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A

Israel's Settler-Colonial Apartheid Regime
and its Genocidal Underpinnings

April 2026

Q&A

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1. Many human rights organisations examine Israeli apartheid, yet Al-Haq uses the wider framework of settler-colonial apartheid. What is the basis for this?

In December 2022, Al-Haq joined a coalition of Palestinian human rights organisations in publishing its inaugural joint report on apartheid and settler-colonialism. Al-Haq's work on settler-colonialism and apartheid, highlighting Israel's regime of discriminatory policies and practices against the Palestinian people as a whole – i.e. Palestinians in the Occupied Palestinian Territory (OPT), Palestinians in Israel, and Palestinian refugees and exiles in the diaspora – builds on over two decades of Palestinian civil society legal research, campaigning and advocacy on the topic. This includes the submission of a comprehensive joint parallel report to the Committee on the Elimination of Racial Discrimination (CERD) detailing Israel's institutionalised regime as systematic racial oppression and domination over the Palestinian people as a whole, amounting to the crime of apartheid.

Previous reports on the issue had implied that apartheid can be ended if certain policies and practices are ended or reformed. However, by failing to adopt a holistic, structural understanding of Israeli apartheid as an inevitable outcome of settler-colonialism, the Zionist movement's erasure of the indigenous Palestinian people through genocide, mass displacement, and dispossession and Israel's colonisation of Palestinian land from the late 19th century onward is legitimised – as is their systematic denial of the inalienable right of self-determination, including the right of return of Palestinian refugees since the start of the Nakba.

Zionist ideology was expounded and institutionalised before the ‘proclamation’ of the State of Israel in 1948. Therefore, an approach to Israeli apartheid that does not recognise Israel’s ongoing policy of settler-colonialism, and thus the need for decolonisation, fails to account for the underlying rationale and context in which apartheid occurs.

In order to dismantle Israel’s settler-colonial apartheid regime and realise the Palestinian people’s fundamental rights, all the structures of domination, exploitation, and oppression that have existed for decades must be eradicated. This is mandated by international law, as confirmed by the International Court of Justice (ICJ) when recognising the illegality of Israel’s policies, practices, and presence in the OPT in its Advisory Opinion of 19 July on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Palestine Advisory Opinion).

2. What is settler-colonialism?

Settler-colonialism is a modern and distinct form of colonialism in which settlers seek to displace and replace indigenous peoples. Settler-colonialism is premised on the “logic of elimination” of indigenous peoples, involving their continued dispossession from the land, denial of self-determination and sovereignty, and often their destruction as a group – as evinced by Israel’s increasingly violent acts in the West Bank and genocidal campaign in the Gaza Strip.¹

In Palestine, the Zionist settler-colonial project resulted in the orchestration of the

¹ Patrick Wolfe, “Settler-colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event” (Cassell, 1999), p. 1 (emphasis in the original).

Nakba. The Nakba, Arabic for “catastrophe”, aptly refers to the mass dispossession, forced displacement, and violence endured by Palestinians between 1947–49, when the Zionist movement laid the groundwork for the establishment of the State of Israel. During this period, approximately 800,000 Palestinians, around 80 percent of the population, were expelled from their homes and ancestral lands. While the date of the Nakba is commonly regarded, and commemorated, as 15 May 1948, it is not a closed chapter in history nor is it a relic of the past. Rather, it is an ongoing process integral to the realisation of Israel’s Zionist settler-colonial agenda.²

3. Does international law prohibit settler-colonialism?

Occupation and apartheid are legally defined terms in international treaties. Settler-colonialism, on the other hand, is a political concept. It is condemned in international political forums, first and foremost the UN General Assembly. Although settler-colonialism is not expressly mentioned in international instruments, colonialism and its associated practices are still prohibited under international law through several principles, including:

1. The prohibition of the use of force enshrined in Article 2(4) of the Charter of the United Nations (UN Charter), which constitutes a peremptory norm of international law. This includes the prohibition on the acquisition of territory through use of force;
2. The prohibition of population transfers contained in Article 49 of the Fourth Geneva Convention, the violation of which amounts to a grave

² See Al-Haq, “Nakba at 77: Israel’s Territorial Control and Demographic Manipulation Amidst Gaza Genocide - Towards Annexation and Resettlement”, 15 May 2025, available at: <https://www.alhaq.org/advocacy/26404.html>.

breach thereof;³ and

3. The inalienable right of all peoples to self-determination, a peremptory norm of international law from which no derogation is permitted.

The right to self-determination is a *jus cogens* (peremptory) norm of international law, meaning it is absolute, which States have binding *erga omnes* obligations to uphold and protect. It is further enshrined in several core international instruments including the International Covenant on Civil and Political Rights⁴ and the International Covenant on Economic, Social, and Cultural Rights.⁵ The right of the Palestinian people specifically to self-determination is recognised in numerous resolutions of the UN General Assembly (UNGA),⁶ and more recently by the ICJ in the *Palestine* Advisory Opinion.⁷

4. How do you prove settler-colonialism in Palestine? Is it ongoing?

After the creation of Israel through the mass dispossession, displacement and massacre of Palestinians in 1948, in a six-day war with Egypt, Jordan and Syria known as the 1967 War, Israel seized the remaining Palestinian territories of the West Bank, including East Jerusalem, and the Gaza Strip, as well as the Syrian Golan and the Egyptian Sinai Peninsula. Instead of exchanging land for peace at the end of the 1967 war, as per

3 Fourth Geneva Convention (1949), Article 147.

4 International Covenant on Civil and Political Rights (1966), Common Article 1.

5 International Covenant on Economic, Social, and Cultural Rights (1966), Common Article 1.

6 UNGA, Res 2672 (8 December 1970) A/RES/2672(XXV); UNGA, Res 3236 (1974) A/RES/3236(XXIX); UNGA Res 66/146 (29 March 2012) A/RES/66/146; UNGA Res 67/158 (4 January 2013) A/RES/67/234; In October 2023, the UNGA once again reaffirmed, “the right of the Palestinian people to self-determination, including the right to their independent State of Palestine” and “[u]rges all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination”, A/C.3/78/L.24, The right of the Palestinian people to self-determination (24 October 2023).

7 *Palestine* Advisory Opinion, paras 255-257.

binding UN Security Council (UNSC) resolution 242 that demanded Israel relinquish the occupied territories, Israel further encouraged its citizens to move into the unlawfully occupied areas and both incentivised and supported them as they did so.⁸

Successive Israeli governments have consistently advanced and implemented policies of settlement expansion and unlawful acquisition of Palestinian land and natural resources. Under the current Israeli government, the Zionist settler-colonial project has been accelerated, with 2025 being described by Israeli Minister of Finance and overseer of the administration of the unlawfully occupied West Bank as “the year of sovereignty in Judea and Samaria”.⁹ It has laid down as a guiding principle the “exclusive and unquestionable right” of the Jewish people “to all areas of the Land of Israel” and pledged to “promote and develop settlements in all parts of the Land of Israel”, including “Judea and Samaria” (occupied West Bank),¹⁰ while “Jewish settlement” has been officially referred to as a “national value” of the State of Israel in the 2018 Basic Law: Israel as the Nation-State of the Jewish People.

8 Al-Jazeera, “The Naksa: How Israel occupied the whole of Palestine in 1967”, 4 June 2018, available at: <https://www.aljazeera.com/features/2018/6/4/the-naksa-how-israel-occupied-the-whole-of-palestine-in-1967>.

9 Judea and Samaria is the biblical name by which Israel refers to the occupied West Bank, Al-Jazeera, “Far-right Israeli minister orders preparations for West Bank annexation”, 11 November 2024, available at: <https://www.aljazeera.com/news/2024/11/11/far-right-israeli-minister-orders-preparations-for-west-bank-annexation>.

10 Carrie Keller-Lynn and Micheal Bachner, “Judicial reform, boosting Jewish identity: The new coalition’s policy guidelines”, The Times of Israel, 28 December 2022, available at: <https://www.timesofisrael.com/judicial-reform-boosting-jewish-identity-the-new-coalitions-policy-guidelines/>.

