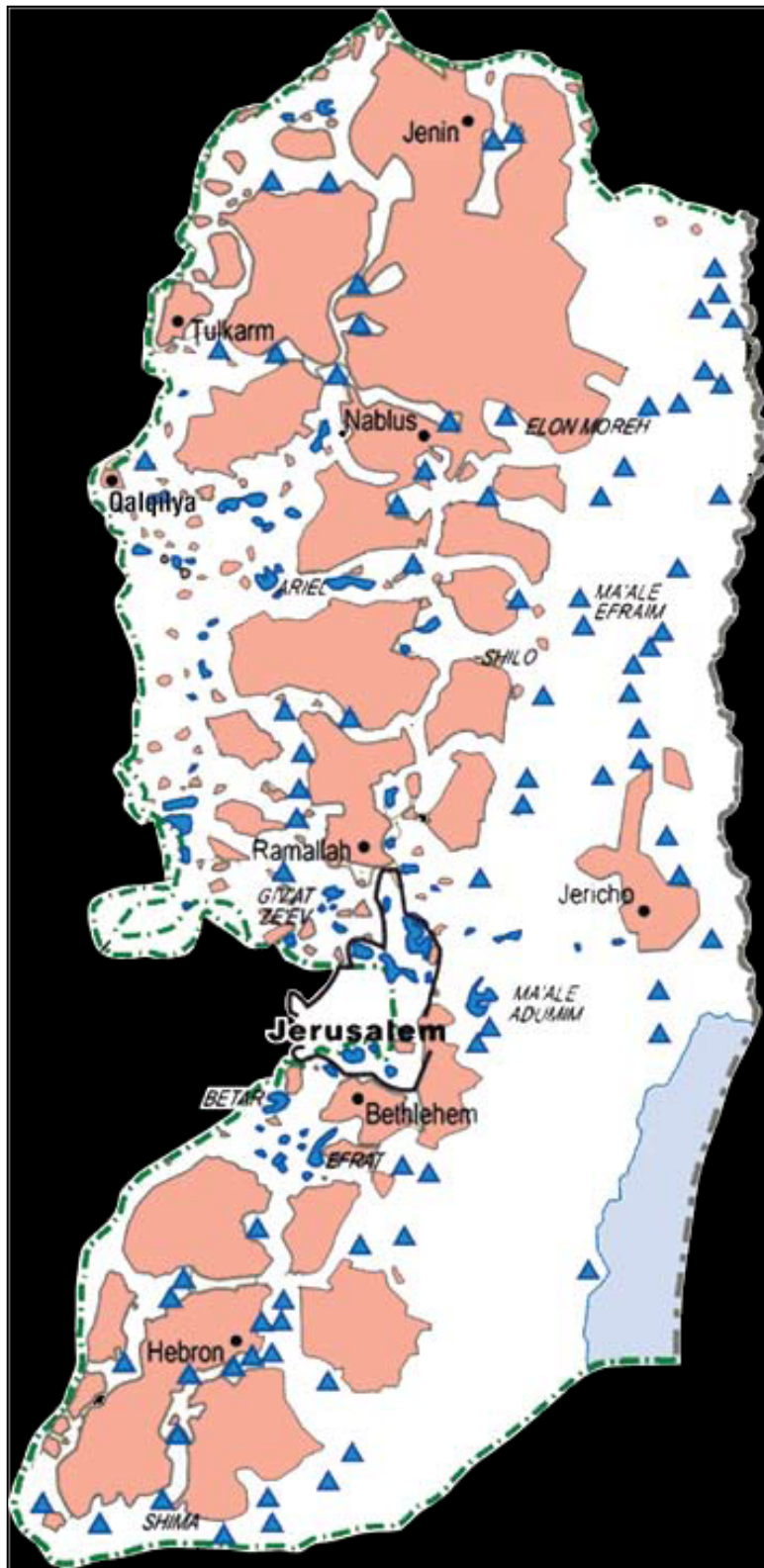
- *Map 1: Bypass roads* linking settlement colonies in the West Bank with Israel to allow unrestricted settler movement but allow limited or no access to Palestinians.
- *Map 2: The separation wall* is not on the internationally recognized Israel and Palestine boundary. Large swaths of Palestinian territory are on the “Israel side” of the wall.
- *Map 3: Encircled enclaves* (reserves or ghettos) confine Palestinians into sixty-four isolated and totally surrounded canton-like reserves in the West Bank.
- *Map 4: Palestinian Loss of Land 1946–2010.*



Map 1: Bypass roads linking settlement colonies in the West Bank with Israel allow unrestricted settler movement but allow limited or no access to Palestinians. Triangles are major Israeli settlement colonies.

