

Is Israeli Apartheid Complicated?

On November 7, 2024, Duke's Advisory Committee on Investment Responsibility (ACIR) held its annual Open Forum on Zoom with 90+ people in attendance. We submitted a divestment proposal to ACIR at the beginning of the semester calling on Duke to divest, meaning to sell off direct and indirect investments in companies that support or profit from Israeli apartheid and the occupation of Palestine. [ACIR](#) advises President Vincent Price and the Executive Vice President Daniel Ennis on proposals for divestment brought by the Duke community. During the forum, the Chair of ACIR, Emma Rasiel, made comments about how “complicated” the situation is and how much more research needs to be done to determine if Israel is *really* committing apartheid against Palestinians.

Below are some reflections on the forum — intended as a calling in, not a calling out. We recognize that Dr. Rasiel is just one member of the committee, and we urge other members to approach this proposal and our movement with greater intentionality and forward-thinking about its legitimacy.

There is overwhelming consensus among international bodies like the United Nations’ International Court of Justice (ICJ) and leading human rights organizations that Israel is committing the crime of apartheid; we have also borne witness to 13 months of Israel’s unrelenting [onslaught of genocidal violence against Palestinians](#), which has spread into Lebanon and continues to pose a risk of wider regional conflict. Chair Rasiel said ACIR favors “academic” divestment proposals and views this format as the most effective. **We are confident that our [56-page divestment proposal](#), which heavily cites international law and experts on Israeli apartheid, meets the standard needed to clarify the issues at hand.**

Duke’s current [Guideline on Investment Responsibility](#) explicitly states that “the Duke community may call upon ACIR to review investment that is engaged in activity considered morally abhorrent, such as apartheid, genocide, or slavery.” **To us, and the overwhelming majority of those in attendance at the forum, apartheid is not complicated.**

Apartheid remains “*complicated*” only for those who have not confronted the severity of the genocide in Gaza and Israel’s ongoing illegal occupation of Palestine, nor taken the responsibility to educate themselves on the consistent condemnation of Israel’s crimes under international law, reaffirmed by human rights organizations. **Respectfully, it was apparent that Chair Rasiel was unfamiliar with the conditions of the Israeli occupation of Palestine and the international consensus on Israeli apartheid, underscoring the need for expert guidance in the review of the proposal.**

Since August 2024, our demands have included integrating experts with specialized knowledge of Israeli apartheid and occupation of Palestine during ACIR’s review of divestment from Israeli apartheid. Yet, when a forum attendee asked if ACIR would consult Duke community experts during its review, following the precedent set during divestment reviews for Sudan and South Africa, Chair Rasiel declined to make a definitive commitment:

Attendee: “Would ACIR consider engaging experts with specialized knowledge of Israeli apartheid and the occupation of Palestine to understand the impact of Duke’s investment better?”

Chair Rasiel: “This is something that I do want to raise with the committee, about if we ought to bring in people to talk to us ~~about~~, who have expertise about Israeli apartheid, or what is being characterized as such. We will also bring in, I think, people who have expert knowledge of Hamas and Hezbollah terrorist activity, perhaps those with expert knowledge of Iran’s attacks against Israel. So, there could be many such experts that we could bring in to help us understand many different views.”

Transcribed from an audio recording of the forum.

The proposal calls for Duke to divest from Israel due to its apartheid policies against Palestinians — an [illegal system confirmed](#) by the ICJ, the highest legal authority on international law — and illegal occupation of Palestine which has endured for over 75 years. Most of the proposal is devoted to detailing the crime of apartheid, explaining how Israel’s actions and occupation constituted apartheid under international law [well before October 7, 2023](#). This insistence on introducing Hamas, Hezbollah, and Iran is disingenuous, as Duke is not invested in these entities, and if it were, we would equally call for divestment from them, too. ACIR’s attempt to shift the conversation away from Israel’s documented crimes serves only to further obscure the settled fact that Israel is guilty of apartheid and occupation.