The West Bank, including East Jerusalem

By March 2023, more than 700,000 Israeli settlers were living in 279 illegally built settlements in the West Bank.¹¹ The UN has repeatedly determined that the drastic acceleration in settlement building reveals that the policies of the Israeli government are aligned, to an unprecedented extent, with the goals of the Zionist settler movement to expand long-term control over the West Bank, including East Jerusalem, and to steadily integrate this unlawfully occupied territory into the State of Israel.¹²

In the last two years “there has been an unparalleled spike in settlement activities, increasing the already unprecedented encroachment on Palestinian land and dramatically changing the geography of the occupied West Bank, including East Jerusalem”.¹³ During this period, 141 new outposts (including 12 in Area B, which are even illegal under Israeli law) were established by settlers, compared to a yearly average of eight outposts in the previous ten years.¹⁴ Damage of Palestinian properties, including demolitions by the Israeli authorities, and subsequent forcible displacement of the indigenous Palestinian population has equally skyrocketed in the past couple of years, as showcased in the graph below:

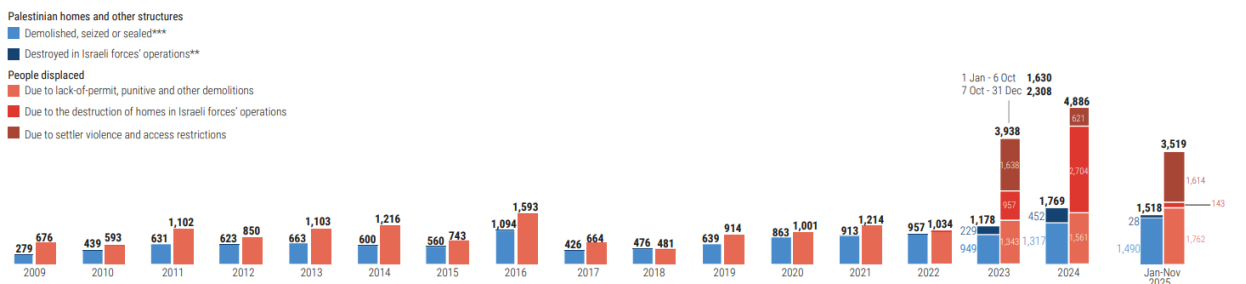
11 UN OHCHR, “Human Rights Council Hears that the Current Israeli Plan to Double the Settler Population in the Occupied Syrian Golan by 2027 is Unprecedented, and that 700,000 Israeli Settlers Are Living Illegally in the Occupied West Bank”, 28 March 2023, available at: <https://www.ohchr.org/en/news/2023/03/human-rights-council-hears-current-israeli-plan-double-settler-population-occupied>.

12 UN OHCHR, “UN Human Rights Chief deplors new moves to expand Israeli settlements in occupied West Bank”, 8 March 2024, available at: <https://www.ohchr.org/en/press-releases/2024/03/un-human-rights-chief-deplors-new-moves-expand-israeli-settlements-occupied>; UN General Assembly, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan: Report of the Secretary-General*, UN Doc. A/79/347, 12 September 2024, para 4; UN General Assembly, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan: Report of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/55/72, 1 February 2024, para 6; UN Office of the High Commissioner for Human Rights (OHCHR), *Israel’s discriminatory administration of the occupied West Bank, including East Jerusalem*, 7 January 2026, para 55.

13 UN Office of the High Commissioner for Human Rights (OHCHR), *Israel’s discriminatory administration of the occupied West Bank, including East Jerusalem*, 7 January 2026, p.19, available at: https://www.un.org/unispal/wp-content/uploads/2026/01/20260105-Thematic-Report_Israels-discriminatory-administration_formatted.pdf.

14 Ibid.

PROPERTY DAMAGE AND DISPLACEMENT
 JANUARY 2009 – 30 NOVEMBER 2025



**Charts in this section largely do not include property destruction within the context of operations between January and November 2025; this information will be added in the future once related assessments can be carried out, should security and access conditions permit. The situation in the northern West Bank remains fluid and numbers may be adjusted as new information becomes available.
 ***Structures demolished due to the lack of Israeli-issued building permits and on punitive or other grounds. These include structures that owners were forced to demolish following the receipt of demolition orders by the Israeli authorities.

Source: UN OCHA, West Bank Monthly Snapshot: Casualties, Property Damage and Displacement as of 30 November 2025, available at: <https://www.ochaopt.org/content/west-bank-monthly-snapshot-casualties-property-damage-and-displacement-november-2025>


In August 2025, the settlement subcommittee of the Civil Administration approved the construction of the E1 settlement plan in an alarming development that gravely undermines the territorial contiguity of the West Bank and consolidates Israel’s long-standing efforts to eradicate the prospect of a sovereign Palestinian State, and with it its indigenous Palestinian population.¹⁵ The “E1 area” encompasses a 12 km² narrow land corridor in the central West Bank and serves as an essential passage connecting the northern and southern parts of the unlawfully occupied West Bank, including Jerusalem. This decision, which includes the construction of over 3,800 housing units for illegal settlers on occupied Palestinian land,¹⁶ was presented by Israel’s Finance Minister, Bezalel Smotrich, as a move which “buries the idea of a Palestinian State” further stating there will simply be “nothing to recognise and no one left to recognise”.¹⁷

15 See Al-Haq, “Al-Haq Condemns Israel’s Steps towards Unprecedented Annexation, Warns of the Catastrophic Consequences of the EI Settlement Plan”, 21 October 2025, available at: <https://www.alhaq.org/advocacy/26709.html>.

16 Middle East Eye, “Israel approves E1 settlement to ‘erase’ Palestinian state with ‘actions not slogans’”, 20 August 2025, available at: <https://www.middleeasteye.net/news/israel-approves-e1-settlement-smotrich-says-palestinian-state-being-erased>.

17 Al Jazeera (Instagram), August 2025, available at: https://www.instagram.com/reel/DNVagSqN52I/?utm_source=ig_web_copy_link.

Following on from Israel's approval of the E1 settlement plan, and emboldened by continued impunity, on 8 February 2026, the Israeli Security Cabinet adopted a series of measures, described by Israeli media as the most significant changes to the West Bank's legal status since 1967, that will "dramatically" change land registration and unlawful property acquisition procedures in the West Bank, allowing the purchasing of Palestinian land and properties by Jewish settlers (from Israel and abroad) without government oversight and with minimal limitations.¹⁸ In addition, the Cabinet expanded Israeli civilian authority in areas A and B, thereby further cementing Israeli sovereignty over the OPT and consolidating its annexation of Palestinian territory. Upon announcing the measures, Israel's Defense Minister, Israel Katz, stated:



We are committed to removing barriers, creating legal and civil certainty, and allowing settlers to live, build and develop on equal footing with every citizen of Israel.¹⁹

Finance Minister Smotrich confirmed the settler-colonial aim of the most recent measures, saying the move is "normalizing life in the West Bank" and promises to "continue to kill the idea of a Palestinian state."²⁰ This latest development constitutes yet another flagrant violation of the peremptory norms of self-determination and the prohibition on the acquisition of territory by force.²¹

18 The Times of Israel, "Security cabinet okays 'dramatic' West Bank policy overhaul, deepening Israeli control", 8 February 2026, available at: https://www.timesofisrael.com/liveblog_entry/security-cabinet-okays-dramatic-west-bank-policy-overhaul-deepening-israeli-control/.

19 Ibid.

20 Ibid.

21 See UN OHCHR, "Türk: Deepening Israeli control over Palestinian lands further violates right to self-determination", 11 February 2026, available at: <https://www.ohchr.org/en/press-releases/2026/02/turk-deepening-israeli-control-over-palestinian-lands-further-violates-right>.

The City of Jerusalem

Of the more than 700,000 illegal settlers living in unlawfully occupied Palestinian territory, as of 2024, over 229,000 reside in East Jerusalem across 14 illegal settlements.²² The Jerusalem Light Rail connects these illegal settlements, entrenching Israel's unlawful presence and encouraging further transfer of illegal settlers into the OPT. Since its launch in 2011, the Red Line, running from Ein Kerem to Neve Yaakov, transports more than 200,000 daily riders. The Green Line, running between the International Convention Center (Binyanei Hauma) and the Malcha neighbourhood, is set to become fully operational in May 2026, while a third route, the Blue Line, connecting Ramot to Gilo, began construction in 2026.²³ Moreover, between 1 November 2024 and 31 October 2025, Israeli authorities advanced or approved 36,973 housing units in settlements in occupied East Jerusalem. These measures constitute a flagrant violation of the *Palestine* Advisory Opinion, in which the ICJ ruled that Israel must end its illegal presence in the OPT, including East Jerusalem, as rapidly as possible – as reaffirmed by UN General Assembly resolution ES-10/24. Instead, it demonstrates Israel's total disregard for international law as it accelerates its annexation of the OPT in furtherance of its Zionist settler-colonial agenda.

