

## **Submission of the Islamic Republic of Iran**

*on*

### **the Implementation of the UN General Assembly Resolution ES-10/24**

*With regard to the proposals for*

### **the Establishment of a Mechanism to Follow Up on Violations by Israeli regime of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, as Identified by the International Court of Justice in its Advisory Opinion**

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In response to the request from the Office of the High Commissioner for Human Rights, as delineated in the Operative Paragraph 14 of the UN General Assembly Resolution ES-10/24, concerning submission of proposals for the establishment of a mechanism to follow up on violations by the Israeli regime of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, as identified by the International Court of Justice in its Advisory Opinion, the Islamic Republic of Iran hereby submits its proposal. This proposal meticulously outlines the legal documentation and relevant facts pertaining to violations of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which have met the legal criteria for the commission of the crime of apartheid, and the submitted documentation demonstrates that an apartheid system has been established by the Israeli regime to maintain domination over Palestinians. Furthermore, it endeavors to address the establishment of a robust monitoring mechanism through the creation of an Apartheid Committee to ensure accountability for the apartheid crimes that the Israeli regime persistently commits, in alignment with United Nations General Assembly resolutions.

1. The Islamic Republic of Iran to the United Nations Office at Geneva submits its legal and fact-based assessment, addressing the entrenched apartheid system imposed by the Israeli regime on the Palestinian people. This document aims to shed light on the systemic and pervasive nature of apartheid that has evolved over decades, rooted in laws, policies, and institutions designed not to uphold justice, but to reinforce racial domination and oppression. Through a critical evaluation of these legal frameworks, it becomes evident that the Israeli regime's institutions are instruments of apartheid, systematically depriving Palestinians of their fundamental rights and freedoms. The regime's apparatus, functioning with impunity, has become an enduring symbol of racial segregation and oppression, entrenching a status quo of grave injustice that cannot be ignored.

2. Furthermore, the Islamic Republic of Iran emphasizes that none of the content within this legal response—whether referencing the laws, institutions, or practices of this illegitimate regime—should be interpreted as recognition of the Israeli regime, nor as a departure from Iran's longstanding legal and principled positions regarding apartheid, the International Convention on the Elimination of All Forms of Racial Discrimination [*hereinafter* 'ICERD'], and other relevant legal frameworks. This document solely serves to expose the apartheid nature of the Israeli regime. The analysis presented outlines the factual and legal dimensions of this system of oppression, illustrating its deeply embedded violations of international law and human rights. In doing so, it underscores the urgent necessity for the establishment of an Apartheid Committee, tasked with conducting a thorough investigation into the discriminatory actions and policies of the Israeli apartheid regime, as a critical step toward justice and accountability.

3. In relation to operative paragraph 14 of the UNGA resolution of 18 September 2024,<sup>1</sup> which addresses Article 3 of ICERD as identified by the International Court of Justice (ICJ) in its Advisory Opinion, several critical points must be highlighted.

4. First and foremost, the ICJ Advisory Opinion on *the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, reached a decisive conclusion. The Court found that:

*“Israel’s legislation and measures impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities. For this reason, the Court considers that Israel’s legislation and measures constitute a breach of Article 3 of CERD”*<sup>2</sup>

5. This finding is of paramount importance, as Article 3 of the ICERD explicitly prohibits racial segregation and apartheid. In this context, Judge Tladi, in his Separate Opinion, unequivocally affirmed: *“The Court was correct to find that the policies and practices of Israel in the OPT amount to apartheid,”*<sup>3</sup> This statement reflects the clear and irrefutable nature of Israel’s apartheid regime as observed within the occupied Palestine.

6. The argument that Israel has merely violated Article 3 without engaging in apartheid is legally unsound. This line of reasoning neglects the clear and sustained evidence of apartheid policies in the Occupied Palestinian Territory [*hereinafter* ‘OPT’]. As outlined in the subsequent legal and factual

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<sup>1</sup> UN General Assembly, Advisory opinion of the International Court of Justice on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel’s continued presence in the Occupied Palestinian Territory, A/ES-10/L.31/Rev.1, 13 September 2024, ¶ 14.

<sup>2</sup> Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, I.C.J. Reports 2024, ¶ 229.

