



UNJPPI

United Network for Justice and Peace
in Palestine and Israel

27 January 2021

Rev. Dr. Martha ter Kuile
Chair, GCE Just Peace Reference Group

Dear Martha,

It has been over a year since UNJPPI made its last submission to the Just Peace Reference Group. A lot has happened in the interim – both in Canada and world-wide. Covid has affected all of us – everyone throughout the world. We pray that you and your loved ones are managing to stay healthy and safe.

With respect to Palestine/Israel, the past 13 months have seen significant developments both in terms of the impacts of the deepening Israeli military occupation and in the responses by caring people to what is happening there. As a result, this appears to UNJPPI to be an opportune time to provide further input to the Reference Group.

In the following we are providing additional responses to each of the three questions on which the Reference Group requested our input. We do want to make clear, however, that our additional responses are not a repudiation of anything stated in our previous letter.

Issue 1 - What would be the potential impact of the United Church continuing or discontinuing to express support for Israel's right to exist "as a Jewish state"?

What most of the world recognizes as Israel today has a population which is roughly 80% Jewish and 20% Palestinian (or Arab). In making this statement we immediately recognize a significant difficulty because Israel has never defined its boundaries. Among nation states it is perhaps unique in this regard.

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The partition plan for Mandate Palestine adopted by the United Nations General Assembly in November 1947 divided Mandate Palestine into 3 parts – an Arab State, a Jewish State, and the City of Jerusalem. Roughly 43% of the land was allocated to the Arab State and 56% of the land to the Jewish State. The war which followed the 1947 UN approval of the Partition Plan ended in 1949 with Israel signing separate armistices with Egypt, Lebanon and Transjordan. The result of these agreements was that Israel controlled territories of about one-third more than was allocated to the Jewish State under the UN partition plan. The subsequent Six Day War in 1967 ended with Israel in control of added territory – the West Bank, East Jerusalem, the Gaza Strip and part of the Golan Heights.

When I visited an Israeli government tourist office in Nazareth in 2014, I picked up a map of Israel from the person in charge. It effectively showed all the lands between the Jordan River and the Mediterranean Sea as one country with no boundaries, except perhaps for Gaza. What I understood to be the militarily occupied West Bank were labelled as Samaria and Judea. No maps showing the West Bank and East Jerusalem as occupied territories were available in that office. I expect that this was not an accident, but rather the way the Israeli government and many of its people see their country.

Since the Israeli military occupation began in 1967, Israel has been moving Jewish settlers/colonists into Jewish only settlements/colonies in the West Bank and East Jerusalem. The numbers increase every year and today there are over 600,000 Israeli Jewish citizens living in these places which clearly are intended to be permanent. They have been built in contravention of international law, which prohibits an occupying power from transferring its own people to occupied territory, and they are built on lands taken from the indigenous Palestinian population against the wishes of that population.

The United Church joined much of the world in condemning the recent plan supported by Israel and then U.S. President Trump for Israel to annex much of the West Bank. Perhaps due to this global outcry, this *de jure* annexation did not proceed. However, most knowledgeable observers recognize that there already has been a *de facto* annexation by Israel of the West Bank and East Jerusalem. They have also annexed part of the Syrian Golan Heights.

What are the implications of this for the United Church in deciding whether to continue or discontinue to express support for Israel's right to exist "as a Jewish state"? With what appears to be the obvious intent by Israel to effectively incorporate more and more Palestinian lands into Israel, which inevitably means entrenching more Palestinians under Israel's direct control, expressing support for Israel's right to exist as a Jewish state effectively gives blessing to the disenfranchisement of Palestinians, most of whom do not have the democratic right to vote for the government that controls their lives. Ending United Church express support for Israel's right to exist "as a Jewish State" will show the United Church recognizes the realities of what is happening in Israel and Palestine. In the context of what is happening and Israel's obvious intentions, the concept of 'Jewish state'

is incompatible with democracy which we suggest is the higher value for United Church people and almost all Canadians.

Further, the developments on the ground have led a growing number of knowledgeable observers to conclude that a two-state solution is no longer possible. Israel's actions in violation of international law have closed any realistic possibility of giving Palestinians a separate state of their own. Increasingly observers are concluding that what is left as a democratic solution reflecting internationally enshrined human rights is a single state between the Jordan River and the Mediterranean Sea with all the people living there having equal rights. In such a state there are ways to protect the rights and reasonable aspirations of all without giving one group dominance and control over the other.

