

Apartheid: A plague thriving in Palestinian territories Occupied by Israel

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ABSTRACT:

Apartheid is a practice where one racial group tries to suppress purposely the other racial group on all fronts be it politically, economically or socially in order to prove its dominance and alienation of the other group. The concept emerged in South Africa, where local South African population was facing discrimination by the British. This practice in the present day context is being practiced by the Government of Israel that discriminates its own Palestinian Muslim Arab citizens especially those living in the territories under Israel's control since 1967. The Arab citizens targeted through Apartheid are denied basic civil, political and social rights. The practice of Apartheid falls under Crimes against Humanity of Rome Statute, which is the governing body of International Criminal Court and is also criticised under different Internationally recognised Conventions and Bodies. The Apartheid Convention which was designed for putting an end to the concept of Apartheid has many provisions which are clearly being violated through various activities of Government of Israel against its Arab citizens.

Key words- Israel Palestine conflict Apartheid Apartheid
Convention Human Rights Crimes against Humanity Universal
Declaration of Human Rights

Introduction:

Background

The word "Apartheid" translates basically into a system which was prevalent in South Africa where ill practices such as racial segregation, promotion of dominance and oppression of blacks by the whites was promoted. The activities created a system of suppression of blacks at the hands of British with the ultimate intention to sustain the appalling situation.

Importantly, the concept of Apartheid is very harmful as it leads to propagation of racial inequality, harassment, abuse of Human Rights, consequently leading to violence among people.

Even in South Africa, such issues created long term social, economic and political problems and complexities. A few long-lasting effects of Apartheid particularly in that region comprised of disparity in various spheres including access to educational and health care facilities and continuing economic inequalities.

Apartheid and condemnation on world platform

The prominent International organisations such as United Nations (UN) have always been opposing the system of Apartheid. The UN created on Oct.1945 with the main aim of promotion of International peace, security and

promotion of friendly relations among nations also lays down stress on encountering many social problems. One of the important sources of the social problems is the menace of Apartheid.

Apartheid indeed is a social problem which warrants immediate attention and needs to be countered. The blazing issue of Apartheid is linked to the violation of Human Rights. A careful evaluation of the problem reveals a clear lowering down of human dignity of a social group targeted en masse on the basis of their distinct identity, culture, religion and even language. It leads to further alienation of people who face denial of access to basic Human Rights which any individual of a nation is entitled to. It reflects the evil image of the colonial mindset of the rulers, faced by people in terms of unnecessary deprivations and violations.

Criticism of Apartheid by International bodies

The UN established in 1945, is a leading global body that has always condemned acts of Apartheid. The Universal Declaration of Human Rights (UDHR, 1948) is a document of United Nations, adopted in 1948, with the main purpose to outline and protect the fundamental Human Rights which are supposed to be protected universally.¹ The Articles 1, 2 and 7 of the UDHR, especially stand against Apartheid, as they delineate the principles contradicting the practice of Apartheid.²

The Article 1 of UDHR states that all human beings are born free, having equality in terms of rights and dignity. Similarly Article 2 of

the document states that every individual is entitled to all rights and freedom defined in UDHR with no differences of any sort of race, colour, gender, language or religion. Particularly this provision also states that no distinction should be made on political or jurisdictional basis or even the International status of the nation or territory to which the person is native, whether that region is an independent country, a trust territory, a non-self-governing territory or that territory is under any other sovereignty. The Article 7 of this document clearly defines that every individual is having an equal status before law and must get equal protection according to law without any discrimination on any grounds.³

Apart from the principles of UDHR the International Criminal Court (ICC) whose governing body is the Rome Statute also condemns Apartheid. The ICC is a Court which functions at an International level to procure justice for those exploited even in their own native country due to various War Crimes, Genocide and Crimes against Humanity.⁴ The Article 7 (1) (j) of Rome Statute clearly mentions the crime of "Apartheid".⁵

In view of instances of carrying out of discriminations in a systematic manner and continuous repression, the two Crimes against Humanity developed include Apartheid and Persecution.⁶ The atrocious acts of Apartheid have always received criticism worldwide and there has been a legal prohibition in practice of Apartheid which was very well defined in other globally recognised conventions like the "International Convention on Suppression and

¹ Universal Declaration of Human Rights, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER, United Nations, *available at*: <https://www.ohchr.org/en/universal-declaration-of-human-rights> (last accessed on Jan. 2nd, 2026)

² Article 1, Article 2 and Article 7, Universal Declaration of Human Rights, United Nations, *available at*: <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2010,any%20criminal%20charge%20against%20him> (last accessed on Jan. 2nd, 2026)

³ *ibid*

⁴ Crimes Against Humanity, Rome Statute of the International Criminal Court, International Criminal Court, *available at*: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf> (last accessed on Jan. 7th, 2026)

⁵ *ibid*

⁶ *ibid*

Punishment of the Crime of Apartheid” that came to be known as the “Apartheid Convention”⁷ as well as its inclusion in Rome Statute of ICC in 1998.⁸

The Apartheid Convention, formally known as the International Convention on the Suppression and Punishment of the Crime of Apartheid, is highly significant in the development of International Human Rights Law. The Convention was adopted by the UN in 1973 to combat racial discrimination and segregation. It declared Apartheid to be a Crime against Humanity under International Law. The Convention condemned policies of racial domination practiced mainly in South Africa during the apartheid era. It recognized that racial segregation violates fundamental Human Rights and human dignity. The Convention made states legally responsible for preventing and punishing apartheid practices. It expanded International Criminal Law by treating systematic racial oppression as an International crime. The Convention strengthened the global movement against colonialism and racial discrimination. It encouraged International cooperation to eliminate racist regimes and discriminatory systems. The treaty empowered the International community to impose sanctions and diplomatic pressure on apartheid governments. It

emphasized equality regardless of race, colour or ethnic origin.