Despite the city of Jerusalem being accorded a special protected status under international law, Israel illegally annexed West Jerusalem in 1948, forcibly displacing and dispossessing around 60,000 Palestinians from the western part of the city and its neighbouring villages, in violation of the collective Palestinian right of

22 Institute for Middle East Understanding, "Explainer: Israel's Settlement Enterprise (West Bank & East Jerusalem)", 13 June 2024, available at: <https://imeu.org/resources/resources/explainer-israels-settlement-enterprise-west-bank-east-jerusalem/124>.

23 The Times of Israel, "Jerusalem light rail line between Binyanei Hauma and Malcha to open in May, mayor says", 21 January 2026, available at: https://www.timesofisrael.com/liveblog_entry/jerusalem-light-rail-line-between-binyanei-hauma-and-malcha-to-open-in-may-mayor-says/.

self-determination and permanent sovereignty.²⁴ In 1967, Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip, and illegally annexed occupied East Jerusalem and the occupied Syrian Golan. Ever since, Israeli policies governing Jerusalem have sought to achieve one main goal: alteration of the character, status, and composition of Jerusalem in favour of an Israeli-Jewish demographic majority, through the forcible transfer of Palestinian residents from the city.²⁵

For more than two decades, the two settler organisations, Elad and Ateret Cohanim, have actively sought to evict Palestinian families in Silwan – a Palestinian neighbourhood located within Jerusalem’s municipal boundaries – to facilitate the illegal transfer in of illegal settlers.²⁶ As of early 2022, between 60,000 and 65,000 indigenous Palestinians live in the area alongside approximately 1,000 Jewish settlers under heavy protection.²⁷ In a recent report released by the UN High Commissioner for Human Rights analysing Israeli settlement activity in the OPT between 1 November 2024 and 31 October 2025, it was revealed that in Al Bustan, a neighbourhood of Silwan where Israeli authorities have long maintained plans to create the “King’s Garden” park that would connect to nearby Israeli settlements and settler-operated tourist attractions in the area, authorities demolished 23 Palestinian-owned structures during the reporting period, displacing at least 113 Palestinians, including 51 children.²⁸

24 Al-Haq, *Annexing a City: Israel’s Illegal Measures to Annex Jerusalem Since 1948* (2020), https://www.alhaq.org/cached_uploads/download/2020/05/11/annexing-a-city-web-version-1589183490.pdf

25 See Al-Haq, “Special Focus: On Palestine Land Day, Al-Haq Highlights the Continued Nakba Through Land Registration Aimed at Mass Forcible Transfer”, 30 March 2022, available at: <https://www.alhaq.org/monitoring-documentation/19791.html>.

26 The Jerusalem Post, “Jewish Group Denies Palestinian Claim of “Ethnic Cleansing” in Jerusalem

Neighborhood”, 26 August 2015, available at: www.jpost.com/arab-israeli-conflict/jewishgroup-denies-palestinian-claim-of-ethnic-cleansing-in-jerusalem-neighborhood-413243.

27 Al-Haq, *Finding David: Unlawful Settlement Tourism in Jerusalem’s so-called ‘City of David’* (2022), 7, available at: https://www.alhaq.org/cached_uploads/download/2022/11/16/city-of-david-interactive-1-page-view-1668594122.pdf.

28 UN HRC, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan: Report of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/61/70, 4 February 2026, para. 27, available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session61/advance-version/a-hrc-61-70-aev.pdf>.

In the neighbourhood of Sheikh Jarrah, now a symbol of the ongoing Palestinian struggle for sovereignty and security in their ancestral homeland, Palestinians continue to endure Israel's orchestrated policy of forced displacement.²⁹ Palestinians live with the constant risk of their home being demolished without basis, or on the grounds of apartheid laws and policies such as highly restrictive zoning, planning and building requirements that make it impossible for Palestinians to live in peace – let alone build a future.

The Gaza Strip

Israel's settler-colonial project undoubtedly extends to the unlawfully occupied and besieged Gaza Strip. Israel's unlawful use of force and genocidal campaign against Palestinians in Gaza takes place against a backdrop of calls for and from the government to rebuild settlements in Gaza. For example, in January 2024, a convention titled 'Settlement Brings Security' took place in Jerusalem. In attendance were 12 ministers from Netanyahu's Likud party, along with Minister of National Security Itamar Ben-Gvir and Minister of Finance Bezalel Smotrich – with Ben-Gvir making a speech in which we stated the need to "return home and control the land".³⁰

UNSC resolution 2803's endorsement of Trump's '20-Point Plan' has permitted Israel retain a military presence in an area amounting to almost 58 percent of the Gaza Strip.³¹ Notwithstanding this, and in further testament to Israel's annexationist, settler-colonial goals, rather than preparing to gradually withdraw from the Gaza Strip – save

29 See Forensic Architecture, "Sheikh Jarrah: Ethnic Cleansing in Jerusalem", 20 June 2022, available at: <https://forensic-architecture.org/investigation/sheikh-jarrah>.

30 Gisha, "The 'Yellow Line': Approximately 58 percent of the Gaza Strip is still under direct Israeli control", 4 November 2025, available at: <https://gisha.org/en/the-yellow-line/>; Reuters, "Israeli settlers hold conference on resettlement in Gaza", 28 January 2024, available at: <https://www.reuters.com/world/middle-east/israeli-settlers-hold-conference-resettlement-gaza-2024-01-28/>.

31 See Al-Haq, *Trump Trilogy Part III: The 'Comprehensive Plan to End the Gaza Conflict' ('20-Point Plan')*, December 2025, available at: https://www.alhaq.org/cached_uploads/download/2025/12/10/trump-trilogy-part-3-1765384677.pdf#page=5&zoom=100,0,0.

for a security perimeter unlawfully granted by resolution 2803 – Israel has already breached the parameter of the Yellow Line demarcated as part of the US ultimatum that is the ‘20-Point Plan’. Despite the clear guarantee that “Israel will not occupy or annex Gaza” provided in point 16, according to an analysis by the research group T-Politography, the ‘Yellow Line’ that demarcates the area under Israeli control extends to 57.8 percent of the Gaza Strip.³² In January 2026, the Israeli Occupation Forces (IOF) further expanded the Yellow Line in eastern Gaza, particularly around Gaza City,³³ condensing Palestinians into even smaller sections of land as it advances its Zionist colonial agenda.

Additional proof of Israel’s intent to re-settle the Gaza Strip is found in its wholesale destruction of Palestinian homes. By mid-2025, a staggering 92 percent of Gaza’s residential units had been damaged or destroyed,³⁴ alongside the systematic decimation of civilian infrastructure. These acts are accompanied by statements from Israeli officials advocating for the settlement of Gaza and expansion of Israel’s borders.³⁵ An August 2025 report by the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (the Commission) found that Israeli authorities extensively and systematically demolished civilian infrastructure in the corridors and buffer zone and continuously enlarged areas under their control, reaching 75 percent of the Gaza Strip by July 2025, thereby substantially reducing the territory available for Palestinians. This has significant implications for their ability to exercise their right to self-determination. This led the

32 Gisha, “The “Yellow Line”: Approximately 58 percent of the Gaza Strip is still under direct Israeli control”, 4 November 2025, available at: <https://gisha.org/en/the-yellow-line/>.

33 Al-Jazeera, “Israel extends Gaza occupation beyond ‘yellow line’ in north, bombs south”, 5 January 2026, available at: <https://www.aljazeera.com/news/2026/1/5/israel-extends-gaza-occupation-beyond-yellow-line-in-north-bombs-south>.

34 UN News, “Gaza: Destruction of vital lifting gear halts search for thousands buried under rubble”, 22 April 2025, available at: <https://news.un.org/en/story/2025/04/1162491>.

