

John Dugard, 2026

It is a great honour to be with you this afternoon to receive the Olof Palme Prize. Olof Palme more than any other European leader, past or present, sought to assist the peoples of what we today call the Global South. The people of South Africa subjected to apartheid and the Palestinians were his primary concern. In his last address to the Swedish parliament, he stressed the responsibility of Sweden to bring "the repulsive system of apartheid to an end." When he was Prime Minister of Sweden I was director of a human rights centre in South Africa that lobbied European diplomatic missions on how they might do more to oppose apartheid. The only mission to respond positively was that of Sweden. It was clear that Sweden alone was determined to engage in this exercise. Clearly it had instructions from its Prime Minister to do so. This explains why Olof Palme was in 2002 posthumously awarded the Order of the Companion of OR Tambo by South Africa for "his struggle against apartheid and for a just world." Sadly, there is no European leader today who shares the concerns of Olof Palme for the injustices inflicted upon the peoples of the Global South, particularly the Palestinians.

I am pleased to share this Prize with Navi Pillay who I have known for many years. She was a student in my Roman Law class in Durban in the early 1960's . In recent times we have collaborated on finding a solution to the vexed question of Palestine.

In my brief remarks today, I wish to compare the response of the international community to apartheid South Africa and Israel/Palestine.

1948 was a momentous year. On 26 May the National Party was elected as the government of South Africa on the policy of apartheid. On 14 May Israel declared its independence. There was little rejoicing in South Africa over the election of the National Party and certainly none in the capitals of the world. In

contrast, in Israel and western capitals there was rejoicing at the creation of the state of Israel . It was seen as a “light unto the nations.” This despite the fact that Israel was at this time engaged in the ethnic cleansing of Palestinians in the *Nakba* - an exercise that would today be called genocide.

This warm response to Israel’s actions continues to this day in many parts of the world.

There were many similarities between apartheid South Africa and Israel. Both engaged in brutal racial discrimination and political repression.

South Africa was punished. It became a pariah state subjected to sanctions of all kinds for its racist policies and practices.

The General Assembly called on states to break off diplomatic relations with South Africa, boycott its goods and suspend cultural, educational and sporting exchanges with it.

The Security Council imposed a mandatory arms embargo.

Later it called on states to suspend new investment in South Africa, and to cease sporting and cultural relations with it.

States responded positively to these resolutions and took action against South Africa.

Initially South Africa adopted a petulant attitude to the world, pleading that apartheid was a purely domestic issue of no concern to the international community. Later, as it lost the support of its western allies, it adopted a more conciliatory tone, pleading that apartheid was a form of self-determination, granting independence to four of its tribal homelands, and spending generously on welfare, health, education and industrialization in these territories.

But the international community was not impressed. South Africa was denied the right to participate in the work of the UN General Assembly, its grant of independence to four tribal homelands was rejected and boycotts of all kinds grew.

Ultimately apartheid came to an end. Many factors brought the apartheid regime to the negotiating table. One factor was that apartheid South Africa was out of step with the rest of the world. The violation of the human rights of its indigenous population had resulted not only in sanctions but in the contempt for South Africa by the rest of the world.

South Africa's contribution to the development of international law during the apartheid era was enormous- although unintended. New rules of international law to promote human rights, decolonization and international humanitarian law evolved in the United Nations as a result of opposition to apartheid. The International Court of Justice delivered judgments on South Africa's administration of Namibia which developed the reach of human rights law and self-determination.

Ironically, South Africa succeeded, albeit perversely, in injecting notions of racial equality, human rights and self-determination into an international legal order that in 1945 had few developed rules on these subjects.

Compare this experience with the world's attitude towards Israel.

Israel has built a colonial empire in the territory it occupied in 1967 at a time when colonization is condemned as illegal. It practices a form of apartheid in the Occupied Palestinian Territory that far exceeds that of South Africa in its dehumanization, discrimination and repression. It has deliberately killed, maimed and starved innocent civilians, stolen land and destroyed homes, hospitals, mosques and churches. It refuses to care for the welfare, health and education of the occupied people as required by humanitarian law. This task is left to international institutions and foreign donors. In short, Israel's administration of occupied Palestine has no redeeming features.