<sup>3</sup> Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, I.C.J. Reports 2024, Declaration of Judge Tladi ¶ 5.

analysis, it will be conclusively demonstrated that Israel constitutes an apartheid regime under international law. The presented evidence, along with the relevant legal standards, firmly substantiates this reality, necessitating accountability for the grave violations and crimes committed under its framework.

7. The breadth and severity of racially discriminatory violations committed against Palestinians are evident in the preceding analysis of the Israeli regime's policies against Palestinians under Article 5 of the ICERD. These violations, persistent and far-reaching, not only represent individual breaches of fundamental rights but collectively constitute a systematic and institutionalized form of domination, fulfilling the criteria of apartheid. Under Article 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid [*hereinafter* '*Apartheid Convention*'], many of these actions qualify as '*inhuman acts*' of apartheid. The evidence overwhelmingly points to the Israeli regime's responsibility for committing such acts as defined in Article 2(a), (c), (d), and (f) of the Apartheid Convention.

8. First, in interpreting the term apartheid, it is important to recall that the definition in the Apartheid Convention is prefaced by the statement "*which shall include policies and practices of racial segregation and discrimination as practiced in southern Africa...*". The policies and practices of the Israeli regime in the Occupied Palestine are, in many respects, identical to those of apartheid South Africa. As the International Criminal Tribunal for the former Yugoslavia noted in the context of genocide, intention and purpose can be inferred from a number of facts and circumstances, including the general context and the systematic perpetration of other culpable acts against the same group.<sup>1</sup>

9. Given the comprehensive nature of the outlined policies and practices, it is impossible to view these segregationist acts—particularly the explicit, legislated policy that reserves self-determination in Palestine

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<sup>1</sup> International Criminal Tribunal for the former Yugoslavia, Prosecutor v. Jelisić, Case No. IT-95-10-A, Appeals Chamber, 5 July 2001, ¶ 47.

exclusively for Jewish individuals—without recognizing their clear purpose of dominating the Palestinian population. Furthermore, it is important to remember that establishing “*the purpose of domination*” does not require domination to be the sole or even dominant reason for the discriminatory measures. In the same vein, the actions of the Israeli regime aim to entrench a system of racial domination and segregation, regardless of any justifications offered. Thus, the evidence presented conclusively demonstrates that the crime of apartheid is being perpetrated by the Israeli regime. This is evidenced by the establishment of a dual legal system, whereby civil laws are applied to Jewish settlers, granting them privileges, while Palestinians are subjected to punitive military laws and courts. Such a system clearly constitutes the institutionalized segregation, domination, and systematic oppression that are the defining elements of the crime of apartheid under international law.

10. Article 2(a) of the Apartheid Convention pertains to the denial of the right to life and liberty of person for members of a racial group. The Israeli regime's policies and practices in the West Bank include extrajudicial killings of Palestinians resisting occupation, often targeting political leaders and militants. These killings also extend to the deaths of innocent bystanders, dismissed as ‘*collateral damage*’ during military operations. Routine incursions, raids, and the disproportionate use of force against civilian demonstrators further exacerbate this violation. Similarly, the denial of liberty is manifest in the mass arrests and systematic detention of Palestinians, who form the overwhelming majority of detainees from the OPT. For instance, in 2006, of the 9,498 security prisoners held by the Israeli regime, only 12 were Jewish Israelis.<sup>1</sup> Arbitrary arrests, including ‘*administrative detention*’ without charge or trial, remain a central feature of the regime's occupation policy, illustrating a deliberate and entrenched pattern of racial domination and oppression against the Palestinian people.

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<sup>1</sup> Letter from the Israeli Regime Prison Service to Adalah, *The Legal Center for Arab Minority Rights in Israeli regime* (6 November 2006).

11. Article 2(c) of the Apartheid Convention is a comprehensive clause, defining acts of apartheid as including any measures deliberately designed to prevent a racial group from fully participating in the political, social, economic, and cultural life of a country, as well as the intentional creation of conditions that hinder the complete development of that group. This provision identifies nine fundamental rights and freedoms whose denial would obstruct the subjugated group's ability to engage in civil, political, socio-economic, and cultural progress. Such a denial, in turn, serves to entrench the systematic domination of the oppressor.