35 See Middle East Monitor (MEMO), “Likud Ministers endorse colonisation plans for Gaza: ‘We will claim this land’”, 25 January 2024, available at: <https://www.middleeastmonitor.com/20240125-likud-ministers-endorse-colonisation-plans-for-gaza-we-will-claim-this-land/>.

Commission to conclude that, while ensuring a Jewish majority in the occupied West Bank and inside Israel, Israeli officials have also demonstrated “a clear and consistent intent to establish permanent military control over Gaza and to change its demographic composition while systematically destroying Palestinian life in Gaza”.³⁶

5. Is settler-colonialism genocidal?

The crime of genocide requires the specific intent to destroy, in whole or in part, a group on account of their race, religion, nationality, or ethnicity.³⁷ Settler-colonialism is premised on the logic of elimination, which is pursued through a range of violent policies and practices, such as: killing the indigenous population, along with the infliction of serious bodily and mental harm; mass forced displacement; unlawful detention; and dispossession. Such policies and practices may amount to genocide where there is a specific intent to destroy the indigenous population.

A historical example of a settler-colonial regime committing genocide against the indigenous population can be found in the Herero and Namaqua Genocide (1904-1907). Under German rule, the indigenous population of Namibia had their land confiscated and cattle stolen, with many of the indigenous people being used as slave labour. This ultimately led to Herero and Nama uprisings in 1904 and 1905 respectively. In order to gain control of the land, Germany quashed the liberation movements through collective punishment, unlawful killings, and their incarceration in concentration camps with lethal conditions as a result of poor hygiene, little food, and forced labour. By the end of the nearly three-year conflict, approximately 50,000 to 65,000 Herero and

³⁶ UNGA, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN Doc. A/80/337, 14 August 2025, para. 71, available at: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coi/opt/a80337_english.pdf.

³⁷ Rome Statute of the International Criminal Court (1998), Article 6.

10,000 Nama had been murdered by the German colonial regime.³⁸

The parallels between this example and Israel's violent assault on the Gaza Strip and escalating attacks across the West Bank are striking. Since 1948, Israel has been relentless in its efforts to erase Palestinians as a people, a country, and even an idea. The Nakba is not a relic of the past. It is not history. Rather, it is an ongoing process integral to the realisation of Israel's imperialist, colonial aims. It is the everyday lived experience of Palestinians. The material evidence of this is found in: the scars on Palestinian bodies; the mass graves across the Gaza Strip; apartheid laws and policies on both sides of the Green Line; Israeli prisons and detention centres, and the systematic torture committed therein; the rapid expansion of illegal settlements and outposts; the number of Palestinian families forcibly displaced; the weaponisation of humanitarian aid; the total destruction of Gaza and its critical infrastructure; the demolition of Palestinian homes; and the systematic erasure of Palestinian culture and memory.³⁹

The genocidal nature of Israel's acts since 7 October 2023 is not just revealed in the public statements by Israeli officials,⁴⁰ but in the unlawful conduct of the IOF. By February 2026, 71,824 Palestinians had been killed in Gaza, and a further 171,608 injured.⁴¹ These figures have been criticised as not reflecting the true death toll, which

38 See The Holocaust Explained, "What is Genocide", The Wiener Holocaust Library, available at: <https://www.theholocaustexplained.org/what-was-the-holocaust/what-was-genocide/the-herero-and-namaqua-genocide/>.

39 See Al-Haq, "Nakba at 77: Israel's Territorial Control and Demographic Manipulation Amidst Gaza Genocide - Towards Annexation and Resettlement", 15 May 2025, available at: <https://www.alhaq.org/advocacy/26404.html>.

40 For example, see Yoav Gallant, Israel's Minister of Defense stated: "We are fighting human animals, and we will act accordingly"; while Major General Ghassan Alian stated: "You wanted hell, you will get hell", see Yoav Gallant, X, 9 October 2023, available at: <https://twitter.com/yoavgallant/status/1711335592942875097>; COGAT, X, 10 October 2023, available at: <https://twitter.com/cogatonline/status/1711718883323752586?t=UAM2bzjS-PRdJv1hIQY-Wg&s=09>.

41 UN OCHA, "Reported impact snapshot | Gaza Strip (4 February 2026)", 5 February 2026, available at: <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-4-february-2026>.

is likely in the hundreds of thousands,⁴² since it does not account for the thousands of Palestinians that remain trapped under the rubble, indirect deaths, or the long-term generational impact of Israel's genocidal warfare.

That Israel is responsible for plausible violations of the Genocide Convention was affirmed by the International Court of Justice (ICJ) in *South Africa v. Israel* in its Orders of 26 January, 28 March, and 24 May 2024.⁴³ In September 2025, the UN Commission of Inquiry concluded that:

[T]he Israeli authorities and Israeli security forces have committed and are continuing to commit the following *actus reus* of genocide against the Palestinians in the Gaza Strip, namely (i) killing members of the group; (ii) causing serious bodily or mental harm to members of the group; (iii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (iv) imposing measures intended to prevent births within the group.⁴⁴

42 See Michael Spagat, Jon Pedersen, Khalil Shikaki, Michael Robbins, Eran Bendavid, Håvard Hegre & Debarati Guha-Sapir, 'Violent and Nonviolent Death Tolls for the Gaza War: New Primary Evidence', 23 June 2025, available at: <https://www.medrxiv.org/content/10.1101/2025.06.19.25329797v3>; Zeina Jamaluddine, Hanan Abukmail, Sarah Aly, Prof Oona M R Campbell & Prof Francesco Checchi, 'Traumatic injury mortality in the Gaza Strip from Oct 7, 2023, to June 30, 2024: a capture-recapture analysis' (The Lancet), 8 February 2025, available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)02678-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)02678-3/fulltext).

43 International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, para. 54, available at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>.

44 UN HRC, *Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide: Conference room paper of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN Doc. A/HRC/60/CRP.3, 16 September 2025, para. 252, available at: <https://www.un.org/unispal/document/commission-of-inquiry-report-genocide-in-gaza-a-hrc-60-crp-3/>.

Based on the pattern of conduct and statements made by Israeli officials which constitute direct evidence of genocidal intent, the Commission found that this conclusion was “the only reasonable inference that could be drawn from the totality of the evidence”.⁴⁵

While the ICJ and Commission’s analysis is so far limited to Israel’s conduct in relation to Palestinians in the Gaza Strip, Israel’s policies and practices across the OPT seek to destroy the purposefully fragmented Palestinian people as a whole.

As a matter of clarification, the Genocide Convention does not require that in the determination of the specific intent to destroy, there should be a focus on the numbers of victims killed, nor has this factor been determinative in international criminal tribunals. Circumstances may be such that the perpetrator cannot, or chooses not to, avail of the fastest or most direct means to accomplish the physical or biological destruction of the protected group.⁴⁶ Israel’s genocide against the Palestinian people in both Gaza and the West Bank, including East Jerusalem has long been regarded as ‘slow violence’ premised on elimination.⁴⁷ It is carried out in the form of attritional violence which may escalate at any given minute, particularly given the dominance of Israeli military, economic, administrative, and surveillance control over Palestinians.

45 Ibid, para. 254.


46 See Prosecutor v. Krstic (Case No. IT-98-33-A), Judgment, 19 April 2004, para. 32.

47 Haidar Eid, “Israel’s policies in Gaza are genocidal” (Mondoweiss), 3 August 2018, available at: <https://mondoweiss.net/2018/08/israels-policies-genocidal/>; Mohammed Nijim, ‘Genocide in Palestine: Gaza as a case study’ (2022) *The International Journal of Human Rights*, 27(1), 165–200; Saad Amira, ‘The slow violence of Israeli settler-colonialism and the political ecology of ethnic cleansing in the West Bank’ (2021) *Settler Colonial Studies* (11:4), 512-532.

6. What is apartheid?

Historically, apartheid derives from the regime of systematic racial oppression and domination formally imposed in South Africa and through the occupation of Namibia between 1948 and 1994.⁴⁸ However, the crime of apartheid can be committed anywhere if the contextual and material elements of the crime are fulfilled.

