

On the 29<sup>th</sup> of November 2022 we released the new Al-Haq report

# Israeli Apartheid: Tool of Zionist Settler Colonialism

Below you will find the story, which is developed in the report:

**APARTHEID** — *Absolutely prohibited under international law, apartheid is prohibited as a crime against humanity by the International Convention on the Suppression and Punishment of the Crime of Apartheid (1976), the Draft Code of Crimes against the Peace and Security of Mankind (1996), and the Rome Statute of the International Criminal Court (1998). International criminal law criminalises apartheid, eliciting individual criminal responsibility for perpetrators of this crime.*

**Elements of Apartheid** – Denying a member of a racial group the right to life and liberty, as well as deliberately imposing conditions on said group that causes its physical destruction, including denying to members of a racial group or groups basic human rights and freedoms, and imposing measures designed to divide the population of a country along racial lines.

The elements that constitute the crime of apartheid identify inhuman or inhumane acts committed for the purpose of establishing and maintaining domination and oppression by one racial group over any other racial group or groups. Further, apartheid is prohibited as a form of racial discrimination within general international law and international human rights law.

Understanding Israel's apartheid regime necessitates a recognition of its Zionist settler colonial foundations.

Emerging from 19<sup>th</sup> century central European imperialism, the Zionist movement viewed persons of Jewish faith as a distinct race, a founding ideology which was then enshrined by Zionist institutions such as the World Zionist Organization (founded in 1897) and the Jewish National Fund (founded in 1901) (which are still conferred public functions by the State of Israel today).

In 1948, Zionist militias launched the *Nakba*, which forcibly expelled Palestinians from their land, displacing two-thirds of the Palestinian people, who were then denied their right of return to their homes. This enabled Zionist settler colonial

domination of the Palestinian people and, since 1967, the occupation and fragmentation of Palestinian territory, creating the foundations of Israel's apartheid.

Zionist institutions, laws, policies, and practices were operationalised to displace and fragment the Palestinian people, deny Palestinian refugees their right to return to their lands, and discriminate against Palestinians in nearly aspect of life.

Israel's Apartheid regime continues to entrench a comprehensive system of laws and policies that distinguish between rights afforded to Jewish and non-Jewish persons, providing preferential treatment and heightened protection to the racial group of Jewish persons. Simultaneously, Palestinians were forced from their lands and divided into at least four legal domains:

- Palestinians with Israeli citizenship governed by Israeli civil law;
- Palestinians with permanent residency status in occupied East Jerusalem;
- Palestinians in the occupied West Bank and Gaza Strip subjected to Israeli military laws and orders; and
- Palestinian refugees and involuntary exiles living outside historic Palestine, whose right of return continues to be denied.

Palestinian scholars have long understood that Zionist settler colonialism is an inherently racial project, first described as akin to apartheid in 1965. Seventy-four years on, Israel's apartheid and Zionist settler colonial regime has continued to dispossess, fragment, and dominate the Palestinian population, with the goal of achieving a Jewish demographic majority and eliminating the indigenous Palestinian population from their land.

By legalizing the dispossession of indigenous Palestinians and facilitating unlawful land grabs to Zionist colonial settlers, Palestinians continue to be systematically fragmented, denied access to their natural resources, and, crucially, denied their collective right to self-determination.

Israel's apartheid regime over Palestinians is maintained through a range of inhumane acts as defined within the Apartheid Convention and the Rome Statute:

- **Palestinians are denied their right to life** through arbitrary and extrajudicial killings and denial of access to life-saving medical services.
- **Palestinians are denied their right to liberty** through restrictions such as freedom of movement and residency, freedom of peaceful assembly, and, notably, the 15-year illegal closure and blockade of the Gaza Strip.

- **Palestinians face imposed living conditions that cause destruction to the Palestinian population**, such as dispossession of land and property, forcible transfer, and denial of the right to family life and family unification.

Every facet of Palestinian existence is controlled by Israel for the purpose of establishing and maintaining domination and oppression by one racial group over any other racial group or groups, constituting the crime of apartheid.

For too long the international discourse on Palestine has obscured the root causes of Israel's apartheid regime as being a gradual culmination of its occupation, framing the situation as a 'conflict' between two parties. Instead, it must be recognised that Israel's apartheid regime is the result of the inherently racist ideology institutionalized in the Zionist settler colonial project in Palestine, since 1897. Rather, Israel's belligerent occupation is carried out in the context of a continuing settler colonial apartheid regime.

It is time for the international community to **recognise** and **condemn** Israel's apartheid regime of systemic racial domination and oppression over the Palestinian people as a whole and take all necessary steps to bring it to an end, including through the dismantling of Israel's discriminatory laws, policies, and practices that perpetuate it. Further, states must cease all assistance, directly or indirectly, in the maintenance of Israel's apartheid regime and cooperate to bring it to an end, by severing diplomatic, cultural, and trade ties with the State of Israel until it is in compliance with international law.

Without a radical dismantling of Israel's apartheid and Zionist settler colonialism, there will be no future of dignity, justice, liberation, and self-determination for Palestinians.