

United Nations Human Rights Council: 49th Regular Session  
28 February\_ 1 April  
Item 7: General Debate  
Joint Written Intervention<sup>1</sup>

**7 February 2022**

**HRC 49: joint civil society call to recognize and condemn Israeli apartheid over the Palestinian people as a whole**

In May 2021, the Human Rights Council (HRC) recognized the need to address the root causes of the crimes committed against the Palestinian people in resolution S-30/1, which established a standing Commission of Inquiry (COI) to investigate “systematic discrimination and repression based on national, ethnic, racial or religious identity” on both sides of the Green Line.

This is a first step for the UN and its member states to take effective measures to put an end to decades of crimes committed against the Palestinian people, by addressing the fundamental root causes, including settler colonialism, population transfer and apartheid, which have been cornerstones of Israel’s policy and practice since 1948.

To realize the objective of creating a Jewish state in Palestine, the Zionist Movement pursued settler colonialism—with its inherently racist ideology—and the transfer and fragmentation of the Palestinian population as foundational prerequisites, policies that have become the driving force behind Israel’s apartheid regime.

Following the UN General Assembly partition plan of November 1947 (which gave the future state of Israel 56% of Palestine, while the Jewish population owned less than 7% of the land at the time), the Zionist Movement implemented Plan Dalet<sup>2</sup>, which provided clear operational orders and called for the systematic and total expulsion of Palestinians, as well as Israel’s military doctrine of targeting Palestinian homes, shelters and shelter seekers operative until today. Under its directives, Zionist militias destroyed 531 Palestinian villages and 11 urban neighborhoods and expelled their population, leading to the Nakba of 1948, where 80 percent

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<sup>1</sup> Cairo Institute for Human Rights Studies, Al Mezan Centre for Human Rights, Al-Haq, Law in the Service of Man, Habitat International Coalition, Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), Women's Centre for Legal Aid and Counseling, Civic Coalition for Palestinians right in Jerusalem, The Palestinian Human Rights Organization (PHRO), The Community Action Center / Al-Quds University, Addameer Prisoner Support.

<sup>2</sup> Khalidi, Walid, “Plan Dalet: Master Plan for the Conquest of Palestine,” *Journal of Palestine Studies*, Vol. 18, No. 1, Special Issue: Palestine 1948 (Autumn 1988).  
Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld 2006).

of the Palestinian people became refugees and internally displaced. In 1951–53, Israel forced demolished over 100 more Palestinian villages and village points in the southern Naqab, while concentrating residual population inside an enclosure, known as the *siyaj*.

In the immediate aftermath of the Nakba, the leadership of the newly established State of Israel (on 77% of mandatory Palestine) proceeded to install a legal system to legalize and legitimize the denial of Palestinian return and the dispossession of the Palestinian people.

Among Israel's foundational laws, the 1950 Law of Return grants every Jewish person the exclusive right to enter Israel. In contrast, Palestinian refugees and internally displaced are categorically denied the right of return to their homes and property. Additionally, the 1952 Law of Citizenship cements Israel's institutionalized racism in law by conferring automatic Israeli citizenship to any Jewish person who enters Israel under the Law of Return, while Palestinians are denied this right. Through its Citizenship Law, Israel has created a superior status for Jewish persons, a Jewish "nationality" status, and superior to the citizenship status permitted to non-Jews.

In parallel, Israel adopted the 1950 Absentee Property Law, which is the main law regulating the property of Palestinians who were away from their property, forced to flee, or were deported after 19 November 1947. The law designates their movable and immovable property as "absentee property," dispossessing those Palestinians. Israel then adopted severe urban planning policies and laws, including the Planning and Building Law (1965), to ensure the expansion of Jewish Israeli localities, while constricting Palestinian planning, construction and development.

Following its occupation of 1967 and its imposition of military rule, Israel operationalized apartheid in the occupied Palestinian territory (oPt), importing its domestic laws, which enshrine racial domination and oppression and using military orders to ensure the expansion of Jewish settlements. These practices, policies, and laws have, institutionalized Israel's apartheid system over the Palestinian people as a whole.

It is within the overarching system of apartheid that Israel commits its widespread and systematic human rights violations against the Palestinian people. The overall objective of Israel continues to be the expropriation of Palestinian land and property, to engineer the demography by transferring Palestinians to create and expand Jewish localities on both sides of the Green Line, as shown in forced eviction, home demolition and dispossession of Palestinians in Jerusalem and the Naqab.