The prohibition of apartheid is rooted in the general prohibition of racial discrimination under public international law, notably enshrined in Articles 1(3) and 55 of the UN Charter,⁴⁹ along with other core international instruments.⁵⁰ In 1973, the United Nations General Assembly adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid, which classified it as a crime against humanity and defined it 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”.⁵¹ This definition was later reflected in the wording of Article 7(2)(h) of the Rome Statute of the International Criminal Court (ICC), which provides that:



‘The crime of apartheid’ means inhumane acts (...) committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.

48 Nada Kiswanson and Dr. Susan Power, *Prolonged Occupation and International Law* (BRILL, 2023), p. 57.

49 Charter of the United Nations (1945), Articles 1(3) and 55; Max Du Plessis, “International Criminal Law: The Crime of Apartheid Revisited Recent Cases” (2011), *South African Journal of Criminal Justice*, p. 417.

50 Universal Declaration of Human Rights (1948), Article 2.

51 International Convention on the Suppression and Punishment of the Crime of Apartheid (1973), Article 2.

Notably, the element of an “institutionalised regime” differentiates apartheid from the crime against humanity of persecution, as acts must be carried out with an intent to maintain the regime or system of racial domination.

7. What difference does it make to label the situation as apartheid?

Historically, the majority of international discourse on Palestine, in line with Israel’s false narrative, described the situation as a conflict between two equal warring parties. Combined with the routine sidelining and silencing of Palestinian voices and perspectives, the root causes of Israel’s systematic violations of international law have been carefully hidden.

The occupation framework under international humanitarian law (IHL) has commonly been viewed as only applicable to the West Bank, including East Jerusalem, and the Gaza Strip since 1967, consequently disregarding the State of Israel’s establishment through the inadmissible “acquisition of territory by war.”⁵² This fails to situate the 1967 occupation as an extension of the decades-old Zionist settler-colonial regime; excludes Palestinians inside the Green Line, and Palestinian refugees and exiles; and shifts the focus away from the commonalities, in policy and practice, of human rights violations across historic Palestine. These shortcomings are remedied by analysing the situation through the apartheid framework, which highlights the collective struggle of the Palestinian people as a whole since 1948 and the need to uphold their right to self-determination. Moreover, the law governing apartheid prohibits it as a form

⁵² UNSC Res 242 (1967).

of racial discrimination and a crime against humanity, offering alternative avenues and mechanisms to achieve justice and accountability. This could be pursued by Third States on the basis of universal jurisdiction or at the ICC. Additionally, under the law of State responsibility, Third States must ensure that they do not recognise the unlawful apartheid situation, nor aid or assist in its maintenance, and cooperate to bring apartheid to an end.⁵³ On this basis, States should take effective measures to bring the unlawful situation arising from Israel's apartheid system to an end, notably through economic and targeted sanctions, halting all trade (including an arms embargo), and ceasing diplomatic relations.

Furthermore, the UN system offers anti-apartheid mechanisms, including the UN Special Committee against Apartheid and the UN Centre against Apartheid, which meaningfully contributed to the international movement against apartheid in South Africa and occupied Namibia.

8. How do you prove apartheid in Palestine?

Israeli apartheid, like Israel's destruction of the Palestinian people, stems from the ideology and practices of the Zionist settler-colonial project in Palestine. Beginning with the Nakba of 1948 and Israel's subsequent institutionalisation of discriminatory laws, policies, and practices, to oppress and dominate the Palestinian people. We understand the Israeli occupation since 1967 as an outcome of this regime, rather than its source.

⁵³ Draft Articles on Responsibility of States for Internationally Wrongful Acts, International Law Commission (2001), Article 40(1) and (2).

The contextual elements of apartheid as a crime against humanity

Crimes against humanity require a systematic or widespread attack against a civilian population in pursuit of a State or organisational policy. These contextual elements are disjunctive, meaning either a widespread or a systematic attack is sufficient.

i. Institutionalised regime of systematic oppression and domination

Acts illustrative of apartheid must take place within the context of a wider policy of an institutionalised regime of systematic oppression and domination. In this regard, “[a]n established law or practice by a government or prevailing order is most likely the closest to a definition of an institutionalised regime one gets.”⁵⁴ Since 1948, Israel has established and entrenched its apartheid regime “through laws, policies, and practices in two main domains: land and nationality”⁵⁵ in an effort to legitimise acts illegal under international law.

Israeli law demonstrates that since its creation, it has implemented and maintained an apartheid regime in order to subjugate, oppress, and ultimately erase the Palestinian people. Israel’s Absentee Property Law (1950) classifies persons “who were expelled, fled, or who left the country after 29 November 1947, mainly due to the war” – i.e. Palestinians – as absentees whose lands and properties can be confiscated.⁵⁶ Israel’s

54 Carola Lingaas, “The Crime against Humanity of Apartheid in a Post-Apartheid World”, 2015, 2 Oslo Law Review, paras 97-98.

55 Nada Kiswanson and Dr. Susan Power, *Prolonged Occupation and International Law* (BRILL, 2023), p. 83.

56 Adalah, “Absentees’ Property Law”, available at: <https://www.adalah.org/en/law/view/538>.

discriminatory Law of Return (1950) establishes a double standard under which Israeli citizenship is only offered to Jews wishing to settle in historic Palestine.⁵⁷ Moreover, the Citizenship Law (1952) creates confusion between nationality and citizenship by providing three ways to obtain citizenship: birth, marriage and residency. The Law of Return and the Citizenship Law allow Jewish persons to settle in territory controlled by Israel, including the OPT and the occupied Syrian Golan.⁵⁸ As recently as 2018, the Basic Law: Israel as the Nation-State of the Jewish People was passed, which limits the right to self-determination in Israel to “the Jewish people”.⁵⁹ Not only does it fail to acknowledge the rights of Palestinians, it violates them by promoting the “development of Jewish settlements” as a “national value”.

These are just a few illustrative examples of the existence of an institutionalised regime of systematic oppression and domination, though many other policies and practices have been used to entrench Israel’s racial discrimination and Zionist settler-colonial rule over Palestinians.⁶⁰

ii. Racial groups

Apartheid is rooted in racial discrimination. Article 1 of the Convention on the Elimination of all Forms of Racial Discrimination (ICERD) has defined “racial discrimination” as “any distinction, exclusion restriction or preference based on race, colour, descent or national or ethnic origin”. Therefore, race is not limited to skin colour – even in South Africa where the “black-white dichotomy might at first sight appear straightforward ... skin colour was but one element to determine racial groups membership ... also

57 Ibid.

58 Ibid, p. 86-87.

59 Basic Law: Israel – The Nation State of the Jewish People (2018), Article 1 (a)(b)(c).

60 This includes the arbitrary deprivation of life, the denial of the right to health, arbitrary detention and illegal imprisonment, torture and other ill-treatment, collective punishment, and persecuting and silencing those who opposed Israel’s apartheid. *See* *ibid*, p. 99-167.

hair structure and colour, language, traditions, and even sporting preferences played a role”⁶¹

The assertion that “Palestinians are discriminated, stigmatized, and targeted due to their group membership, which in all likelihood is based on an understanding of their lesser value and (racial) inferiority”⁶² finds support in Zionist ideology and the settler-colonial agenda advanced by successive Israeli governments. The core principle of Jewish supremacy over non-Jews, namely indigenous Palestinians, which entails privileges only enjoyed by the former, has resulted in Zionism qualifying as a form of racial discrimination according to UN General Assembly resolution 3379 (10 November 1975).

iii. Inhumane acts

Israeli apartheid policies and practices in the OPT involve various crimes against humanity listed in Article 7(1) of the Rome Statute of the ICC. These have been extensively documented, corroborated and reported on over the years by Palestinian human rights organisations, international NGOs, UN bodies, and even the ICJ.

61 Carola Lingaas, “Jewish Israeli and Palestinians as distinct “racial groups” within the meaning of the crime of apartheid” (EJIL: Talk!), 6 July 2021, available at: <https://www.ejiltalk.org/jewish-israeli-and-palestinians-as-distinct-racial-groups-within-the-meaning-of-the-crime-of-apartheid/>.

62 Ibid.

annex further swaths of Palestinian land. Israel's military attacks on Gaza, the Jenin and Tulkarem refugee camps, and elsewhere in the West Bank, are continuing act of aggression, entrenching Israel's unlawful occupation and apartheid, in breach of the inalienable Palestinian right of self-determination.