The Convention reinforced the principles contained in the Universal Declaration of Human Rights (UDHR). It helped to create awareness about suffering of non-white populations under Apartheid policies. It established that individuals responsible for Apartheid could face punishment at an International level. The Convention promoted the idea that Human Rights are universal and indivisible. It also strengthened protection for oppressed racial and ethnic groups worldwide. The Convention remains important as a warning against institutionalized racism and segregation. Overall, the Apartheid Convention is a landmark instrument in protecting equality, justice and human dignity at an International level.

The State of Israel founded as a Jewish state was primarily created for Jews and was the product of the philosophy of Zionism which aimed at establishing a homeland for Jewish people exclusively.⁹ Since its creation in 1948, the same philosophy got reflected in some way or the other from time to time. A few years back in 2019, the Israeli Prime Minister in a formal statement clearly declared that Israel was not a state of all its citizens but instead the Nation State of Jews and no one else.¹⁰

⁷ Convention on the Suppression and Punishment of the Crime of Apartheid, AUDIOVISUAL LIBRARY OF INTERNATIONAL LAW, available at: <https://legal.un.org/avl/ha/cspca/cspca.html> (last accessed on Jan. 10th, 2026)

⁸ Lingaas, C., The inclusion of Apartheid into the Rome Statute, The Crime of Apartheid in the Rome Statute, The Crime against Humanity of Apartheid in a Post-Apartheid World, Scandinavian University Press, available at: <https://www.scup.com/doi/10.5617/oslaw2566> (last accessed on Jan. 11th, 2026)

⁹ State of Israel, World Zionist Organization-Jewish Agency (Status) Law, 7 Laws of the State of Israel 3 (1952), <https://www.adalah.org/uploads/oldfiles/Public/files/>

Discriminatory-Laws-Database/English/18-World-Zionist Organization-Jewish-Agency-Status-Law-1952.pdf (last accessed on Feb. 22nd, 2026)

¹⁰ International Convention on the Elimination of Racial Discrimination art. 1(2) (“This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non citizens.”), AN ANALYSIS OF ISRAEL'S LAWS AND POLICIES AND THE RESPONSIBILITIES OF US ACADEMIC AND OTHER INSTITUTIONS, APARTHEID IN ISRAEL, available at: https://static1.squarespace.com/static/66a134337e960f229da81434/t/6824bfd68eb75d15df9b125a/1747238873115/Apartheid_Report+Final.PDF (last accessed on Feb. 22nd, 2026)

Since the establishment of Israel, it has adopted various policies to ensure the maintenance of Jewish supremacy in all spheres, besides restricting the basic rights of Palestinians, in order to crush their capacity to counter this dispossession. Israel has occupied largely three huge chunks of Palestinian territory comprising of Gaza Strip, West Bank and Golan Heights since 1967 after the end of Six-Day War.¹¹ The lives of Palestinians have been affected adversely as they are treated as an inferior racial group, often leading to the deprivation of their core-level rights. In Israel, there is a systematic institutionalised regime which has oppressed and dominated the common Palestinian Arab civilians especially those living in the Israeli occupied territories. The authorities of Israel enforce diverse strategies in multiple ways knowingly, in order to deny basic rights and freedom to Palestinian Arab civilians. Many such acts include unnecessary restrictions in the occupied territories, denial of access to basic rights as well as refusing the Arab refugees their right to return.¹² All such policies adopted by the authorities of Israel are widespread with a systematic attack on the Muslim Arab civilians for maintenance of a system of arbitrariness. These acts very well signify the practice of Apartheid.

The government of Israel has also ensured the creation and spread of Jewish settlements especially in areas inhabited by Palestinian Arabs. The Israeli government encourages Jewish families to settle in these areas facilitating a demographic change just to protect their own interests. Such acts are promoted in

order to ensure that Jews have an upper hand over access to all resources strengthening ultimately their personal security.