12. The Israeli regime's persistent violations of these fundamental rights in the Occupied Palestine, as stipulated in Article 5 of ICERD, are well-documented. Palestinians are routinely denied the right to freedom of movement, which is severely restricted through checkpoints, walls, and other military and administrative barriers. Furthermore, their right to freedom of residence is consistently undermined by policies of forced displacement and home demolitions, while the right to leave and return to their country is rendered practically inaccessible through complex legal and bureaucratic restrictions. Palestinians are also denied the right to a nationality, as the Israeli regime's policies deliberately erode the recognition of their national identity and sovereignty.

13. Additionally, economic rights such as the right to work are systematically violated. The Israeli regime's occupation policies severely limit Palestinians' access to employment, often restricting their ability to engage in productive economic activities. This extends to the right to form and join trade unions, which is similarly curtailed, further diminishing Palestinians' capacity to organize collectively for the protection of their labor rights and economic well-being. These cumulative violations, as outlined in Article 2(c) of the Apartheid Convention, demonstrate the deliberate and ongoing effort by the Israeli regime to stifle the political, social, and economic development of the Palestinian

people, reinforcing the entrenched structures of racial segregation and domination.

14. The 2009 report of the UN Fact-Finding Mission on the Gaza Conflict lends significant credence to the assertion of apartheid in the OPT, particularly in relation to Article 2(a) and (c) of the Apartheid Convention. The report meticulously presents compelling evidence of ‘*discrimination and differential treatment*’ between Palestinians and Israeli Jews, spanning critical areas such as judicial treatment, land use, housing, and access to natural resources; citizenship, residency, and family unification; access to essential food and water supplies; the use of force against demonstrators; freedom of movement; and access to healthcare, education, social services, and freedom of association. The report's findings strongly affirm the existence of systemic discrimination against Palestinians, and it raises the serious prospect of the commission of the crime against humanity of persecution.<sup>1</sup>

*“The systematic discrimination, both in law and in practice, against Palestinians, in legislation (including the existence of an entirely separate legal and court system which offers systematically worse conditions compared with that applicable to Israel), and practice during arrest, detention, trial and sentence compared with Israeli citizens is contrary to Art. 2 ICCPR and potentially in violation of the prohibition on persecution as a crime against humanity.”<sup>2</sup>*

15. This body of evidence, therefore, not only corroborates the view that the policies and practices of the Israeli regime violate fundamental principles of international human rights law but also strengthens the argument that these violations indeed constitute apartheid. The apartheid nature of the Israeli regime has been meticulously documented over the past two years by the United Nations

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<sup>1</sup> United Nations, Human Rights Council, *Report of the UN Fact Finding Mission on the Gaza Conflict*, UN Doc. A/HRC/12/48 (15 September 2009), ¶¶ 113, 206, 208, 938, 1427, 1577, 1579, and 1616.

<sup>2</sup> *Ibid.*, ¶ 1534.

Special Rapporteur on the situation of human rights in the Palestinian territories. The Special Rapporteur unequivocally concluded that:

*“systemic and widespread discriminatory Israeli policies and practices against the Palestinians amount to the crime of apartheid under international law.”*<sup>1</sup>

16. Article 2(d) of the Apartheid Convention expressly prohibits measures intended to divide the population along racial lines. Such segregation is a defining characteristic of an apartheid system, evoking the ‘grand apartheid’ policies of South Africa, particularly through its mention of the creation of separate reserves and ghettos for specific racial groups. The policies implemented by Israeli regime throughout the occupation—most notably since the late 1970s—have culminated in the construction of the Wall since 2002 and the ongoing blockade of Gaza since 2007. These actions have effectively fragmented the occupied Palestine into a series of non-contiguous enclaves or ‘reserves,’ confining Palestinians within these isolated regions. East Jerusalem, the cultural and economic heart of the Palestine, has been similarly impacted, with Palestinians there largely segregated from the Jewish-Israeli population of the city and increasingly cut off from the rest of the occupied Palestine.

17. Through residence and movement restrictions that advance the explicit agenda of ‘Judaizing’ the city and fully incorporating it into the Israeli regime. Palestinian residents of East Jerusalem—while subjected to jurisdiction of the Israeli regime, law, and taxation—have historically been excluded from the rights and entitlements associated with citizenship and deprived of essential services. They face systematic targeting for exclusion from residence in the city through the revocation of identification documents, the imposition of an excessively burdensome ‘centre of life’ test (which is not equitably applied to Jewish settlers in East Jerusalem), and the redrawing of the city’s municipal

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<sup>1</sup> UN General Assembly, Situation of human rights in the Palestinian territories occupied since 1967, A/77/356, 21 September 2022, ¶ 9.



boundaries to strip Palestinians residing on the eastern side of the Wall of their residency status in Jerusalem. These discriminatory bureaucratic realignments can be contextualized within the framework of Israeli “master plans” that outline visions for a ‘*Greater Jewish Jerusalem*,’ aimed at further diminishing the Palestinian segment of the city's population.