9. How does apartheid apply to Palestinian citizens of Israel?

While some Palestinians have been granted Israeli citizenship, they are still affected by Israel's racially discriminatory measures to the extent that they are not Jewish. Israeli laws, policies and practices consistently distinguish between 'Jewish' and 'non-Jewish', subsequently limiting nationality to Jewish persons and their descendants. As a result, exclusive national rights are reserved for Jews only.⁷⁰ Therefore, Israel's institutionalised policy of racial domination ensures that 'nationality' outweighs and even nullifies 'citizenship', which is evident in Prime Minister Netanyahu's 2019 statement: "[t]he Arab citizens [in Israel] have 22 nations around them and they do not need another".⁷¹

70 Adalah, "The Discriminatory Law Database", 25 September 2009, available at: [The Discriminatory Laws Database - Adalah](#).

71 Raoul Wootliff, "Defending nation-state law, PM says Israeli Arabs have 22 other countries" (The Times of Israel), 11 March 2019, available at: [Defending nation-state law, PM says Israeli Arabs have 22 other countries | The Times of Israel](#).

10. Israel is not a party to the Rome Statute or Apartheid Convention. Does this mean they are not bound by their obligations?

The prohibition of apartheid and racial discrimination are peremptory norms of international law.⁷² Their *jus cogens* status means that they cannot be violated under any circumstances. Therefore, whether or not Israel has ratified these treaties is irrelevant as the norms are binding on all States. The same applies to the principle of self-determination; the prohibition of genocide; grave violations of IHL; the unlawful use of force; and the principle of non-acquisition of territory by force.⁷³

11. How are Zionist parastatal organisations integral to the settler-colonial apartheid regime?

Parastatal organisations, meaning State-owned or State-controlled entities that operate semi-independently from the government but have a level of political authority and serve the State directly, were created before the creation of Israel in “the Zionist movement’s pursuit of a state” in order for them “to assume the public functions of a ‘state in the making’”.⁷⁴ In particular, the Jewish National Fund (JNF)

⁷² Yaffa Zilbershats, ‘Apartheid, International Law, and the Occupied Palestinian Territory: A Reply to John Dugard and John Reynolds’ (2013) 24(3) *European Journal of International Law* 915; Gay McDougall, ‘The International Convention on the Elimination of All Forms of Racial Discrimination’ (February 2021), United Nations Audiovisual Library of International Law, available at: https://legal.un.org/avl/pdf/ha/cerd/cerd_e.pdf.

⁷³ International Law Commission (ICL), Report of the Study Group on Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law (13 April 2006) UN Doc A/CN.4/L.682, para. 361; *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, I.C.J. Reports 1986, para. 190, referring to ICL, para. 1 of the commentary of the Commission to Article 50 of its draft Articles on the Law of Treaties, ILC Yearbook, 1966-II, p. 247.

⁷⁴ Nada Kiswanson and Dr. Susan Power, “Prolonged Occupation and International Law” (BRILL, 2023), p. 78.

started purchasing and administering Palestinian lands and resources in 1905 to be used for the purpose of establishing “a viable colony and settler-colonial state.”⁷⁵ The JNF, now repackaged as a philanthropic organisation engaged in “ecological preservation” in Israel, continues to facilitate and drive the ongoing appropriation of Palestinian lands and the forced displacement of the Palestinian people.⁷⁶ The World Zionist Organisation (WZO) and the Jewish Agency “pursued the population transfer of Jewish persons to settle in Palestine for” colonisation purposes.⁷⁷ These activities paved the way for the proclamation of the State of Israel in 1948. Subsequently, the WZO and the JNF remained key actors of “Israel’s discriminatory system of housing, urban planning and development, and land administration” through advising, promoting, and implementing laws and policies discriminating against Palestinians. The implementation of these laws and policies led to the dispossession of eight million Palestinians.⁷⁸

To this day, and often under the guise of “charitable purposes,” nonprofit organisations based abroad collect and distribute funds to organisations in Israel that confiscate land, displace Palestinians from their homes, and directly enable and encourage the transfer of Israeli settlers into the OPT, in direct contravention of their nonprofit status and the favourable tax designations they receive. Charities funding Israel’s activities in the OPT intend to maintain Israel’s unlawful occupation and advance its annexationist, genocidal, settler-colonial apartheid regime by: (i) facilitating the construction, maintenance and expansion of settlements and associated infrastructure; (ii) supplying surveillance and military equipment; and (iii) fuelling settler violence.

75 Ibid, p. 79.

76 See Jewish National Fund, Projects, available at: <https://www.jnf.org/our-work#:~:text=Simply%20put%2C%20our%20work%20planting,and%20the%20people%20of%20Israel>.

77 Nada Kiswanson and Dr. Susan Power, “Prolonged Occupation and International Law” (BRILL, 2023), p. 78.

78 Ibid, p. 79-80.

As such, and to comply with the *Palestine* Advisory Opinion, their charity status must be revoked; their activities must come to an immediate end; and the individuals involved must be held criminally responsible.

12. Is it antisemitic to label Israel as a settler-colonial apartheid regime?

Antisemitism is entirely separate to and distinct from anti-Zionism or condemning Israel's manifestly unlawful conduct. However, over the course of the last century, Israel and the Israeli lobby have purposefully conflated antisemitism with anti-Zionist or anti-Israel rhetoric in order to delegitimise and quash any opposition or efforts to dismantle its settler-colonial apartheid regime and end its unlawful occupation.

This is compounded by the International Holocaust Remembrance Alliance (IHRA), which provides a definition of antisemitism with a list of examples, including criticism of the State of Israel.⁷⁹ Notably, seven of the examples provided refer to Israel. In so doing, anti-Zionism that relates to Israel is wholly conflated with antisemitism that relates to Jews anywhere in the world.⁸⁰ Indeed, the issue with listing criticism of Israel as a manifestation of antisemitism lies in the motivation of the criticism, which might not be “hostility or bias against Jews, but simply [...] a particular government policy”, therefore creating “confusion between criticism of Israel and antisemitism”.⁸¹

79 Al-Haq, “Press Release: Al-Haq at the UNHCR 49 th Session Focuses Interventions on Israel's Apartheid”, 06 April 2022, available at: <https://www.alhaq.org/advocacy/19828.html>; European Legal Support Center “The Attempt to Chill Palestinian Rights Advocating in the Netherlands”, October 2021, p.5, available at: <https://elsc.support/resource/the-attempt-to-chill-palestinian-rights-advocacy-in-the-netherlands/>.

80 Jan Deckers, Jonathan Coulter, “What Is Wrong with the International Holocaust Remembrance Alliance's Definition of Antisemitism?”, 11 May 2022, p.3, available at: <https://link.springer.com/article/10.1007/s11158-022-09553-4>.

81 Ibid, p.6, 10-13.

Pro-Israel activists can and have mobilised the IHRA definition to serve Israel's geopolitical goals, which are wholly unrelated to tackling discrimination against the Jewish people and are centred on imperialist expansion in the region and exploitation, by ensuring critics of the Israeli government, including international law experts, international courts, and human rights defenders, are stigmatised and silenced.

The direct result of equating anti-Zionism with antisemitism includes: widespread self-censorship; the sidelining of Palestinian voices and perspectives; a chilling effect on the exercise of freedom of speech, association and assembly; and the obstruction of any efforts at bringing Israel's genocidal, settler-colonial apartheid regime to an end.

13. What does decolonisation and dismantling apartheid look like in the Palestinian context? Does it mean dismantling the State of Israel?

Decolonisation and dismantling apartheid in Palestine involves dismantling all of the structures and policies through which Israel has implemented and upheld its Zionist ideology on both sides of the Green Line, including the OPT, and against the Palestinian people as a whole. Repealing a series of discriminatory laws, that fragment the Palestinian territory and segregate the people, is not the same as non-recognition of the existence of a State. The criteria for Statehood have already been established. What is required, is to dismantle the apartheid regime internally. As such, Israel must repeal all discriminatory laws, policies and practices, including all foundational laws that discriminate against the Palestinian people to maintain Israeli-Jewish domination and deny Palestinian self-determination and return.