This strategy of Israel was very well criticised by International Court of Justice (ICJ). The court in the advisory opinion, delivered in July, 2024, stated that the Palestinian territories were to be considered as one political unit and these unlawful settlements created by Israel constituted illegal acts as per the principles of International Law. Further, there are more additional problems associated with the illegal Jewish settlements adding to damages to the already present Palestinian Arab families in these areas. The ICJ had also stated that Israel was obliged to pay complete reparations to the Palestinian families for the damages suffered.¹³ The court further emphasised that Israel was duty bound to refrain from creating any new Jewish settlements in these areas and should also carry out evacuation of Jewish settlers from the occupied territories.¹⁴ It was also stressed that Israel's government was supposed to pay reparations to Palestinians for the inflicted losses.¹⁵

The major effect of Apartheid haunting Palestinians is their social isolation from the main stream population of Israel. The greater advantages being provided to Jewish citizens at the cost of Palestinian Arabs has been reflected by Israeli governments attitude in some way or the other. The lives of Palestinian Arabs is under strain, especially in terms of civil rights, having accessibility to land or just simply the liberty to

¹¹ Israel's system of apartheid, ISRAEL'S OCCUPATION OF THE PALESTINIAN TERRITORY, AMNESTY INTERNATIONAL, available at: <https://www.amnesty.org/en/projects/israels-occupation-of-palestinian-territory/> (last accessed on Jan. 8th, 2026)

¹² Identifying Apartheid, Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity, Feb. 1st., 2022, AMNESTY INTERNATIONAL, available at: <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system->

[of-domination-and-a-crime-against-humanity/](#) (last accessed on Jan. 9th, 2026)

¹³ Bisharat. G., 'Israel always sold the occupation as legal. The ICJ now terrifies them', July 23rd, 2024, Wayback Machine, available at: <https://web.archive.org/web/20240724063617/https://www.972mag.com/icj-israel-occupation-illegal/> (last accessed on Jan. 9th, 2026)

¹⁴ *ibid*

¹⁵ *ibid*

move and movement of their goods, their security and questioning of their legal status and hence eligibility for identity cards. The government has an attitude of exerting its exclusive control in these areas, which involves continuous expansion of settlement of Jews over the course of decade long “peace process”. The dominance of Israeli government was reflected with unilateral annexation of more regions of West Bank as stated by Israel’s Prime Minister Benjamin Netanyahu, clearly reflecting its increasing control of Israel in these areas thereby leading to increasing suppression of Palestinian families who have been already suffering since 1967.¹⁶

Israel is not a member of Apartheid Convention but it still has an obligation under the customary International Law to prohibit practice of Apartheid in its governance. The practice of Apartheid gets constituted under “Jus Cogens”, implying that this rule has binding power on all nations without even considering whether they have ratified it or not.¹⁷ However there are many factors which led to the sustenance of Apartheid, the basic issue being with the laws of Israel that distinguish between Jews and Muslim Arabs, offering a much superior and privileged treatment to Jews. In a 2012 submission to the Committee on Elimination of Racial Discrimination (CERD) by the Russell Tribunal on Palestine, it was observed that as per the law and policy of Israel, group membership acts as an official category which the law imposes and it is monitored by State, not simply a voluntary

identity.¹⁸ The Jews of Israel are an ethnic group unified by law who have the same status legally wherever they live contrary to Muslim Arabs who are always treated as a distinct separate group.¹⁹

The government of Israel justifies the differences in its policies by simply labelling Palestinians as non-Israeli citizens.²⁰ This justification by Israel was countered by ICJ which stated that all such acts were equivalent to an institutionalized discrimination carried out in a systematic way on the basis of race, ethnicity and religion.²¹ It had been also discovered that the legislation of Israel and various measures adopted by the Israeli authorities are aimed to ensure the status of absolute separation in occupied territories of West Bank and East Jerusalem between the settled Jewish people and the already existing Muslim Arab population living there.²² All such policies breach the Third Article of International Convention on the Elimination of All Forms of Racial Discrimination (CERD) according to which there is an absolute prohibition of practicing Apartheid and segregating people on the basis of race.²³

The livelihood and survival of Palestinian Arabs had always been at stake. During 1948 catastrophe a large number of Palestinians (>700,000) were forced to abandon their homes as well as their lands. At present the descendants of those refugees continue to perish in camps located in Gaza (occupied by Israel since 1967), Jordan and Lebanon because Israel has not allowed them to return.²⁴ The Government of Israel has failed to show its

¹⁶ Israeli Authorities and the Crimes of Apartheid and Persecution, April 21st, 2021, A Threshold Crossed, HUMAN RIGHTS WATCH, *available at*: <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> (last accessed on Jan. 10th, 2026)

¹⁷ Wampler., J., Gender and Jus Cogens:, June 15th, 2023, Jus Cogens and the Lack of a Universal Gender Equality Norm, Oxford Human Rights Hub, *available at*: <https://ohrh.law.ox.ac.uk/jus-cogens-and-the-lack-of-a-universal-gender-equality-norm/> (last accessed on Feb. 2nd , 2026)

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ *Supra note 10*

²¹ *Supra Note: 17*

²² *ibid*

²³ *ibid*

²⁴ HRW Report at p. 24; Amnesty Int’l Report at p. 81.

commitment to its own governmental provisions even though the declaration of establishment of the State of Israel had given a guarantee to have the absolute right to complete equality in terms of accessing any political and social rights to every citizen. But sadly the proclamation was never in given full operation via strict laws. Neither are the rights guaranteed to Palestinian Arabs nor is the racial discrimination prohibited. The Parliament of Israel (Knesset) adopted a law stating Israel is the Nation-State only for Jews.²⁵ Due to all such developments, the Jews received more privileged and superior treatment in contrast to Arabs constituting second most dominant ethnic group in Israel. The Jewish people enjoy many advantages in different aspects of public life like rights to residency, ownership of land, access to services and various other cultural and socio-economic rights.

