



What is 'Apartheid'?

'Apartheid' is an Afrikaans word which was initially used to describe the former system of racial segregation in South Africa. However, it has since become a legal term under international law, as defined by the 1973 Apartheid Convention and the 1998 Rome Statute under Article 7 (Crimes Against Humanity).¹ Therefore, it is a universal definition which can be applied to other contexts, in cases where there are regimes of prolonged discrimination.

Under international law, the term 'Apartheid' describes regimes which commit "inhuman acts" with the intent to maintain an "institutionalized regime of systematic oppression and domination by one racial group over any other racial group."² Or, as summarized by Amnesty International, the crime of apartheid is committed when "serious human rights violations [are] committed in the context, and with the specific intent, of maintaining a regime or system of prolonged and cruel discriminatory control of one or more racial groups by another."³

Who says that Israel is committing Apartheid?

In recent years, a growing number of prominent human rights organizations have concluded that Israel maintains an "apartheid" system which oppresses and discriminates against Palestinians for the benefit of Jewish Israelis.

Human Rights Watch published a report in 2021 which stated that "the Israeli government has demonstrated an intent to maintain the domination of Jewish Israelis over Palestinians across Israel and the [Occupied Palestinian Territory (OPT)]."⁴ The report claims that this intent, coupled with the "systemic oppression" and "inhumane acts" that Israel perpetrates against Palestinians in the OPT, "amount to the crime of apartheid" under international law.⁵

A report by Amnesty International has similarly concluded that Israel is committing the crime of apartheid, writing: "Israel has established and maintained an institutionalized regime of oppression and domination of the Palestinian population for the benefit of Jewish Israelis – a system of apartheid – wherever it has exercised control over Palestinians' lives since 1948."⁶ Likewise, a report by Michael Lynk, then-UN Special Rapporteur on the situation of human rights in the Palestinian territories

occupied since 1967, has concluded that Israel's fifty-five-year occupation amounts to apartheid.⁷ Furthermore, Israel's largest human rights organization B'Tselem has concluded that Israel is an "apartheid regime," or "a regime of Jewish supremacy from the Jordan River to the Mediterranean Sea."⁸

Similar conclusions have been reached by many Palestinian and Israeli human rights groups, as well as other organizations and prominent figures who have been outspoken about Israeli apartheid.⁹ In fact, Palestinians have been using the analysis of apartheid for decades, and the Boycott, Divestment, and Sanctions movement (BDS) was launched in 2005 on the premise of opposing Israeli apartheid, explicitly following the example of the South African anti-apartheid movement.¹⁰

But isn't Israel a democracy?

It is true that Palestinians with Israeli citizenship have more rights than Palestinians living under Israel's military rule in the OPT, or those living in exile as refugees. For example, Palestinians with Israeli citizenship are allowed to run and vote in national elections, whereas all other Palestinians are not.¹¹ However, their political rights are limited in many ways; for example, Palestinian lawmakers are prohibited "from challenging laws that codify Jewish Israeli domination," limiting their ability to speak freely and properly represent their constituents.¹² Beyond elections, Adalah (the Legal Center for Arab Minority Rights in Israel) has identified more than 65 Israeli laws that discriminate against Palestinian citizens of Israel in some way, based on national belonging,¹³ and B'Tselem argues that "there is not a single square inch in the territory Israel controls where a Palestinian and a Jew are equal."¹⁴

Israel can therefore be understood as a democracy in the same way that South Africa under Apartheid and the United States under Jim Crow were also democracies, in that it has limited democratic institutions which are designed to dominate over one group while privileging another. As Human Rights Watch put it, the false belief that "Israel is an egalitarian democracy inside its borders" only shrouds "the reality of Israel's entrenched discriminatory rule over Palestinians."¹⁵

What are some examples of Apartheid in Israel and Palestine?