Issue 2 - What would be the potential impact of using of the word 'apartheid' to talk about Israel's actions in the Occupied Territories?

Near the end of our comments on this question in our previous letter we stated that: *"Naming the evil for what it is must be the first step to addressing it."*

In that letter we quoted academics and the National Coalition of Christian Organizations in Palestine naming the evil of the way Palestinians are being treated under the Israeli military occupation as "apartheid".

In the past year, a new development is that Israeli human rights organizations are now naming what is happening as "apartheid". *Yesh Din – Volunteers for Human Rights* is an Israeli not-for-profit organization which was established in 2005 and works to protect the human rights of Palestinians living under Israeli military occupation. In June 2020 Yesh Din issued a legal opinion entitled *"The Israeli Occupation of the West Bank and the Crime of Apartheid: Legal Opinion"*. It can be found online at:

<https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/>

The Yesh Din Legal Opinion contains a thorough analysis of the historical and present legal basis for the term 'apartheid', noting that while its origin is historically linked to the racist regime in South Africa, it is now an 'independent legal concept with a life of its own, which can exist without being founded on racist ideology'. Through a detailed review of the 1973 Apartheid Convention and the 2002 Rome Statute (both mentioned in our previous letter), the Opinion identifies the elements of the crime of apartheid and then presents its extensive analysis of what is happening under the Israeli military occupation of the West Bank in relation to those elements.

The Yesh Din Legal Opinion conclusion is stated in the following paragraph near its end:

The crime is committed because the Israeli occupation is no “ordinary” occupation regime (or a regime of domination and oppression), but one that comes with a gargantuan colonization project that has created a community of citizens of the occupying power in the occupied territory. The crime is committed because, in addition to colonizing the occupied territory, the occupying power has also gone to great lengths to cement its domination over the occupied residents and ensure their inferior status. The crime of apartheid is being committed in the West Bank because, in this context of a regime of domination and oppression of one national group by another, the Israeli authorities implement policies and practices that constitute inhuman acts as the term is defined in international law: Denial of rights from a national group, denial of resources from one group and their transfer to another, physical and legal separation between the two groups and the institution of a different legal system for each of them. This is an inexhaustive list of the inhuman acts.

On January 12th of this year another highly respected Israeli human rights organization issued a document it identified as a position paper. *B’Tselem – The Israeli Information Center for Human Rights in the Occupied Territories* was founded in 1989. For over a quarter of a century it saw its task as documenting the Israeli violations of Palestinian human rights in the West Bank, East Jerusalem and the Gaza Strip. Its website indicates that while continuing to document the human rights violations it now unequivocally demands an end to the occupation.

The January 12th B’Tselem Position Paper is entitled: *A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This Is Apartheid*. A copy of the position paper can be found on the B’Tselem website at:

https://www.btselem.org/publications/fulltext/202101_this_is_apartheid

There is also a short illustrative explainer of the report at:

<https://thisisapartheid.btselem.org/eng/#1>

The paper starts its analysis by noting that more than 14 million people live between the Jordan River and the Mediterranean Sea ‘under a single rule’. Roughly half of them are Jews and roughly half are Palestinians. The paper notes that while the public perception is that the people live under two separate regimes, the reality is that the entire area ‘is organized under a single principle: advancing and cementing the supremacy of one group – Jews – over another – Palestinians.’ This reality has recently gained visibility through Israel’s Nation State law and its talk of formally annexing part of the West Bank.

The Paper explains in significant detail the facts which led B'Tselem to the conclusion that what exists is an apartheid state. It also documents the major methods the Israeli regime uses to advance Jewish supremacy. It concludes its analysis by stating:

A regime that uses laws, practices and organized violence to cement the supremacy of one group over another is an apartheid regime. Israeli apartheid, which promotes the supremacy of Jews over Palestinians, was not born in one day or of a single speech. It is a process that has gradually grown more institutionalized and explicit, with mechanisms introduced over time in law and practice to promote Jewish supremacy. These accumulated measures, their pervasiveness in legislation and political practice, and the public and judicial support they receive – all form the basis for our conclusion that the bar for labeling the Israeli regime as apartheid has been met.