The absolute denial promoted by Israel against its Palestinian citizens to get involved in political, socio-economic and cultural life has culminated in altering demography by maintenance of Jewish majority contradicting Article II (c) of Apartheid Convention.²⁶ Going into details, the instances of Apartheid committed by Israel government highlight firstly that Jews get citizenship of Israel automatically whereas Palestinians undergo many hurdles even for maintaining their permanent residential status. The Citizenship Law of 1952 sets four ways to gain citizenship by birth, by

naturalization, residence in Israel and Return.²⁷ As per Article 2 (a) of Israel's Citizenship Law of 1952, any immigrant who is a Jew from any part of world would be given automatic citizenship according to the Law of Return, 1950.²⁸ In contrast, according to Article 3 (a) of 1952 Citizenship Law, the government of Israel set the condition for granting citizenship to any Palestinian on their constant inhabitation in Israel from the day Israel was created ie May 14th, 1948.²⁹ This discriminatory legal provision did not allow Palestinians living in Israel even before 1948 to return back to their homeland.³⁰

There is also lack of access to political rights for Palestinians even in the territories occupied by Israel since 1967. The Israeli government did not grant Palestinians living in East Jerusalem the citizenship of Israel resulting in their infirm status, when it comes to the question of their permanent residency. There is also lack of access to equal political rights.³¹ The Palestinian Arabs can live and do work, gain social benefits and cast their votes in municipal elections but are denied the right to cast votes in elections at National level.³² Since many years there are many Palestinians living in East Jerusalem who had to face revocation of their status of residence via policies that demand them to have a proof of their residence in Jerusalem.

²⁵ Amnesty Int'l Report at p. 65; Al Mezan Report at p. 14; CERD 2020 ¶13; Al-Haq Report at p. 87; HRW Report at p. 45.

²⁶ Richard Falk Report ¶69; Russell Tribunal on Palestine at pp. 5-6.

²⁷ State of Israel, Citizenship Law, No. 32 of 1952, *available* at: <https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/37-Citizenship-Law 1952.pdf> (last visited Dec. 3, 2024); see also HRW Report at p. 147; Al-Haq Report at p. 85; Geoffrey at pp. 75-76. (last accessed on March 12th, 2026)

²⁸ State of Israel, Law of Return, 710-1950; Amnesty Int'l Report at pp. 63-64, 82; HRW Report at p. 147;

John Quigley at pp. 228-229; Bernard Regan at pp. 5-6; UNESCWA at p. 32; Al-Haq Report at p. 85; HSRC Report at pp. 217-18; Geoffrey at pp. 75-76.

²⁹ Amnesty Int'l Report at pp. 63-64, 82; HRW Report at p. 147; John Quigley at pp. 228-229; Al-Haq Report at p. 85; HSRC Report at pp. 217-18; Geoffrey at pp. 75-76.

³⁰ Amnesty Int'l Report at pp. 63-64, 82; UNESCWA at p. 32; Al-Haq Report at p. 85; HRW Report at p. 48.

³¹ Richard Falk Report at ¶34; B'Tselem Vibrant Democracy at p. 3; HRW Report at pp. 108-09; HSRC Report at pp. 205-07.

³² HRW Report at pp. 108-09; B'Tselem Vibrant Democracy at p. 3; HSRC Report at pp. 205-07.

Glaring consequences of Apartheid suffered by Palestinians and involved legal dimensions

i) General conditions of Palestinian Arab civilians: - The fate of Palestinians is also worse in occupied Palestinian territories where they are treated as stateless citizens.³³ Though Israel has occupied these territories since 1967, but it has still conducted many censuses for issuing entry and exit permits. The Palestinians who were not present during these censuses or even the ones who had been staying out of the territory for long extended time periods were denied right to return.³⁴

As per reports, there has been revocation of permits pertaining to residency of approximately 2,50,000 Palestinians present in the territory of West Bank and Gaza on issues like living abroad for more than three years.³⁵ The problem gets further intensified by legal measures including citizenship and entry into Israel law, as per a temporary order renewed annually through 2021. The Palestinians from West Bank and East

Jerusalem were largely facing prohibition to get permanent residency in Israel and even in East Jerusalem.³⁶ There has been condemnation by CERD.³⁷ However, in 2022, the Knesset of Israel again adopted the Citizenship Law.³⁸ This discriminatory policy targeting Palestinians stands in violation of Article II (c) of Apartheid Convention.³⁹

ii) Denial of basic facilities to Palestinians especially access to water: - The National Water Company of Israel namely Mekorot has its control over majority of the resource of water in Israel and in the occupied Palestinian territories.⁴⁰ Israel also controls some 87% of mountain water in West Bank and carries out diversions of all of river Jordan's upstream of West Bank.⁴¹ As a consequence, the West Bank only has one fourth access to water in contrast to the nearby Israeli territory.⁴² In addition, Israel has carried out destruction of water pumps in Palestinian territories and it also denies the permits to Palestinians for creating different pumps and development of infrastructure.⁴³

³³ HRW Report at pp. 108-09; HSRC Report at pp. 205-07; The Israeli Ministry of Interior deals with planning and construction and local government, including plans for national and provincial supervision of construction, local authority elections, local government and the Knesset, taxes, beaches, daylight saving and business licensing. See MINISTRY OF INTERIOR, *available at*: https://www.gov.il/en/departments/ministry_of_interior/govil-landing-page (last accessed on March 28th, 2026)

³⁴ Amnesty Int'l Report at pp. 82, 87; HRW Report at pp. 130-31, 187-91; see also John Quigley at pp. 229-30; HRW Report at pp. 147-51.