A core element of the crime of apartheid is the intention of maintaining the regime. To maintain its system of apartheid, Israel has strategically fragmented the Palestinian people into, at least, four separate geographic, legal, and political categories, including Palestinian refugees living outside of mandatory Palestine, Palestinians with Israeli citizenship, Palestinians living under military occupation in the West Bank and Gaza Strip, and Palestinians living in illegally annexed

Jerusalem. Israel's strategic fragmentation is further entrenched in the oPt through its illegal closure and blockade imposed on the Gaza Strip<sup>3</sup>, the Annexation Wall and Israel's permit regime consisting of checkpoints and other physical barriers, which severely impact the freedom of movement of Palestinians. In doing so, Israel ensures that Palestinians cannot meet, group, live together, or exercise any collective rights, particularly their right to self-determination. In 2018, Israel enshrined its institutionalized domination and oppression over the Palestinian people when it adopted the Basic Law: Nation-State of the Jewish People, which states that "[t]he exercise of the right to national self-determination in the State of Israel is unique to the Jewish people."

Israel also utilized inhuman acts, as defined by the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention), to maintain and further entrench its racial domination and oppression over the Palestinian people. Through a wide range of repressive policies, including the widespread and systematic use of mass arbitrary detention, excessive use of force, torture, and collective punishment, Israel aims to subjugate, intimidate, and control the Palestinian civilian population.

Israel also persecutes "organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid," through a widespread and systematic campaign to silence and discredit Palestinian individuals or organizations seeking accountability for Israel's crimes. In this context, on 19 October 2021, Israel's Defense Minister, using the prerogative granted by Israel's Counter-Terrorism Law, designated six leading Palestinian civil society organizations as "terrorist organizations".<sup>4</sup>

Apartheid was recognized as an international crime in 1973 with the adoption of the Apartheid Convention and as a crime against humanity according to the 1998 Rome Statute of the International Criminal Court. In recent years, there has been mounting recognition that Israel is committing the crime of apartheid by civil society, UN treaty bodies, UN Special Procedures, and UN member states. In December 2019, the Committee on the Elimination of Racial Discrimination recognized the continuity of Israeli policies and practices that violate article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, obliging state parties to combat racial segregation and apartheid, as disproportionately impacting Palestinians on both sides of the Green Line<sup>5</sup>. In June 2020, 47 Special Procedures mandates warned in a joint statement that annexation would "crystalize a 21<sup>st</sup> century apartheid, leaving

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<sup>3</sup> Al Mezan Center for Human Rights: A report "The Gaza Bantustan—Israeli Apartheid in the Gaza Strip" 29 October 2021,

<https://www.mezan.org/en/uploads/files/16381763051929.pdf>

<sup>4</sup> Al-Haq, 'Position Paper: Dangerous Designations, Israel's Authoritarian Dismantling of Palestinian Civil Society, an Attack on Human Rights and the Rule of Law' (30 October 2021) < <https://www.alhaq.org/advocacy/19136.html>>.

<sup>5</sup> Joint statement: "Human rights organisations welcome Concluding Observations of the UN Committee on the Elimination of Racial Discrimination on racial segregation and apartheid on both sides of the Green Line", 21 December, 2019,

<https://www.alhaq.org/advocacy/16324.html>

in its wake the demise of the Palestinians' right to self-determination.”<sup>6</sup> Multiple UN member states, led by South Africa and Namibia, have also recognized and condemned Israel's apartheid system over the Palestinian people<sup>7</sup>.

In light of the mounting recognition that Israel is perpetrating the crime of apartheid against the Palestinian people, we urge you to:

1. Engage with the report by the Special Rapporteur addressing apartheid under item 7 of the 49<sup>th</sup> session of the HRC;
2. Recognize and condemn Israeli apartheid over the Palestinian people as a whole;
3. Ratify the Apartheid Convention. For states which are already parties to the Convention, adhere to your obligations under the Convention;
4. Support the newly established COI and ensure it has sufficient resources to discharge its mandate;
5. Building upon the Council's recognition of the continuity of Israel's policies of racial domination and oppression over the Palestinian people as a whole, expand the mandate of Special Rapporteur to include the Palestinian people on both side of the Green Line and refugees denied the right to return;
6. Call for the reconstitution of the UN Special Committee against Apartheid and the UN Centre against Apartheid, which played an essential role in the international mobilization to end apartheid in South Africa and Namibia;
7. Call on Israel to put an end to all policies of silencing civil society, including by immediately revoking the “terrorist” designation against the six Palestinian civil society organizations;
8. Address the economic incentive structure perpetuating colonialism and apartheid, including by supporting tools such as the updated UN database of businesses to include all enterprises and organizations operating in illegal Israeli settlements to ensure corporations do not profit from, help maintain, facilitate, or sustain them.

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<sup>6</sup> OHCHR: “ Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability”, 16 June 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960&LangID=E>

<sup>7</sup> These include Indonesia, Iran, Lebanon, Malaysia, Mauritania, Namibia, Pakistan, Palestine, Qatar, South Africa, Tunisia, the Arab group and the Organization of the Islamic Conference.