Restrictive Immigration Laws

Simply put, any Jewish person in the world, along with their family, has the right to “immigrate to Israel at any time and receive Israeli citizenship, with all its associated rights.”¹⁶ Palestinians are not granted this right and Israel’s immigration laws even restrict the relocation of Palestinians within Palestine. For example, Palestinians in Israel can relocate to the West Bank, but the reverse is not allowed.¹⁷ That means that, despite having a right to return to their homes according to international law,¹⁸ Palestinian refugees in the West Bank are barred from returning to their homes in Israel proper. Furthermore, Israel prevents Palestinian families under different areas of Israeli control from reuniting, resulting in the forced separation of “tens of thousands of families.”¹⁹

Ethnic Cleansing of Palestinians

A variety of Israeli practices aim to ethnically cleanse Palestinians from the land in order to “develop and expand” Jewish Israeli communities.”²⁰ The “main legal instrument” by which Israel is able to dispossess Palestinians is the Absentee Property Law, enacted in 1950. The law designates Palestinian refugees and their property as “absentee,” giving the State of Israel the right to take possession of Palestinian assets.²¹ Whereas Jewish Israelis are free to build on and use this stolen land, dispossessed Palestinians are segregated “into separate enclaves,” which “isolates them from each other and the rest of the world.”²²

Restrictions on Freedom of Movement

Palestinians are not granted the same freedom of movement as Jewish-Israelis when it comes to travel between Israel proper and the OPT. Palestinians in the West Bank are subjected to a system of “military checkpoints, blockades, blocked roads, gates and the winding fence/wall.”²³ This “separates Palestinians from their agricultural land” and prevents access to necessary services like “education, healthcare and work.”²⁴ Yet, Jewish Israelis are free to move between Israel proper and illegal settlements in the West Bank via Jewish-only roads which bypass the obstacles in place for Palestinians.

As for Palestinians in Gaza, Israel “forbids almost any movement in or out – except in rare cases it defines humanitarian.”²⁵

Violent and inhuman acts

Across Israel and the OPT, Palestinians are subjected to “forcible transfer, administrative detention and torture, unlawful killings and serious injuries,” among other egregious acts.²⁶ This “systematic” and “widespread” violence against the Palestinian enforces and maintains Israel’s discriminatory system of laws and policies.²⁷

¹ Rome Statute, Article 7(2)(h)

² Rome Statute, Article 7(2)(h)

³ Amnesty International, “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” Feb. 1, 2022, p. 13

⁴ Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” Apr. 27, 2021, p. 10

⁵ IBID, p. 10

⁶ Amnesty International, “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” Feb. 1, 2022, p. 33

⁷ United Nations, “[Israel’s occupation of Palestinian Territory is ‘apartheid’: UN rights expert](#),” Mar. 25, 2022

⁸ B’Tselem, “[A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid](#),” Jan. 12, 2019

⁹ See CJPME’s “[Who Is Talking About Israeli ‘Apartheid’](#)” for more information.

¹⁰ BDS, “[What is BDS?](#),” *BDS Movement* (online), accessed August 2022.

¹¹ Michael Schaeffer Omer-Man, “[Who gets to vote in Israel’s version of democracy](#),” *972 Magazine* (online), Jan. 3, 2019

¹² Amnesty International, “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” Feb. 1, 2022, p. 21

¹³ Adalah, “[The Discriminatory Laws Database](#),” *Adalah* (online)

¹⁴ Hagai El-Ad, “[We are Israel’s largest human rights group – and we are calling this apartheid](#),” *The Guardian* (online), Jan. 12, 2022

¹⁵ Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” Apr. 27, 2021, p. 2

¹⁶ B’Tselem, “[A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid](#),” Jan. 12, 2019

¹⁷ IBID

¹⁸ UNRWA, “[Resolution 194](#),” *UNWRA* (online)

¹⁹ B’Tselem, “[A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid](#),” Jan. 12, 2019

²⁰ IBID

²¹ Adalah, “[Absentees’ Property Law](#),” *Adalah* (online)

²² Amnesty International, “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” Feb. 1, 2022, p.95

²³ IBID, p. 96

²⁴ IBID, p. 96

²⁵ B’Tselem, “[A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid](#),” January 12, 2019

²⁶ Amnesty International, “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” Feb. 1, 2022, p. 30

²⁷ IBID, p. 30