³⁵ *Supra Note: 10*

³⁶ HRW Report at pp. 50-51, 147-49; Amnesty Int'l Report at p. 82; CERD 2012 ¶18; CERD 2020 ¶15; HSRC Report at p. 211; Michael Lynk Report at p. 12; Geoffrey at p. 77.

³⁷ Amnesty Int'l Report at pp. 82-83; HRW Report at pp. 201-02; CERD 2012 ¶18; HSRC Report at p. 211; Geoffrey at p. 77.

³⁸ *ibid*

³⁹ Amnesty Int'l Report at pp. 93-94, 260; HSRC Report at pp. 212-19.

⁴⁰ Al Mezan Report at p. 34; Al-Haq Report at pp. 82-83; HRW Report at pp. 95-98; HSRC Report at pp. 140-42; see also Mekorot, About Us, *available at*: <https://www.mekorot-int.com/about-us/> (last accessed on April 4th, 2026)

⁴¹ Mekorot, ESG Report, <https://www.mekorot-int.com/esg-report/#:~:text=As%20a%20government%20Downed%20company,the%20Company's%20entire%20value%20chain.> (last visited Mar. 2, 2025); Mekorot, Our History, *available at*: <https://www.mekorot-int.com/our-history/> (last accessed on April 13th, 2025).

⁴² Francesca Albanese Report Children ¶59; see also HRW Report at p. 98; see also Amnesty Int'l, The Occupation of Water (Nov. 29, 2017), *available at*: <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water/> (last accessed on April 14th, 2025).

⁴³ Al Mezan Report at p. 34; HRW Report at pp. 95-98; Geoffrey at pp. 93-94

Unfortunately, the water which the people of Gaza can use directly is mostly not at all fit for consumption. The zero access to clean water has led to a large number of illnesses among Palestinian children.⁴⁴ One such terrific example was recorded in Oct.2023. when females of Gaza resorted to shave their and heads of their children in order to protect them from severe infection due to lack of clean water for bathing.^{45,46}

iii) Political problems faced by Palestinians: - Palestinians have been forced not to participate in Israel's political scenario which is clearly reflected from Section 7(a) of Basic Law of Israel. The law states that any political candidate who is supporting the view stating negation of existence of Israel as a Jewish and a democratic state, will face prohibition from running for Knesset.⁴⁷ The Palestinians who are members of Knesset commonly face harassment as well as strict disciplinary actions whenever they start to advocate rights of Palestinians regarding their denial of justice. In 2016, there were three Arab lawmakers who faced suspension since they met families of those Palestinians who were killed by forces of Israel. In contrast the Jewish lawmakers never faced any such repercussions for same acts when they visited families of Jews who attacked Palestinians.⁴⁸ Due to sustained suppression, the Palestinians have only one option to express their

political expression i.e through protests . However, the government of Israel has always shown scant regard for their right to freedom of expression.

iv) Negative impact on economic and educational development of Palestinians: -

Israel has always hindered economic development in the territories of Palestine that it had occupied since 1967 leading to greater levels of poverty and unemployment. The Arabs of Palestine have been undergoing the economic crunch and are increasingly dependent on Israel and foreign aid. As per reports of 2019, in the territory of West Bank, the GDP per capita could be 44% greater if there was no occupation by Israel.⁴⁹

Lack of economic development, has resulted in negative impacts on education which has been inaccessible to Palestinians. The schooling pattern of Arabs in East Jerusalem was quite neglected as compared to Jewish system.⁵⁰ The attacks being suffered by Palestinian students at the hands of Israel's authorities as well as shutting down of schools, restricting the students as well as teachers to move and arresting students unnecessarily has its own negative consequences on right to education of Palestinian children.⁵¹

⁴⁴ *ibid*

⁴⁵ UNITED NATIONS, No end in sight to the 'war on women' in Gaza, UN: NEWS (July 18, 2024), *available* at: <https://news.un.org/en/story/2024/07/1152246> (last accessed on April 20th, 2026)

⁴⁶ Walaa Sabah, War on Gaza: Palestinian women forced to shave their heads due to water shortage, MIDDLE EAST EYE, (6 February 2024 14:32 GMT), *available* at: <https://www.middleeasteye.net/news/war-gaza-palestinian-women-forced-shave-their-heads-due-water-shortage> (last accessed on April 20th, 2026)

⁴⁷ State of Israel, Knesset, Basic Law: The Knesset – 1958; see also B'Tselem Vibrant Democracy at p. 4; HRW Report at pp. 150-51; UNESCWA at p. 32;

In 2020, the CERD expressed its concern at this law's ability to "considerably weaken the right to political participation of non-Jewish minorities." CERD 2020 ¶36.