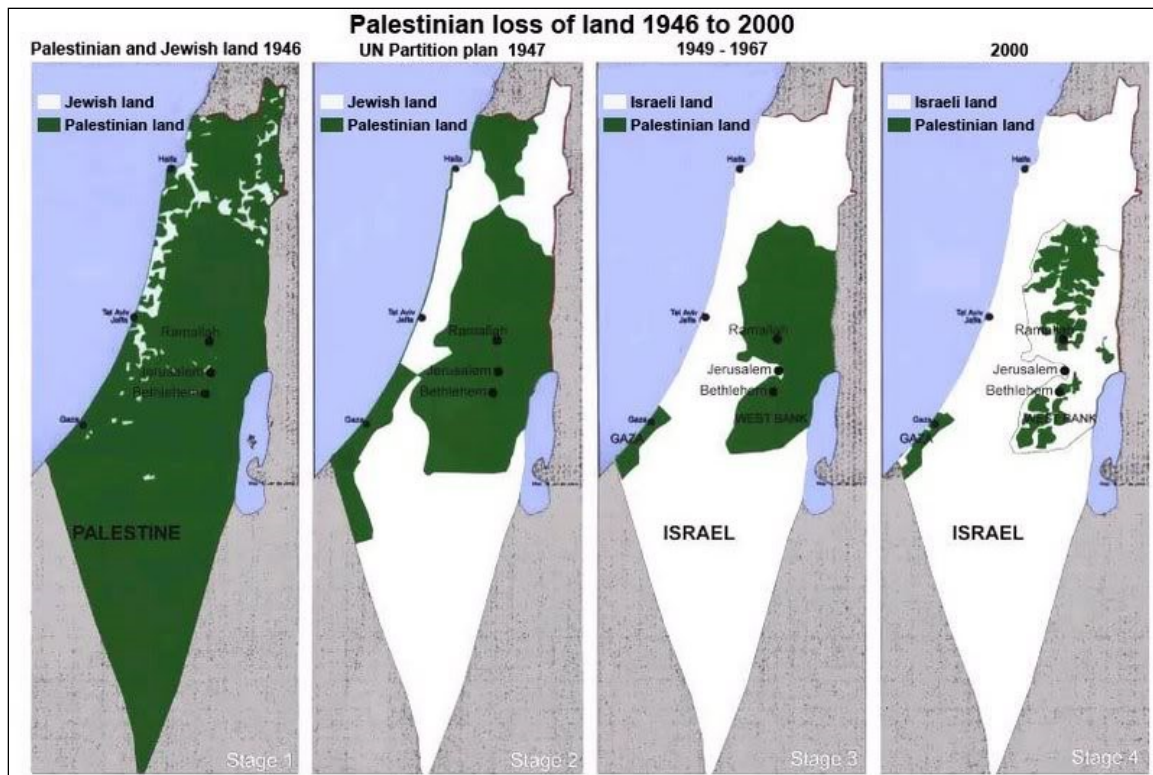


Map 2: The Separation Wall (blue line). None of the Palestinian West Bank is part of Israel under international law. However, the separation wall is not on the West Bank's border, but meanders deeply into Palestinian territory and puts large swaths on the "Israel side" of the wall.



Map 3: Encircled enclaves (reserves or ghettos) confine Palestinians into 64 isolated and totally surrounded canton-like reserves in the West Bank. The triangles are major Israeli settlement colonies.





Map 4: Palestinian Loss of Land 1946-2010. The green area shows land under Palestinian control.