This includes also ending the illegal occupation as per the recommendations of the ICJ in the *Palestine* Advisory Opinion of 19 July 2024, and dismantling all settlements and outposts as well as the Annexation Wall. All policies and practices that deny Palestinians on both sides of the Green Line and refugees and exiles in the diaspora their fundamental rights, must be brought to an immediate end – such as the appropriation of Palestinian lands and properties; exploitation of Palestinian natural resources; mass arbitrary arrests and administrative detention of Palestinians; demolitions of Palestinian property and destruction of infrastructure; road blocks and checkpoints; the lack of due process and impartial, independent courts; unlawful killing and injury; and the denial of the right to return. Finally, Israel must abide by the rule of law, ending the long-standing impunity of Israeli government officials, commanders, soldiers, and illegal settlers for historic and ongoing crimes committed against Palestinians.

14. What role do States have in decolonising Palestine, dismantling Israeli apartheid, and ending the genocide against the Palestinian people?

Public representatives can play a critical role in their States by:

1. Demanding Israel bring to an end its illegal presence in the OPT as rapidly as possible, in line with the *Palestine* Advisory Opinion and UNGA resolution ES 10/24;⁸²
2. Refraining from contributing to the unlawful situation in any way, including by imposing a full arms embargo and adopting legislation

82 UNGA Res ES-10/24 (19 September 2024).

- to prohibit trade, diplomatic and economic support with the Israel's genocidal, settler-colonial apartheid regime;
3. Imposing sanctions, asset freezes, travel bans and other measures to pressure Israel to cease all measures and policies and practices that contribute to the fragmentation of the Palestinian people, including the denial of the rights of return and self-determination;
 4. Recognising, condemning and calling for an end to Israel's unlawful occupation and all discriminatory laws, policies, and practices that have cumulatively established and continue to maintain an apartheid regime of systemic racial oppression and domination over the Palestinian people on both sides of the Green Line;
 5. Rejecting UNSC resolution 2803, and the '20-Point Plan', as legally invalid due to its flagrant violation of the UN Charter and peremptory norms of international law that reward Israel with continued impunity for its ongoing genocide against the Palestinian people and increasing annexation of Palestinian territory, while providing for perpetual foreign occupation;
 6. Taking positive action to ensure the full realisation of the right of the Palestinian people to self-determination, including under Article 1 of the ICCPR and ICESCR, and cooperate toward bringing the unlawful situation to an end and ensuring the full realisation of complete freedom and independence of the Palestinian people;
 7. Adopting motions and resolutions recognising the illegality of the situation created by Israel's breach of peremptory norms of international law, including its apartheid policies and practices on both sides of the Green Line;
 8. Rescinding 'charitable' and other tax-exempt or 'non-governmental'

- status of parastatal institutions and their affiliates operating within domestic jurisdiction, recognising instead their actual status as foreign agents;
9. Advocating for the adoption of a UNGA resolution on the reconstitution of the UN Special Committee on Apartheid and the UN Centre Against Apartheid;
 10. Advocating at the UN Human Rights Council for the reconvening of the Group of Three to examine the apartheid on both sides of the Green Line in Palestine.

Under Common Article 1 to the Geneva Conventions, State Parties must “respect and ensure respect” of IHL. The binding legal obligation to ensure respect by others was explicitly endorsed by the ICJ,⁸³ the UNSC,⁸⁴ the International Conference of the Red Cross and Red Crescent⁸⁵ and the High Contracting Parties meeting in other forums. Financial, material or other support in the knowledge that such support will be used to commit violations of humanitarian law would violate Common Article 1. Customary IHL further provides that States must “exert their influence, to the degree possible, to stop violations of international humanitarian law.”⁸⁶ This includes the “use of

83 See International Court of Justice, *Military and Paramilitary Activities in and against Nicaragua case*, Judgment, 27 June 1986, para. 220; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, paras 158–159; and *Armed Activities on the Territory of the Congo case*, Judgment, 19 December 2005, paras 211 and 345; *Palestine Advisory Opinion*.

84 UNSC Res. 681 (20 December 1990), para. 5.

85 25th International Conference of the Red Cross, Geneva, 1986, Res. I, Respect for international humanitarian law in armed conflicts and action by the ICRC for persons protected by the Geneva Conventions, para. 5; 26th International Conference of the Red Cross and Red Crescent, Geneva, 1995, Res. I, International humanitarian law: From law to action. Report on the follow-up to the International Conference for the Protection of War Victims, para. 2, and Res. II, Protection of the civilian population in period of armed conflict, para. A(a); 27th International Conference of the Red Cross and Red Crescent, Geneva, 1999, Res. I, Adoption of the Declaration and the Plan of Action, Final goal 1.1, para. 1; 28th International Conference of the Red Cross and Red Crescent, Geneva, 2003, Res. 1, Adoption of the Declaration and Agenda for Humanitarian Action, Final Goal 2.3; and 30th International Conference of the Red Cross and Red Crescent, Geneva, 2007, Res. 3, Reaffirmation and implementation of international humanitarian law: Preserving human life and dignity in armed conflict, para. 2.

86 International Committee of the Red Cross (ICRC), IHL Database, Customary IHL, Rules 144, available at: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule144>; see also Y. Sandoz, C. Swinarski and B. Zimmermann (eds), *Commentary on the Additional Protocols*, ICRC, 1987 (hereinafter “ICRC 1987 Commentary on AP I”), para. 214, available at: <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-1/commentary/2020>.

diplomatic protest” which applies to any State, including those that have “no specific connection” with the violations of IHL they are objecting.⁸⁷ Accordingly, a number of States have severed diplomatic ties and/or recalled their ambassador to Israel in reaction to Israel’s ongoing assault on the Gaza Strip that started on 7 October. These States include Bolivia, Colombia, Chile,⁸⁸ Spain,⁸⁹ Honduras,⁹⁰ and Jordan.⁹¹

Under Article I of the Convention on the Prevention and Punishment of the Crime of Genocide, States Parties have a duty to prevent and punish genocide, including incitement to genocide. For States not party to the Genocide Convention, the prohibition against genocide – as a peremptory norm (*jus cogens*) – entails their customary obligations not to aid and assist in the commission of genocide, including in its preparation or in its attempt.

The content of the binding, *erga omnes* obligation to prevent and punish genocide has been made expressly clear by the ICJ, which has stated in unambiguous terms:

A State’s obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed. From that moment onwards, if the State has available to it means likely to


87 ICRC, IHL Database, Customary IHL, Rules 144, available at: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule144>.

88 Paola Flores and Daniel Politi, “Chile and Colombia recall their ambassadors to Israel, while Bolivia severs diplomatic ties” (PBS), 1 November 2023, available at: <https://www.pbs.org/newshour/world/chile-and-colombia-recall-their-ambassadors-to-israel-while-bolivia-severs-diplomatic-ties>.

89 David Adler, X, 3 November 2023, available at: [David Adler sur X : “BREAKING Spain’s @Sumar, led by Deputy Prime Minister @Yolanda_Diaz_, calls for an arms embargo to Israel.” / X \(twitter.com\)](https://twitter.com/Sumar).

90 Progressive International, X, 3 November 2023, available at: [Progressive International sur X : “BREAKING The Honduran Government of @XiomaraCastroZ \(@ProgIntl Member @PartidoLibre\) has recalled its ambassador to Israel.” / X \(twitter.com\)](https://twitter.com/XiomaraCastroZ).

91 Al-Jazeera, “Jordan recalls ambassador to Israel to protest Gaza “catastrophe””, 1 November 2023, available at: <https://www.aljazeera.com/news/2023/11/1/jordan-recalls-ambassador-to-israel-to-protest-gaza-catastrophe#:~:text=%E2%80%9CForeign%20Minister%20Ayman%20Safadi%20decided,killing%20innocent%20people%20in%20Gaza%E2%80%9D>.



have a deterrent effect on those suspected of preparing genocide, or reasonably suspected of harbouring specific intent (*dolus specialis*), it is under a duty to make such use of these means as the circumstances permit.⁹²

The Court recognised that different States, depending on their circumstances, will have different roles to play in preventing genocide in any given situation, but clarifies that responsibility is “incurred *if the State manifestly failed to take all measures to prevent genocide which were within its power, and which might have contributed to preventing the genocide*”.⁹³ Crucially, certainty that genocide is about to be committed is not required for a State to incur responsibility for failing in its duty to prevent genocide.