⁴⁸ State of Israel, Political Parties Law, 5752-1992 (Hebrew), *available* at: https://www.nevo.co.il/law_html/Law01/282_001.htm (last accessed on April 20th, 2026)

⁴⁹ *ibid*

⁵⁰ In 2020, the CERD expressed its "concern[] [a]bout the disproportionately high dropout rates among Bedouin students and the significant gaps in the educational achievements between Arab students and Jewish students, as well as the shortage of classrooms and kindergartens in Bedouin neighbourhoods." CERD 2020 ¶38.

⁵¹ *ibid*

Further, Israel has been carrying out exploitation of Palestinian labour to fulfil its personal economic benefits.⁵² Palestinian labour has also been used for all sorts of unskilled menial and partially skilled positions in construction and agriculture activities.⁵³

In 2023, when war escalated between Israel and Hamas, Israel stopped the work permits for Palestinian workers which led to negative impacts on West Bank's economy. The policies of Israel due to which economy of Palestine faces impoverishment stand in violation of Article II (c) and Article II (e) of Convention of Apartheid.⁵⁴ As according to Article II (c) of Apartheid Convention there is the prohibition of measures which prevent any particular racial group to participate in cultural and economic life of a nation and also deliberately create conditions which will prevent full development of any group especially denial to Right to Education. Importantly, Article II (e) prohibits clearly exploiting the members belonging to any particular racial group for labour.⁵⁵ There is also prohibition of Palestinian Right to self-determination, by systematically targeting civil society of Palestine, their right to have political expression and advocating of Human Rights along with opposing Israel's occupation peacefully.⁵⁶ All such acts involve the acts of criminalisation of any attempt of influencing public opinion in such a way which may harm public peace or public order and publishing words of sympathy or support for a hostile

organization, its actions or objectives.⁵⁷ Such reports highlight the government of Israel's dependence on latter provision to mark an end to significant Palestinian civil society organizations and Human Rights Organizations which criticise Apartheid policies of Israel.⁵⁸

Israel has also created hinderance to movement in Palestine in the form of "Road Apartheid" system.⁵⁹ In West Bank there is presence of dual system of roads for both Jews and Arabs. Palestinians are deliberately forced to adopt long, circuitous routes for travelling between villages and towns contrary to Israeli Jews who have access to well maintained speedy roads. In an estimate by World Bank the restrictions in movement costed the economy of Palestine 2-3% of territory's GDP only.⁶⁰

v) Land expropriation: - The government of Israel has carried out expropriation of land and property belonging to Palestinians since the creation of State of Israel, the main purpose for such activities by the government being expansion of Israeli settlements illegally, thereby facilitating entry of more and more Jewish settlers to inhabit the occupied territories. Such activities are criticised even by Apartheid Convention specifically under Article II (d) of this Convention which states that a nation has absolutely no right to carry out expropriation of land or property which belongs to a particular racial group.⁶¹ There were two major legal

⁵² Michael Lynk Report ¶50(d); Richard Falk Report ¶72; Russel Tribunal on Palestine at p. 7; BADIL Working Paper No. 23 at p. 71; Al-Haq Report at pp. 139-40; HSRC Report at p. 268.

⁵³ *ibid*

⁵⁴ Becky Sullivan, Israel's War with Hamas Disrupts Palestinian Workers and Israeli Employers Alike, NPR (Nov. 4, 2023), available at: <https://www.npr.org/2023/11/04/1210588361/israel-palestinian-workers-construction-economy>. (last accessed on April 24th, 2026)

⁵⁵ *ibid*

⁵⁶ HLS IHRC Addameer Study at p. 10.

⁵⁷ *ibid*

⁵⁸ *ibid*

⁵⁹ Amnesty Int'l Report at pp. 97-8; ICJ Wall Opinion ¶¶133-4.

⁶⁰ World Bank. 'West Bank and Gaza Investment Climate Assessment' (March 2007), available at: <https://documents1.worldbank.org/curated/en/964061468339036297/pdf/404450GZ0West0Bank0restrictions01PUB LIC1.pdf>. (last accessed on April 25th, 2026)

⁶¹ Article 2, International Convention on the Elimination of All Forms of Racial Discrimination, UN General Assembly resolution 2106 (XX), International Convention on the Elimination of All

provisions due to which Israel's government was successfully able to expropriate land belonging to Palestinians. Firstly, there is Absentee's Property Law of 1950,⁶² which particularly was employed as the main legal instrument for confiscation.⁶³ The Absentee's Property Law gave definition to Absentee by stating that those Palestinians who turned citizens of Israel and were not in their usual place of residence at the time were deemed to be "present absentees".⁶⁴ All this led authorities of Israel to carry out seizure of Palestinian properties and their lands.⁶⁵ Similarly the Land Acquisition Law, 1953 gave recognition to government of Israel's acts of expropriating lands belonging to Palestinians seized and controlled by Israel's armed forces and Jewish localities between 1947-1949, thereby creating strong legal grounds, justifying continuous expropriation of lands belonging to Arabs the government of Israel.⁶⁶ A report by the Center on Housing Rights and Evictions (COHRE) and NGO BADIL Resource Centre for Palestinian Residency and Refugee Rights, highlights estimated internal displacement of 250,000 people and taking over of 4,200-5,800 km² of "abandoned" land.