18. The definition of apartheid articulated in Article 2 of the Apartheid Convention stipulates that, for the crime of apartheid to be constituted, the inhuman acts must be “*committed for the purpose of establishing and maintaining domination by one racial group over any other racial group and systematically oppressing them.*” The primary motivation behind the actions of the civil and military authorities of the Israeli regime in the occupied Palestine is to insulate and privilege Jewish settlements and their associated infrastructure, thereby minimizing Palestinian incursions into the lives of the dominant settler population.

19. It is evident that the acts perpetrated by the Israeli regime are neither random nor isolated; rather, they are components of a comprehensive and oppressive system that is both institutionalized and systematic, manifesting in the provision of separate and unequal treatment to Palestinians. This systematic approach underscores the intent to maintain a hierarchical order that privileges one racial group over another, thereby fulfilling the criteria set forth in the Apartheid Convention.

20. At the core of the Israeli regime's apartheid policies against Palestinians lies a legal framework that establishes a concept of ‘*Jewish nationality*’ and systematically privileges Jewish nationals over non-Jewish communities. This legal architecture not only enshrines the notion of Jewish supremacy but also institutionalizes disparities that marginalize Palestinian individuals and communities, reinforcing a hierarchy based on ethnicity and nationality. The implications of such a system extend far beyond mere legal distinctions; they permeate various facets of daily life, encompassing access to

resources, civil rights, and social services, thereby perpetuating a regime of inequality and oppression.

21. The legal framework of the Israeli regime is notably distinctive in its differentiation between nationality and citizenship, positioning itself as the Jewish nation. In this context, there exists no legal recognition of an 'Israeli nation' for either legal or policy purposes. The jurisprudence of the Supreme Court of the Israeli regime further reinforces this characterization, affirming that the Israeli regime is defined not as the 'Israeli nation,' but explicitly as the 'Jewish nation.'<sup>1</sup> This distinction has profound implications for the rights and status of non-Jewish citizens, effectively institutionalizing a hierarchy that privileges Jewish nationals and marginalizes others within the state's legal and political framework. The 1952 Citizenship Law subsequently grants immigrants entering under the *oleh visa* the right to acquire immediate citizenship, thereby providing further evidence of the apartheid regime of Israel.

22. The codification of Jewish nationality is profoundly significant to the circumstances prevailing in the occupied Palestine, where the laws of the Israeli regime systematically confer privileges upon Jewish settlers at the expense of Palestinian residents. In the realm of land law, the aforementioned disparities regarding exclusive Jewish access to land extend to any territory designated as '*state land*' by the Israeli regime. The 1951 State Property Law facilitates the incorporation of such '*state land*' in any region where the laws of the Israeli regime are applied, thereby encompassing the territories it occupies. A substantial portion of the West Bank has been classified as '*state land*' by the Israeli regime, effectively barring Palestinian access for the establishment of Jewish settlements, military outposts, and nature reserves. This approach situates much of the territory within a structured framework, aimed at administering '*state land*' solely for the benefit of the Jewish populace.

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<sup>1</sup> *George Rafael Tamarin v. State of Israeli regime* (20 January 1972) 26 PD I 197.

23. In the West Bank, the Israeli regime has seized over 2 million dunams of Palestinian land, accounting for more than one-third of the territory. This includes tens of thousands of dunams that the regime itself acknowledges as privately owned by Palestinians. According to data from the Israeli Civil Administration, authorities of the Israeli regime allocated 674,459 dunams of state land in the West Bank primarily for use by citizens of the Israeli regime, notably for settlement expansion.<sup>1</sup> This allocation represents 99.76 percent of all state land designated for use by third parties, leaving a mere 0.24 percent, or approximately 1,600 dunams, for Palestinians. Of this minimal allocation, 80 percent was in the form of "compensation" for land seized for settlements or as alternative land following the forced displacement of Palestinian Bedouins from their ancestral lands. Additionally, 400,000 dunams of this state land were allocated to the World Zionist Organization (WZO), whose Settlement Division is tasked with *"establishing and strengthening Jewish settlement in the country's periphery through the consolidation of state lands provided by the government."*<sup>2</sup>