The criteria required to define a state’s actions as apartheid are not arbitrary. Apartheid is a legal and technical term in international criminal law, outlined thoroughly by the [UN Apartheid Convention](#). The Convention’s articles define the standards for constituting the crime of apartheid, enabling international courts, human rights organizations, and the international community to identify instances of apartheid. The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the UN General Assembly in 1973, defines “[the crime of Apartheid](#)” as including the following inhuman acts, carried out to establish and maintain the domination of one racial group over another and to systematically oppress them:

- Denial of the right to life and liberty, through murder, serious bodily or mental harm, torture, degrading treatment, arbitrary arrest, or illegal imprisonment.
- Deliberate imposition of living conditions aimed at the physical destruction of a racial group.
- Exclusion from political, social, economic, and cultural life, through measures denying basic rights like work, education, nationality, freedom of movement, and peaceful assembly.
- Forced segregation, including the creation of separate reserves, ghettos, bans on mixed marriages, and expropriation of property.
- Exploitation of labor, particularly through forced labor.
- Persecution of individuals or organizations opposing apartheid, through deprivation of fundamental rights and freedoms.

Chair Rasiel referenced the [ICJ's July 2024 ruling that Israel's actions constitute apartheid](#), only to then highlight a comment from former Palestinian Authority Prime Minister Salam Fayyad, who stated he did not "think" Israel was committing apartheid during a [Duke-sponsored talk](#). This attempt to equate the ICJ's legal ruling with the personal opinion of a politician overlooked the fact that the ICJ, as the highest legal authority on international law, has definitively stated Israel's actions meet the legal definition of apartheid — something Fayyad, as one individual, does not apply. **This selective use of information underscores a cherry-picking approach that undermines the attempt to present “conflicting viewpoints” on apartheid.** By equating a legal ruling with an individual's personal opinion, ACIR's presentation obscured the clear legal determination of apartheid under international law.

Chair Rasiel spent the majority of the presentation explaining the complexity of Duke's investment processes and the barriers to divestment, effectively framing the discussion by claiming divestment is “too complicated” due to third-party confidentiality agreements and indirect investments. However, this ignores the fact that if there is broad and deep support across the Duke community, ACIR is mandated to alert the university president, who may then seek professional advice on the issue. After deliberating, the president may bring the matter to the Board of Trustees for consideration of divesting relevant assets held by DUMAC, the organization responsible for managing Duke University's endowment assets. Duke's top administrators — President Vincent Price, who earned \$2 million in 2022; Executive Vice President Daniel Ennis, who earned nearly \$1.5 million; and DUMAC CEO Neil Triplett, who earned \$2.9 million — are [well-compensated](#), and this financial remuneration, in part, reflects their responsibility to navigate the complexities of divestment. It is their responsibility to carry through with divestment if there is broad and deep support from the Duke community, to whom they are accountable.

ACIR was established in 2004 in response to student-led advocacy demanding greater transparency regarding the university's endowment and accountability for investment decisions that could contribute to human rights violations. [The Board of Trustees approved](#) the creation of ACIR largely due to student pressure for Duke to divest from companies operating in Israel and Sudan. ACIR [revised its investment responsibility guideline in 2013](#) following DukeOpen's [calls for greater endowment transparency](#). In 2020, ACIR updated the guideline again to include explicit language allowing for divestment petitions on the basis of university investment in entities involved in apartheid, genocide, or slavery. These students fought to get us to this point, where we are positioned to hold our institution accountable for its complicity in Israeli apartheid.

As we reflect on Duke University's recent centennial, we must confront a reality that has endured for a quarter of that time — student demands for divestment from Israeli apartheid. For the past 25 years, students have stood firm in calling on the university to sever its financial ties with a regime that perpetuates apartheid and illegally occupies Palestine. The last three university presidents — [President Nannerl Keohane](#), [President Richard Brodhead](#), and now President Vincent Price — have all been faced with this moral imperative, yet the university has not taken a decisive stand.

We reject the notion that our access to a safe place to learn and thrive is somehow predicated upon the destruction of universities and livelihoods in Gaza or the continuation of Israel's illegal

occupation and apartheid against Palestine. On this 100th anniversary, we call on every member of the Duke community, from faculty, staff, and students to alumni, the ACIR committee, President Vincent Price, and the Board of Trustees, to take a moral stand. [Sign the petition](#) to support divestment from Israeli apartheid at Duke.