

# Israel: Guilty of Apartheid



## Defining apartheid in international law

*While originally deployed to describe the system of segregation and institutionalised discrimination practised in South Africa from 1948–1994, the term ‘apartheid’ is now used to describe any system of dispossession, physical separation and systematic racist discrimination that aims to ensure the domination of one group of people over another.*

The crime of Apartheid began to be enshrined in international law in the 1970s, as parts of the international community pushed for legal mechanisms with which to condemn the South African regime. Apartheid is defined in international law 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.” Further statutes have clarified apartheid as a crime against humanity, making its investigation and prosecution possible under the jurisdiction of International Criminal Court (ICC).

Therefore, apartheid describes a species of crimes under international criminal law. Significantly, this places responsibility on the rest of the international community to work to prevent, end and punish its practice.

## Israel and the Crime of Apartheid

### Palestinian Refugees

Israel has established a racist, discriminatory regime that affects Palestinians in a variety of ways. On its foundation in 1948 the new state passed laws which prevented the over 750,000 dispossessed Palestinians from returning to their homes, whilst allowing Jews from around the world to migrate to the state of Israel as citizens. Further, laws were put in place to sanction the confiscation of Palestinian land. (See More Information – PSC Nakba Factsheet.)

To this day, Israel has prevented these refugees and their descendants from exercising the legally enshrined right to return to their homes. This refugee population now numbers over 7 million, of whom around 1.5 million live in 58 recognised Palestine refugee camps.

### Palestinian citizens of Israel

Palestinians currently represent 20 per cent of Israel’s citizens. These 1.7 million Palestinians are descendants of those who remained in the land that would become the state of Israel in 1948.



Photo: Aref Daraghmech / BTSelem

Unlike most other states, such as Britain – where all British citizens are British nationals – Israel treats citizenship and nationality differently, defining the latter along ethnic lines. Those citizens of Israel whose nationality is recorded as ‘Jewish’ receive privileges. Palestinian citizens are treated as second class.

This nationality distinction acts as a form of exclusion, facilitating systematic discrimination against Palestinian citizens of Israel in many areas of social life. This includes housing and land ownership, as Palestinians are blocked from living in certain areas. They are prevented from owning and leasing land in the public domain, and are excluded from specific areas by residential admission committees, which exist in 43 per cent of Israeli towns. Further, Bedouin Palestinians in the Negev face repeated home demolitions, allowing Israel to expand Jewish-only towns.

This discrimination in the area of housing facilitates the effective segregation of Palestinian citizens of Israel, who predominantly live in majority Arab towns and villages. Israel ensures Jewish towns receive preferential treatment. For example, nearly all requests to expand the jurisdictional boundaries of Arab towns are rejected, leading to over-crowding.

Israel’s new Basic, or constitutional, Law, known informally as the Nation-State Law, approved by the Knesset in July 2018, further codifies the exclusion of Palestinian citizens of Israel. It entrenches the definition of Israel as a state for Jewish citizens, in which only they have the right to exercise self-determination.

### Palestinians in the OPTs

Across all parts of the Occupied Palestinian Territories (Gaza, West Bank and East Jerusalem) Israel operates a regime of systematic racial discrimination, which facilitates the continued ethnic cleansing of the indigenous Palestinian population.



While Israeli settlers in the West Bank and East Jerusalem are allowed to build and expand freely, Israel uses a variety of legal mechanisms to dispossess the Palestinian population. Since 1967, around 50,000 Palestinian homes and structures have been demolished across the OPTs.

These practices in housing and land segregation have been facilitated by the ongoing construction of Israel's wall. 85 per cent of the wall is within the West Bank, stealing Palestinian land and resources.

The wall is part of a strategy that pushes Palestinian communities into more isolated towns and villages. This is deliberate, making Palestinian life unbearable and a Palestinian state unviable.

Alongside this policy of land segregation, Israel operates a system of segregated roads in the West Bank, meaning that vehicles with Palestinian licenses are prevented or heavily restricted from travelling on 285km of road. Meanwhile, Israeli number plates can travel on these roads freely.

Further, while Israelis living in illegal settlements in the West Bank are subject to civilian law, indigenous Palestinians are subject to military law. Under this dual legal system, Palestinians are tried in courts located in Israeli military bases, which have a near 100 per cent conviction rate. In prison Palestinians are frequently subjected to torture.

Children are tried in military courts too. Since 2000, at least 8,000 children have been arrested and prosecuted through this system.

**These acts against the Palestinian people create a system of racial domination that makes life for Palestinians increasingly unbearable. This treatment is described by experts, such as the former UN Special Rapporteur on Palestine, Richard Falk, as**

**constituting ethnic cleansing. Further, Palestinian refugees and their descendants are prevented from exercising their legal right to return to their homes.**

## Fighting Israeli Apartheid

In 2005, Palestinian civil society issued a call for Boycott, Divestment and Sanctions (BDS) against the Israeli state, until it complies with international law, including by dismantling the system of apartheid described above.

As with Apartheid in South Africa, targeted campaigns aimed at ending complicity are isolating the Israeli state. For example, after campaigning, French multinational Veolia completely withdrew from Israel. Recently, G4S announced it would sell its Israeli subsidiary.

In the UK, groups standing in solidarity with the Palestinian call are focusing on companies complicit in the maintenance of Israel's apartheid regime. Currently, the Stop Arming Israel campaign is targeting HSBC, which holds shares in companies that sell weapons and equipment to Israel worth £831 million.

**The BDS Movement provides a way for activists in the UK to stand with the Palestinian struggle against apartheid and for freedom, justice and equality.**

## More information

- Adalah Database of Discriminatory Laws: <https://www.adalah.org/en/content/view/7771>
- UN ESCWA Report: <https://bit.ly/2urXt8J>
- BDS Movement Resource: <https://bdsmovement.net/colonialism-and-apartheid/israel-and-the-crime-of-apartheid>
- PSC Nakba Factsheet: <https://www.palestinecampaign.org/wp/wp-content/uploads/Nakba-Factsheet-2017-2.pdf>



## What you can do

- Join the PSC by visiting our website, and become part of a mass movement for peace and justice for the Palestinian people.
- Join the Stop Arming Israel campaign by signing the petition calling on HSBC to stop arming Israel. Find out more here: <https://www.palestinecampaign.org/campaigns/stop-arming-israel/>

- Write to your MP to get them to take action.

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