Forms of Racial Discrimination, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, United Nations, *available at*: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> (last accessed on April 25th, 2026)

⁶² Absentees' Property Law, 5710-1950, 4 Laws of the State of Israel 68 (1950-51) (Isr.), *available at*: <https://www.un.org/unispal/document/auto-insert-209845/>. (last accessed on April 26th, 2026)

⁶³ Al-Mezan Report at p. 15; Al-Haq Report at pp. 101-02; HRW Report at pp. 196-97; Geoffrey Tennent at pp. 29 30; HSRC Report at p. 264.

⁶⁴ Center on Housing Rights and Evictions and BADIL Resource Center for Palestinian Residency & Refugee Rights, *Ruling Palestine* (2005), https://badil.org/phocadownloadpap/Badil_docs/publications/Ruling%20Palestine.pdf (last accessed on April 27th, 2025) at p. 41.

⁶⁵ *ibid*

vi) Denial of accessible healthcare: - The dangerous consequences of denial of essential healthcare has been highlighted particularly after the Israel-Hamas, 2023 conflict. Earlier also before 2023, the provisions of essential basic healthcare were restricted primarily due to imposition of 17 yrs. old blockade by government of Israel, due to which there were restrictions for accessing the crucial medical supplies as well as special services. The various discriminatory policies propagated by government of Israel related to healthcare in Gaza mainly contradicts Article II (c) of the Apartheid Convention.⁶⁷ Such practices prevent the process of continuous improvement in physical, mental and social wellbeing of Arab Palestinians, thereby hampering wellness promotion and fostering of healthier populations. This amounts to denial of essential Human Rights which include availability of basic healthcare facilities.⁶⁸ Even in the past particularly the data of 1986 highlights the supreme authority of Israel over healthcare facilities for Arabs living in occupied Palestinian territories.⁶⁹ There was shocking situation during COVID-19 outbreak when health workers be it men or women faced worst social stigma in the pandemic with the perception that they acted as vectors of the virus.⁷⁰ Such vulnerability to social

⁶⁶ *ibid*

⁶⁷ *Supra Note*: 61

⁶⁸ Amnesty International, "Israel/OPT: Law to ban UNRWA amounts to criminalization of humanitarian aid," Oct 29, 2024, <https://www.amnesty.org/en/latest/news/2024/10/israel-opt-law-to-ban-unrwa-amounts-to-criminalization-of-humanitarian-aid/>. (last accessed on April 29th, 2026)

⁶⁹ World Health Organization, *Right to Health: Crossing Barriers to Access Health in the Occupied Palestinian Territory* (2013). *available at*: https://www.emro.who.int/images/stories/palestine/documents/who_rth_crossing_barriers_to_access_health.pdf?ua=1 at p. 16. (last accessed on April 29th, 2026)

⁷⁰ Agosti, M., & Atria, M. (2021). *Clinical management of rape in the state of Palestine in the context of COVID-19*.

discrimination created a negative impact on the well-being especially of Arab Palestinian women.

vii) Economic and other problems: - Israel's average level expenditure on sectors of health care services in West Bank and Gaza Strip was less than \$30 USD per capita per year in contrast to its expenditure of \$350 USD per capita per year in Israel.⁷¹ The noticeable disparity towards Palestinians is a witness to the inequality that can also be assessed in terms of mortality among infants which is six-fold in comparison to Jewish population of Israel.⁷² It can be very well evaluated that such violations clearly draw attention towards the repeated inferior treatment meted out to Palestinian Arabs by the Government of Israel especially since Israel's occupation of Palestinian territories after 1967. The root cause emphasises Apartheid, which is a global evil strangulating many ethnic groups worldwide, Palestinians being one such example. Some of the Apartheid policies of Israel's government upon critical analysis fall under the category of Article II (a) and Article II (b) of Apartheid Convention.

Article II (a) of Apartheid Convention clearly states that no country may not as a mode of maintenance of racial domination of one ethnic group by another, carry out deprivation of their basic rights which are of fundamental nature including Right to Life, Liberty and Freedom from torture.⁷³ Article II (b) also states that no nation has the right to deliberately impose on any

particular racial group those living conditions which will partly or completely cause their physical destruction.⁷⁴ However, the acts of suppression of Palestinians by the authorities of Israel clearly demonstrate the continuing violations.

Basically, the torture being suffered by the Palestinian Arab civilians came into limelight especially after Oct.2023 Israel-Hamas war when atrocities suffered especially by Arab civilian population of Israel especially in occupied Palestinian territories got worldwide attention. The government of South Africa on Dec. 29th,2023 submitted an application to ICJ where it argued that actions of Israel against civilians were in violation of Genocide Convention and appealed to institute proceedings.⁷⁵ The legal elements of the crime of genocide are different from Apartheid but the facts mentioned in the legal proceedings are plainly pertinent to the "Mens Rea" mandatory to find that Israel carried out violation of Article II (b) of Convention of Apartheid.