It is not easy for Israeli human rights organizations to speak out against the abuses which Palestinians are suffering under the Israeli military occupation. Naming the results of the 53-year occupation for what they are takes great courage and comes with a very high price. While their reports receive coverage outside Israel and some in Israeli English language media, the B'Tselem report has apparently not received mention in Israel Hebrew language media. For their efforts, the government responded by banning B'Tselem from Israel schools. A similar fate is suffered by journalists in Israel who write about the abuses of the military occupation. Gideon Levy, for one, has received numerous death threats. For Palestinians who speak out the results are usually much worse.

Many have concluded that if positive change is to come for Palestinians living in Israel and under the Israeli military occupation, it will be the result of changing world opinion and pressure brought to bear on Israel from outside. The United Church joining with others in identifying what is happening under the Israeli military occupation as apartheid will help bring about the necessary change. It will take courage, but to many United Church people being courageous is what it means to be a follower of Christ.

Issue 3 - What would be the potential impact of the United Church altering our position on BDS, either by expressing support for the BDS movement or by pulling back from limited economic action against settlement products?

Late last spring UNJPPI joined with Independent Jewish Voices ('IJV') and Canadians for Justice and Peace in the Middle East ('CJPME') in retaining EKOS Research to do a survey of Canadians' attitudes on issues related to Palestine/Israel.

One section of the survey related to what should be Canada's response when other countries commit human rights abuses. Here the survey found that most Canadians do not

want to overlook any country's human rights violations, including Israel's, no matter the circumstances.

- 86% of Canadians disagreed with the statement that Canada should overlook Israel's alleged human rights violations since it is an ally.
- 83% of Canadians disagreed with the statement that Canada should overlook Israel's alleged human rights violations since it is a partner in the fight against terrorism.
- 85% of Canadians disagreed with the statement that Canada should overlook Israel's alleged human rights violations since many consider it to have shared values with Canada.
- 87% of Canadians disagreed with the statement that Canada should overlook Israel's alleged human rights violations even if it passes laws that discriminate against minority groups.
- 75% of Canadians disagreed with the statement that Canada should overlook Israel's alleged human rights violations if Israel is under threat.

Various forms of boycott, divestment and sanctions ('BDS') have long been a way people have expressed opposition to human rights abuses. Calling for BDS in Canada is free speech protected by the *Canadian Charter of Rights and Freedoms*. Despite this fact, considerable pressure has recently been brought to bear on governments at all levels to outlaw BDS actions against Israel or its military occupation in Palestine through the adoption of the International Holocaust Remembrance Alliance ('IHRA') working definition of antisemitism, which through its examples encompasses certain criticisms of Israel as antisemitism.

In the context of Israel-Palestine, BDS is a non-violent means adopted by Palestinians to protest the human rights violations which they suffer daily under the Israeli military occupation. Over time these non-violent options are becoming more difficult as Israeli occupation authorities outlaw Palestinians exercise of their free-speech rights. One recent example is the banning of the film 'Jenin, Jenin'. Outside Israel-Palestine, BDS is similarly a way by which people can non-violently protest the occupation. However, it is a means which more and more is under threat.

In 2019 the Canadian government adopted the IHRA definition as part of its anti-racism strategy. However, it did not adopt it as part of any statute which may shelter it from a court challenge.

Recently in Ontario, just before a Bill that would introduce the IHRA definition into legislation was considered by a legislative committee, the IHRA definition was adopted through an order-in-council and the Bill was pulled from the legislative agenda. This similarly may have been with the purpose of showing government support for the definition without putting it in legislation readily open to a court challenge.

While not enacted into law and therefore not prohibiting any action, these non-law adoptions of the IHRA definition can have a chilling effect on free speech.

The United Church should publicly be announcing support for BDS because it is what United Church partners in the region are requesting and because it is non-violent free speech. In the context of what has happened in parliament and the Ontario legislature, the United Church support for BDS would also show support for the free speech values enshrined in the *Canadian Charter*.

Closing

We hope this input is of assistance to the Task Group, and we thank you for inviting us to present it. We would be pleased to provide further input if that would be of assistance.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, sweeping loop on the left and a vertical stroke on the right, ending in a small hook.

George Bartlett
Chair
UNJPPI Coordinating Team