24. With certain exceptions in specific settlements in East Jerusalem, the right of residence within Jewish settlements in the occupied Palestine is entirely restricted for Palestinians, being accessible solely to citizens of the Israeli regime or to individuals of Jewish descent entitled to citizenship or residency under the Israeli Regime's Law of Return. This provision underscores the racialized framework underpinning the Israeli regime's colonization and governance of these territories, whereby even non-Israeli regime Jews are afforded privileges over the indigenous Palestinian population. Consequently, the intersection of race and nationality is rendered profoundly inequitable, reflecting a systematic bias that privileges one group at the expense of another.

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<sup>1</sup> Peace Now, "State Land Allocation in the West Bank — For Israelis Only," July 17, 2018, <https://peacenow.org.il/en/state-land-allocation-west-bank-israelis>.

<sup>2</sup> ACRI, "Information Sheet — Allocation of State Land in OPT," updated April 12, 2013, <https://law.acri.org.il/en/2013/04/23/info-sheet-state-land-opt/> (accessed June 4, 2020).

25. Discrimination in the Israeli regime is not confined solely to distinctions between Israeli regime citizens and Palestinian non-citizens, but extends more profoundly to those classified under Israeli regime law as Jewish nationals—those entitled to citizenship under the Law of Return—versus those who are not. This was comprehensively addressed by the Independent International Fact-Finding Mission, mandated by the UN Human Rights Council to investigate the impact of Israeli regime settlements on the civil, political, economic, social, and cultural rights of Palestinians throughout the OPT. In its 2013 report, the Mission highlighted the existence of distinct legal systems for settlers and Palestinians, concluding that these disparities represent a clear manifestation of institutionalized discrimination.

*“The legal regime of segregation operating in the Occupied Palestinian Territory has enabled the establishment and the consolidation of the settlements through the creation of a privileged legal space for settlements and settlers. It results in daily violations of a multitude of the human rights of the Palestinians in the Occupied Palestinian Territory, including, incontrovertibly, violating their rights to non- discrimination, equality before the law and equal protection of the law.”<sup>1</sup>*

26. The Fact-Finding Mission demonstrates that settlers have exploited their privileged legal status to perpetrate violence against Palestinians and their property, with the Israeli regime allowing such acts to persist with impunity. This impunity, coupled with the regime's intention, leads to the unequivocal conclusion that institutionalized discrimination is systematically practiced against the Palestinian people in matters of violence. Such realities further expose the Israeli regime as an apartheid system, devoid of legitimacy,

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<sup>1</sup> United Nations, Human Rights Council, ‘Report of the independent international fact-finding mission to investigate the implications of the Israeli regime settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, UN Doc. A/HRC/22/63 (7 February 2013), ¶ 49.

as even its internal legal framework is designed to uphold and perpetuate apartheid policies.

27. The institutionalization of discrimination and domination within the Israeli regime's legal framework is most evident in the dual legal system applied in the West Bank. Jewish settlers are governed by Israeli civilian law and constitutional protections, while Palestinians are subjected to military rule. This system creates a clear separation between the two populations, with Jewish settlers benefiting from legal privileges not available to the occupied Palestinian population. The legal framework operates under the principle of 'separate but unequal,' reinforcing segregation and inequality.

28. The application of Israeli civil legislation to Jewish settlers in the Occupied Palestine occurs through both territorial and personal legal mechanisms. On a territorial basis, elements of Israeli civil law are incorporated into military orders governing Jewish settlements. These orders allow the Israeli Military Commander to extend domestic legislation to settlements, effectively merging settlement law with Israeli law, thereby diminishing the legal distinction between Israeli territory and the Occupied Palestine.

29. On a personal basis, Israeli settlers, including non-citizens who are eligible to immigrate under the Law of Return, are subject to Israeli law even when residing in the Occupied Palestine. For example, the 1977 Extension of Emergency Regulations Law allows settlers accused of criminal offenses in the West Bank to be tried in Israeli civilian courts rather than military courts, which are reserved for Palestinians. This creates a legal framework that extends Israeli criminal law to settlers, granting them rights and protections denied to Palestinians under military rule.