On Jan.26th,2024 the ICJ acknowledged the strong pertaining risk, and emphasised that Israel had violated rights of Palestinian Arab residents of Gaza to have protection from Genocide and urgent methods needed to be enacted to protect their rights. The ICJ also issued order to grant these provisional measures.⁷⁶ In March 2024 another order was issued by the Court through which it recognized the deteriorating living

⁷¹ Giacaman, R. (1994). Health conditions and services in the West Bank and Gaza Strip., *available* at: <https://www.un.org/unispal/document/auto-insert-178290/> (last accessed on April 29th, 2026)

⁷² Rosenthal, F. S. (2021). A comparison of health indicators and social determinants of health between Israel and the Occupied Palestinian Territories. *Global Public Health*, 431–447. *available* at: <https://doi.org/10.1080/17441692.2020.1808037>. (last accessed on April 30th, 2026)

⁷³ Apartheid Convention Article II(a): "Denial to a member or members of a racial group or groups of

the right to life and liberty of person: (i) By murder of members of a racial group or groups; (ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment; (iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups."

⁷⁴ Apartheid Convention Article II(b): "Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part."

⁷⁵ *Supra* Note: 18

⁷⁶ *ibid*

conditions of Palestinian Arab citizens of Gaza especially due to outbreak of famine and starvation.⁷⁷

The ICC also issued arrest warrants against Prime Minister and Defence minister of Israel in view of the War crimes and Crimes against Humanity, committed under them

targeting particularly the Palestinian Arab ethnic group.⁷⁸ More importantly, it had been concluded by ICC Prosecutor that military offensive by Israel led to deaths on a large scale besides destruction in Gaza⁷⁹. He further emphasized that statements made by officials of Israel including their military personnel, excessive loss of life and injuries caused to civilians and also lack of access to basic humanitarian needs like food, water and healthcare facilities coupled with destruction of infrastructure, stood as examples of hidden agenda of government of Israel to create conditions that would lead to physical destruction and fragmentation of Palestinian Arab community clearly violating Article II (b) of Apartheid Convention.

Conclusion and Suggestions

Keeping in view the discriminations faced by Palestinian Arab civilians especially those living on occupied territories of Gaza and West Bank it is highlighted that they are subjected to forced transfers and displacements. There is also a schematic oppression based on racial grounds done in a systematic way targeting Palestinian civilians along with annexation of their lands illegally. The worst part is that there is no strong accountability for this hostile attitude of Government of Israel that has been targeting its Arab citizens. Additionally perhaps this lack of accountability along with factors like having strong support from USA, a super power and a permanent member of United Nations Security Council has always shielded Israel from many

sanctions which can be otherwise imposed on a country in case it commits War Crimes, Crimes against Humanity and Apartheid policies against its citizens.

As a part of suggestions it is important that all countries must come together and consider the problem of Apartheid very serious and create pressure on Israel on diplomatic and economic fronts to ensure that it never ever thinks of imposing any blockade of humanitarian aid especially of essential medical facilities for Arab citizens living in its occupied territories. Critical analysis points to Apartheid being the root cause of all such problems, leading to lack of equality. The onus is on the government of Israel, that must try to help in countering the problem. Israel may amend its constitution by introducing the word "Secular" instead of Jewish State in its constitution taking inspiration from India which introduced the word "Secular" in its Preamble (introductory part of Constitution of India) through 42nd Amendment of 1976. This could avoid the question of propagating Apartheid. Apart from this the first and foremost step that is to be adopted by the government of Israel is to prevent the creation of illegal settlements in those territories which belong to Palestinian Arabs. Secondly, the attitude of government of Israel towards its Palestinian Arab citizens needs to be reformed, which can also be accomplished by reducing the presence of ultra-orthodox Jewish political parties that excessively support extremism, that affects the lives of common Arab citizens in Israel's society.

It is also necessary for the countries which are a party to Genocide Convention to express their support for proceedings by ICJ and refrain from any attempt which would stop or interfere with the working of the Court or even try to discredit its important findings.⁸⁰ The ICC's role should

⁷⁷ *ibid*

⁷⁸ Situation in the State of Palestine: ICC Pre-Trial Chamber I Rejects the State of Israel's Challenges to Jurisdiction and Issues Warrants of Arrest for Benjamin Netanyahu and Yoav Gallant, Nov. 21, 2024, *available* at: <https://www.icc>

[cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges](https://www.cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges) (last accessed on May 7th, 2026)

⁷⁹ *Supra Note: 10*

⁸⁰ ANALYSIS, RISK LEVEL: CURRENT CRISIS, March 16th, 2026, Israel and the Occupied

also be promoted and it must be given permission to conduct its mandate without any intervention. All countries should come together to stop any type of impediments or intimidation against the functioning or works of ICC.⁸¹ It is necessary for Israel to give its ratification for the Rome Statute as by acceding to this statute it will finally cooperate with every investigating mechanism mandated by UN, which will systematically help to curb the menace of inequality leading to large scale Apartheid in the one of the highly sensitive global flash-points.

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Palestinian Territory, GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT, *available at*: <https://www.globalr2p.org/countries/israel-and-the-occupied-palestinian-territory/> (last accessed on May 15th, 2026)

⁸¹ *ibid*