## Other Comments

### Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy (ACSWP) advises the 224th General Assembly (2020) to **approve** this item.

ACSWP acknowledges that approving this overture would mark a change in the current policy of the Presbyterian Church (U.S.A.). In its most recent policy paper on the situation in Israel/Palestine, *Israel/Palestine: For Human Values in the Absence of a Just Peace*, the Presbyterian Church (U.S.A.) acknowledged connections between apartheid as practiced historically in South Africa and the situation currently in Israel/Palestine, without stating that the policies of the State of Israel towards its Palestinian population were precisely the same. Some South Africans, like Nobel Laureate Desmond Tutu, argue they are a harsher separation.

At present, the most widely accepted definition of apartheid for the purposes of international law comes from the Rome Statute of the International Criminal Court, which states, in Article 7(1)(j) in conjunction with Article 7(2)(h):

Article 7(1)(j) in conjunction with Article 7(2)(h) Rome Statute defines the crime against humanity of apartheid as follows:

1. (j) The crime of apartheid; ...
2. (h) “The crime of apartheid” means inhumane acts of a character similar to those referred to in paragraph 1, 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.

There has been some argument as to whether the Rome statute applies to the situation in Israel/Palestine, given its focus on race. In his 2014 report to the UN Human Rights Council, Special Rapporteur on Israel/Palestine Richard Falk acknowledged that the understanding of race would need to be broadened to embrace ethnicity and creed, but nonetheless his report concluded that the state of Israel engaged in “practices and policies which appear to constitute apartheid and segregation.”

As the rationale for this overture admirably documents, since *Israel/Palestine: For Human Values in the Absence of a Just Peace* was approved by the Presbyterian Church (U.S.A.) in 2016, the oppression of the Palestinian population of Israel/Palestine has significantly worsened. Indeed, the study paper *Jerusalem 3,2,1* prepared for this General Assembly by the Advisory Committee on Social Witness Policy documents many of these changes. As a Presbyterian pastor reported, after many olive trees recently planted had been ripped out by the Israeli military, this is a people that have been on lockdown long before Covid19.

And there seems to be little hope of improvement. With the recent political consolidation of the Israeli government with regards to the annexation of the West Bank, and with the tacit support of the current administration of the United States for such an endeavor, there seems little reason at this moment to avoid naming the *de jure* and *de facto* realities for what they are.

### **Advice and Counsel—From the Racial Equity Advocacy Committee (REAC)**

The Advocacy Committee for Racial Equity Advocacy Committee advises that the 224th General Assembly (2020) **approve with amendment** INT-02.

The Racial Equity Advocacy Committee (REAC) supports this resolution with recommendation of the **use of "anti-Jewish" rather than "anti-Semitic,"** as the latter encompasses other people groups in addition to our Jewish siblings.

## **Concurrence**

**de Cristo Presbytery**

**Greater Atlanta Presbytery**

**Mission Presbytery**

**New Brunswick Presbytery**

**New Castle Presbytery**

**Northwest Coast Presbytery**

**San Francisco Presbytery**

**The Redwoods Presbytery**

**Additional Rationale**

Under the heading **Why Presbyterians Must Act:**

...people.” The Palestinians who have lived there for centuries have no such right.

**In January 2021 B’Tselem, probably the most respected human rights organization in Israel, published an article entitled “A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea. This is apartheid.”**



[https://www.btselem.org/press\\_releases/20210112\\_this\\_is\\_apartheid](https://www.btselem.org/press_releases/20210112_this_is_apartheid)

**On April 27, 2021 Human Rights Watch, an international organization that monitors human rights abuses in countries worldwide, published an article entitled “A threshold crossed”. Israeli authorities and the crimes of apartheid and persecution.”**

<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

For too long, too many...

## Additional Resources

Map 1: Bypass Roads

INT02-1.png

Map 2: The Separation Wall

INT02-2.png

Map 3: Encircled Enclaves

INT02-3.png

Map 4: Palestinian Loss of Land 1946-2010

INT02-4.jpg

Reference Maps

Reference\_Maps.pdf