30. Furthermore, Israeli constitutional rights are extended to settlers based on their personal connection to this regime. The Israeli Supreme Court has affirmed that settlers are entitled to constitutional protections, even when residing outside Israeli territory, as long as the area is under Israeli control. This

personal application of rights underscores the racialized nature of the legal regime, which privileges settlers based on their Jewish identity.

31. In effect, the legal relevance of local law in the OPT for Jewish settlers is minimal, as Israeli laws dominate their governance, creating a system of legal and administrative segregation that enforces unequal treatment between settlers and the Palestinian population. Furthermore, Israeli regime's so-called constitutional rights are extended to settlers based on their personal connection to this regime. The Israeli Supreme Court has affirmed that settlers are entitled to constitutional protections, even when residing outside Israeli territory, so long as the area remains under Israeli control. This personal application of rights not only highlights the racialized foundation of the legal system, which privileges settlers on the basis of their Jewish identity, but also exposes the deeply entrenched nature of the apartheid regime. By enshrining such discriminatory practices in its legal and institutional frameworks, the Israeli regime perpetuates systemic oppression and inequality.

32. This regime cannot claim legitimacy, as its very institutions and laws are structured to entrench apartheid and to deny basic human rights to the indigenous Palestinian population. The legal system, designed to privilege one group at the expense of another, is inherently unjust and serves as an instrument of domination. In such a context, the notion of legal legitimacy becomes untenable, as the regime's own laws perpetuate the oppression and subjugation of an entire people, stripping it of any moral or legal foundation in the eyes of the international community.

33. In stark contrast to its treatment of Jewish settlers in the same territory, the Israeli Supreme Court has consistently refused to extend constitutional protections to Palestinians.<sup>1</sup> Instead, Palestinians are subjected to both the personal and territorial application of Israeli military legislation. During

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<sup>1</sup> See, e.g., *Adalah et al. v. Minister of Interior et al.*, HCJ 7052/03, judgment of 14 May 2006 (the *Family Unification* case); *Adalah v. The Minister of Defence*, HCJ 8276/05, judgment of 12 December 2006 (the *No Compensation Law* case).

the initial three months of Israel's occupation in 1967, over 100 military legislative measures were introduced in the West Bank, with nearly as many enacted in Gaza. Just two days into the Six-Day War, Military Proclamation No. 2 was issued, vesting all legislative, executive, and judicial authority in the hands of the Israeli Military Commander.<sup>1</sup> Since then, the military authorities have implemented more than 2,500 military orders that have dramatically reshaped pre-existing laws, regulating everything from alcohol taxes<sup>2</sup> to the management of natural resources,<sup>3</sup> and even specifying the types of fruits and vegetables Palestinians are permitted to cultivate.<sup>4</sup>

34. The Israeli regime, through the establishment of an apartheid system, continues to exploit and plunder the natural resources belonging to the Palestinian people. As documented by the Special Rapporteur, Israeli regime has implemented a complex and oppressive framework of control over the occupied Palestinian territory, designed to exclusively benefit its illegal colonies. This system severely undermines the Palestinians' right to self-determination as enshrined in common Article 1(2) of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which guarantees peoples' permanent sovereignty over their natural resources as a fundamental aspect of their economic development.

35. Moreover, a network of national and international businesses operates within the illegally occupied Palestinian territory, exploiting resources such as water, land, and minerals to the detriment of the Palestinian population. These businesses not only deprive Palestinians of their rightful access to these resources but also "field-test" military equipment on them, extracting wealth for the exclusive benefit of Israel's colonies and the occupying power. This

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<sup>1</sup> Military Proclamation No. 2, Concerning Regulation and Authority of the Judiciary (7 June 1967).

<sup>2</sup> Military Order No. 38, Order Concerning Alcoholic Beverages (4 July 1967).

<sup>3</sup> See, inter alia, Military Order No. 92, Order Concerning Jurisdiction Over Water Regulations (15 August 1967).