Regarding the duty to punish, States must undertake to:

1. Arrest and prosecute nationals or persons present in their territory, or within their jurisdiction, who are responsible for genocide;
2. Investigate and prosecute dual citizens serving in Israel’s military and provide clear directives to citizens to refuse to enlist in the Israeli military;
3. Provide significant funding to the ICC in support of its investigations, including into the Situation in the State of Palestine;
4. Commit to fully cooperate with the Office of the Prosecutor of the ICC.

In view of the character and importance of the rights and obligations involved, Third States are also under the customary law obligation to not recognise an illegal

⁹² International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgement, Report 2007, paras 430-431.

⁹³ *Ibid.*

situation arising from a serious breach of international law – such as the acquisition of territory by force, or a protracted, unlawful occupation – nor render assistance in maintaining such a situation.⁹⁴ They further have to collaborate towards ending the illegal situation.⁹⁵ A crucial measure that must be taken and voted on by foreign parliaments in that regard is the prohibition on trade with Israeli settlements. This is especially relevant for Member States of the European Union, which is Israel's biggest trading partner. Other relevant measures include sanctioning companies within their jurisdiction that aid and assist the settlement enterprise, either by directly operating in the OPT or financing other companies that do so. Cooperating to bring this illicit situation in the OPT to an end can mean voting for economic sanctions against Israel.

Finally, States also have an *erga omnes* obligation to realise the right of the Palestinian people to self-determination, including the right to an independent state and the right of return.

15. What is the role of corporate entities and financial institutions?


In Palestine, companies have driven and enabled the process of displacement and replacement of the Palestinian population, foundational to the logic of settler-colonial erasure. The corporate sector has materially contributed to and benefitted from Israel's apartheid, unlawful occupation and genocide against the Palestinian people, committed in pursuit of its Zionist settler-colonial project, by providing Israel with the weapons and machinery required to destroy homes, schools, hospitals,

⁹⁴ Draft Articles on Responsibility of States for Internationally Wrongful Acts, International Law Commission (2001), Articles 16 and 41; *Palestine Advisory Opinion*, para 279.

⁹⁵ Draft Articles on Responsibility of States for Internationally Wrongful Acts, International Law Commission (2001), Article 40(1) and (2).

places of leisure and worship, livelihoods and productive assets, such as olive groves and orchards, in order to segregate and control communities and to restrict access to natural resources.⁹⁶ By helping to militarize and incentivize illegal Israeli presence in the OPT, and by aiding and profiting from physical and mental destruction of the indigenous Palestinian population, the corporate sector has contributed to the creation of the conditions necessary for the mass forcible displacement, dispossession and erasure of Palestinians.

As per the UN Guiding Principles on Business and Human Rights, corporate entities and financial institutions must conduct enhanced corporate due diligence assessments to prevent human rights violations and take all the necessary steps to meet their obligations. As noted by UN Special Rapporteur on the OPT, Francesca Albanese:



The scale and severity of violations occurring throughout Israel's decades-long military occupation – which has helped entrench a settler-colonial apartheid regime – should already have alerted corporate actors to their responsibility to avoid *causing, contributing to* or being *directly linked* to ongoing human rights violations, and the possibility that they may have been complicit in the commission of international crimes, such as by aiding and abetting and facilitating them.⁹⁷

The extent of corporate involvement in Israel's war crimes, crimes against humanity,

⁹⁶ UN Human Rights Council, *From economy of occupation to economy of genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Francesca Albanese, UN Doc. A/HRC/59/23, 2 July 2025, paras 22-23, available at: <https://docs.un.org/en/A/HRC/59/23>.

⁹⁷ UN Human Rights Council, *From economy of occupation to economy of genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Francesca Albanese, UN Doc. A/HRC/59/23, 2 July 2025, para 45, available at: <https://docs.un.org/en/A/HRC/59/23>.

genocide and violations of peremptory norms of international law make it legally untenable to continue business as usual. Any engagement with the OPT or the Palestinian people must comply with their right to self-determination and the *Palestine Advisory Opinion*, endorsed by the UNGA in Res ES-10/24, which imposes a responsibility on corporate entities to not engage and/or to withdraw totally and unconditionally from any dealings with any component of the occupation. Failure to do so, along with continued disregard of their responsibilities under the UNGPs and engagement through their activities and relationships with Israel, its economy, its military and private sector connected to the OPT, renders them legally responsible for knowingly contributing to or causing serious human rights violations, including the denial of the Palestinian right to self-determination, the permanent annexation of Palestinian territory and the maintenance of Israel's genocidal, settler-colonial apartheid regime and unlawful occupation. The Orders on Provisional Measures issued by the ICJ in *South Africa v Israel* and ICC arrest warrants for Prime Minister Netanyahu and former Minister of Defence Gallant further signal the risk that corporate entities – and their executives – that engage in the OPT are implicated in serious international crimes.⁹⁸

16. What is the role of civil society organisations?

Civil society organisations monitor, document and report States' and sometimes individuals' compliance with public international law. They provide useful information and evidence to the above-mentioned UN human rights entities as well as to the ICC. Considering States' general lack of compliance with Common Article 1 to the Geneva Conventions, which requires that they "ensure respect for" IHL, Article I of

⁹⁸ Ibid, paras 44-51.

the Genocide Convention, and their *erga omnes* obligations under international law, civil society organisations work to fill this gap by gathering information and sharing documentation on human rights abuses that can subsequently be used in domestic or international criminal cases or investigations.

As a Palestinian human rights organisation, Al-Haq was established “to protect and promote human rights and the rule of law” in the OPT, which involves documenting violations of the individual and collective rights of Palestinians, irrespective of the identity of the perpetrator, and working to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable.⁹⁹

17. What can I do as an individual?

Notwithstanding the vast body of highly probative evidence on the mass atrocities which underpin Israel’s genocidal settler-colonial apartheid regime and numerous authoritative findings by the ICJ and UN Special Procedures, Expert Mechanisms and Commission of Inquiry on the illegality of Israel’s policies and practices in the OPT, the international community has failed to act. Instead, Israel continues to operate with impunity as it accelerates its pursuit of its Zionist agenda and long-standing goal of Palestinian erasure.

Mass mobilisation of the public is therefore crucial to generating the necessary political will – which, despite the unimaginable horrors witnessed over the past two years, remains absent – to finally bring Israel’s decades-long commission of grave human rights violations and destruction of the Palestinian people to an end.

⁹⁹ Al-Haq, “About Al-Haq”, available at: <https://www.alhaq.org/about-alhaq/7136.html>.

The public, made up of individuals, can play a crucial role in dismantling Israel's settler-colonial, apartheid regime:

1. Vote for political parties genuinely committed to human rights and international law;
2. Campaign for political candidates committed to bringing an end to Israel's unlawful policies and practices and presence in the OPT;
3. Advocate for your town or city to pass a resolution declaring itself an 'Apartheid-Free' community.¹⁰⁰ This involves gathering signatures, lobbying city councils, and engaging in public education on the pledge to oppose Israel's settler-colonial apartheid system and unlawful occupation;
4. Demand and support your trade union in taking tangible action to demand a full arms embargo and an end to all trade deals with Israel;
5. Organise and attend demonstrations, public hearings and educational initiatives to pressure your government, shift public opinion, and combat disinformation and Israeli hasbara (propaganda);
6. Organise and take part in mass mailing campaigns to your elected officials demanding sanctions, comprehensive trade embargoes, accountability, and an end to diplomatic relations with Israel;
7. Do not purchase Israeli products and services, including products and services linked to illegal Israeli settlements and outposts in the OPT;
8. Target specific companies linked to the Israeli military or illegal settlements (e.g., Carrefour, Airbnb, Microsoft) to force them to change their practices and stop fuelling Israel's unlawful occupation and genocide against the Palestinian people.

¹⁰⁰ See Irish Independent, "We live in a world now where it is the law of the jungle,' Drogheda councillors voice solidarity with Palestine", 12 January 2026, available at: <https://m.independent.ie/regionals/louth/drogheda-news/we-live-in-a-world-now-where-it-is-the-law-of-the-jungle-drogheda-councillors-voice-solidarity-with-palestine/a1427683526.html>; American Friends Service Committee, "For Vermonters, Palestine is a local issue", 7 March 2025, available at: <https://afsc.org/news/vermonters-palestine-local-issue>.

Q&A

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