The actions of Hamas in Southern Israel on 7 October 2023 were both illegal and morally despicable. But, seen in context, they were an inevitable consequence of decades of maltreatment of the people of Gaza. This was made clear by the UN Secretary-General when he stated that Hamas's attack "did not happen in a vacuum." It was the consequence of 56 years of suffocating occupation, violence, land seizures, displacement, destruction of homes, and absence of hope. He concluded that the grievances of Palestinians did not justify the acts of 7 October. But they could not justify the collective punishment of the Palestinian people.

Whether one calls Israel's actions genocide – as I and many others do- or crimes against humanity as they clearly are, they are horrible, atrocious -beyond words. Over 70,000 Palestinians killed, of whom some 80 per cent are civilians- mostly women and children. Over 170, 000 injured, including over 6, 000 amputations, mainly children. Deliberate starvation, destruction of homes, hospitals and schools.

How has the world responded.

Judged by resolutions in the General Assembly there is strong support for Gaza.

But this is the wrong way to judge the international response. Instead, one should ask what the response of western states has been.

First, they are the states most close to Israel politically, economically and culturally.

Secondly, they are the states that sell arms to Israel.

Have these states condemned Israel's actions?

Imposed economic sanctions on Israel? Terminated cultural, educational and sporting ties with Israel?

Stopped selling arms to Israel?

Have they endorsed or upheld decisions of international courts on the unlawfulness of Israel's actions?

Have they done all that is possible within the international system to compel Israel to change its ways?

Sadly, the answer to these questions is a resounding NO in respect of most Western states. They have failed to use the remedies available to them. They have not imposed the sanctions that they imposed on apartheid South Africa for practising a much milder form of illegality. They are not prepared to describe Israel's actions as illegal, and they are not prepared publically to respect the decisions of the International Criminal Court and the International court of Justice.

Western states are equivocal about whether they will arrest Netanyahu and Gallant as required by the Rome Statute of the ICC. Hungary has already defied this obligation.

Although the ICJ has yet to give a final decision on whether Israel has committed genocide in Gaza most states have refused to recognise their obligation to take all measures within their power to prevent acts of genocide being committed by Israel.

In July 2024 the ICJ delivered an advisory opinion in which it held that Israel is in unlawful occupation of Palestine and obliged to withdraw from the territory; that Israel must cease the construction of settlements, stop practising racial discrimination and recognise the right of the Palestinian people to self-determination in an independent state.

Although this opinion is advisory it is a statement of the law on the subject. How many western states have endorsed this opinion?

How many states have imposed sanctions – including an arms embargo on Israel for refusing to comply with the Court's rulings?

While international law was strengthened by the international response to apartheid, it has been weakened and undermined by the failure of states, particularly western states, to declare that Israel is acting unlawfully and to sanction Israel for its unlawful actions.

The position of European states is made difficult by the conduct of the most powerful state in the western alliance. Today the US administration is governed by deals, not law. By the law of power and not the power of law. International law plays no part in its decision-making.

We have seen where this leads in respect of the US invasion of Venezuela.

We know that no law can protect Greenland from seizure by the United States. Western states are rightly alarmed.

You will remember the words of Pastor Martin Niemoller written in 1946, after seven years in a Nazi concentration camp.

First, they came for the communists and I did not speak out

Because I was not a communist.

Then they came for the socialists, and I did not speak out

Because I was not a socialist.

Then they came for the Jews and I did not speak out

Because I was not a Jew.

Then they came for me

And there was no one left to speak for me.

The moral of this poem for the present situation is clear.
Failure to speak out and to take steps to enforce the law when it concerns the brutal treatment of an occupied people has consequences.

States that remain silent must not complain When there is no longer any law to protect them.