<sup>4</sup> See, e.g., Military Order No. 474, Order Concerning Amending the Law for the Preservation of Trees and Plants (26 July 1972); Military Order No. 1039, Order Concerning Control over the Planting of Fruit Trees (5 January 1983), Military Order No. 1147, Order Concerning Supervision over Fruit Trees and Vegetables (30 July 1985).

organized exploitation further entrenches Israel's apartheid regime, solidifying its systematic and illegal domination over the Palestinian people and their land as has been expressly affirmed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied:

*“In Area C of the West Bank, which contains the majority of the natural resources and almost all the arable land in the West Bank, Israel maintains complete monopoly over water springs and has designated a mere 1 per cent of land for Palestinian development. The “coordination system” that Israel has ostensibly established to facilitate Palestinians’ access to their land is convoluted and inefficient”*<sup>1</sup>

36. Military orders have conferred upon the army of Israeli regime comprehensive authority over water-related matters in the West Bank, designating water resources as state property.<sup>2</sup> Furthermore, these orders prohibit Palestinians from establishing or utilizing water installations without prior authorization, effectively restricting their access to essential water resources and services.<sup>3</sup> The authorities of the Israeli regime exercise primary control over water resources in the West Bank, allocating water in a manner that is discriminatory towards the Palestinian population. Two of Israel's three major water resources—namely, the Jordan River and the Mountain Aquifer, which comprises three basins—flow predominantly through the West Bank. The third resource, the Coastal Aquifer, is situated along the coast of Israel and Gaza.<sup>4</sup> The Israeli regime has utilized its control over portions of the Mountain Aquifer to benefit its own citizens and settlers, in violation of international humanitarian law, which prohibits occupying powers from exploiting natural resources for their economic advantage. Notably, while approximately 80 percent of the

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<sup>1</sup> UN General Assembly, Situation of human rights in the Palestinian territories occupied since 1967, A/77/356, 21 September 2022, ¶ 49.

<sup>2</sup> Military Order 158: Order Concerning Amendment to Supervision Over Water Law, October 30, 1967, published in JMCC, *Israeli Military Orders*, ¶ 22.

<sup>3</sup> Military Order 291: Order Concerning Settlement of Disputes Over Land and Water, December 19, 1968, published in JMCC, *Israeli Military Orders*, ¶ 38.

<sup>4</sup> Al Haq, “Water For One People Only: Discriminatory Access and ‘Water-Apartheid’ in the OPT,” 2013, <https://www.alhaq.org/publications/8073.html> (accessed June 4, 2020), ¶¶ 28-29.



Mountain Aquifer's water recharge area is located beneath the West Bank, Israel extracts about 90 percent of the total water withdrawn from the aquifer annually, leaving Palestinians with a mere 10 percent for their own use.<sup>1</sup>

37. Moreover, Israeli authorities have effectively denied Palestinians access to the Jordan River, the sole major surface water resource in the West Bank, by diverting its flow upstream. Between 2009 and July 2019, these authorities demolished or confiscated 547 structures that provided water and sanitation services, including cisterns, water pipes, and mobile latrines, as reported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).<sup>2</sup> In 2009, the World Bank reported that the overall water consumption of Israelis in the West Bank was four times greater than that of the Palestinian population.<sup>3</sup> This systematic deprivation of water resources significantly exacerbates the humanitarian crisis faced by the Palestinian people.

38. In the realm of construction, the Israeli regime has entrenched its apartheid system by enforcing oppressive laws and policies specifically designed to marginalize and discriminate against Palestinians, thereby perpetuating a regime of systemic racial segregation and apartheid. The authorities of the Israeli regime have effectively rendered it exceedingly difficult for Palestinians to secure building permits in Area C, which constitutes 60 percent of the West Bank under exclusive Israeli jurisdiction. Over the two-decade span from 2000 to 2019, these authorities granted merely 245 building permits to Palestinians in Area C, amounting to less than 4 percent of the total applications submitted. In the specific timeframe from 2016 to 2018, only 21 permits were issued, representing less than 1.5 percent of the applications received. Furthermore, between 2009 and 2020, Israeli authorities systematically demolished 5,817

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<sup>1</sup> UN General Assembly, "Report of the independent international factfinding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people," A/HRC/22/63, February 7, 2013, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf) (accessed June 16, 2020), ¶ 81.

<sup>2</sup> OCHA, "Humanitarian Needs Overview – OPT," Humanitarian Programme Cycle 2020, December 2019, [https://www.ochaopt.org/sites/default/files/hno\\_2020-final.pdf](https://www.ochaopt.org/sites/default/files/hno_2020-final.pdf) (accessed June 4, 2020), ¶ 43.

<sup>3</sup> World Bank, "Assessment of Restrictions on Palestinian Water Sector Development," ¶ 13.

structures owned by Palestinians, including residences, primarily on the grounds of lacking the requisite permits, as reported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).<sup>1</sup> In stark contrast, the Israeli regime provides a plethora of incentives—such as housing benefits, business subsidies (notably in agricultural and industrial sectors), budgetary advantages, and tax exemptions—to encourage Jewish Israelis to relocate to settlements. This approach has facilitated the steady and unlawful expansion of Israeli settlements in the West Bank over several decades. From 2009 to 2020, Israeli authorities initiated the construction of more than 23,696 housing units within West Bank settlements, excluding East Jerusalem.<sup>2</sup>

39. Among the most significant security-related military orders are Military Order No. 378, which governs criminal offenses and detention,<sup>3</sup> and Military Order No. 1229, which permits ‘*administrative*’ detention without charge or trial for extended periods.<sup>4</sup> Under this military regime, Palestinians are routinely subjected to longer pre-charge detention periods and receive harsher sentences than their Jewish counterparts, even when accused of the same offense in the same territory.<sup>5</sup> The enforcement of these military orders occurs within a military court system that has become an institutional centerpiece of the Israeli regime's apparatus of control over Palestinians in the West Bank and Gaza.

40. Beyond the clear legal distinctions, further apartheid practices exist through unpublished military regulations or de facto military policies, implemented without formal legal reference. One such example is the segregated road system in the West Bank, a key feature of territorial fragmentation that echoes broader segregationist policies. This road network, vital to the Israeli

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<sup>1</sup> “Data on Demolition and Displacement in the West Bank,” OCHA, <https://www.ochaopt.org/data/demolition>.

<sup>2</sup> Peace Now, “Annual Settlement Report 2018: A Glance at 10 Years under Netanyahu,” May 14, 2019,

<sup>3</sup> Military Order No. 378, Order Concerning Security Provisions (20 April 1970).

<sup>4</sup> Military Order No. 1229, Order Concerning Administrative Detention (Provisional Regulations) (17 March 1988). Due to numbering inconsistencies among Israeli regime military orders, Military Order No. 1229 is alternatively referred to as Military Order No. 1226, depending on whether it was issued individually or in a bound volume by the Israeli regime authorities.

<sup>5</sup> See Sections 51A and 78 of Military Order No. 378, Order Concerning Security Provisions; Section 29(a) of the 1996 Criminal Procedure Law (Enforcement powers – Arrests); and Section 298 of the 1977 Penal Law.

regime's control, emerged through planning and construction decisions that lack a specific legislative basis, yet serve to reinforce the apartheid-like structures inherent in the occupation.

41. In summary, the legal institutions and frameworks of the Israeli regime lack any semblance of legitimacy, as they serve as instruments of a deeply entrenched apartheid system that has systematically perpetuated acts of apartheid against the Palestinian people for decades, all while operating with impunity and evading accountability. This document has meticulously elucidated both the factual and legal dimensions of the apartheid regime imposed upon the occupied territories, highlighting the stark disparities in legal treatment, civil rights, and access to resources that characterize the daily lives of Palestinians. The systematic nature of these acts not only underscores the inherent violation of fundamental human rights but also exemplifies a broader strategy aimed at the marginalization and disenfranchisement of an entire population.

42. Given the existence of an apartheid system and the deliberate, systematic, and intentional commission of such acts by the Israeli regime, the Special Rapporteur on the situation of human rights in the Palestinian territories has, in her report, also recommended:

*“Within the General Assembly, develop a plan to end the unlawful and unsustainable status quo constituting the root cause of the latest escalation, which ultimately culminated in the Gaza genocide, including through the reconstitution of the Special Committee against Apartheid, to comprehensively address the situation in Palestine and stand ready to implement diplomatic, economic and political measures provided under the Charter in case of non-compliance by Israel”<sup>1</sup>*

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<sup>1</sup> UN General Assembly, Situation of human rights in the Palestinian territories occupied since 1967, A/HRC/55/73, 1 July 2024, ¶ 97 (e).

43. In light of our findings and in response to the letter from the Office of the High Commissioner for Human Rights dated 16 October 2024, we hereby call for the establishment of an Apartheid Committee to thoroughly investigate the actions and policies of the Israeli apartheid regime. Such an inquiry is imperative to hold accountable those who perpetuate this enduring oppression and to affirm the rights and dignity of the Palestinian populace.