



مركز الميزان لحقوق الإنسان  
Al Mezan Center for Human Rights



Al-Haq – Law in the Service of Man  
BADIL Resource Center for Palestinian Residency and Refugee Rights  
The Palestinian Center for Human Rights  
Al Mezan Centre for Human Rights  
Addameer Prisoner Support and Human Rights Association  
Civic Coalition for Palestinian Rights in Jerusalem  
Cairo Institute for Human Rights Studies  
Habitat International Coalition – Housing and Land Rights Network

## Joint Oral Intervention to the 100<sup>th</sup> Session of CERD – Review of Israel

Date: 2 December 2019

Distinguished Committee Members,

Since the Nakba of 1948, the State of Israel has instituted a series of discriminatory laws, policies, and practices that form the foundation of its institutionalised regime of racial domination and oppression over the Palestinian people. These discriminatory features arise from Israel's *raison d'État* and seek to maintain a racialized regime of dispossession, domination, and systematic fragmentation of the Palestinian people, by persistently denying the right of reparation, including consensual return to their homes, lands, and property, to Palestinian refugees and other persons displaced in the waves of ethnic cleansing carried out since the State's establishment.

### **1/ Institutionalised regime of systematic oppression and domination**

#### *Strategic fragmentation*

In 2017, the UN Economic Commission for Western Asia (ESCWA) found that Israel's strategic fragmentation of the Palestinian people constitutes the main tool through which it carries out its apartheid regime. As recognised by ESCWA, Israel has strategically fragmented the Palestinian people into four geographic, legal, and political domains, comprising:

1. Palestinian citizens of Israel, subject to Israeli civil law;
2. Palestinians in Jerusalem, subject to Israeli permanent residency law;
3. Palestinians, including refugees, subject to Israeli military law in the West Bank and Gaza; and
4. Palestinian refugees and exiles living outside territory under the State party's control, but whose right of return to their homes and property Israel continues to deny as a matter of State policy.



Israel has consolidated its apartheid regime by entrenching the fragmentation of the Palestinian people, through the persistent denial of the right of Palestinian refugees to return, the imposition of freedom of movement, residency, and access restrictions, in particular the closure of Jerusalem and Gaza, and the denial of family unification.

These policies and practices have played an essential role in ensuring that Palestinians from different areas are unable to meet, group, live together, and exercise any collective rights, in particular their right to self-determination. It is also through strategic fragmentation that Israel obfuscates the reality of its apartheid regime, a process which the international community has unwittingly played a role in normalizing.

### *Legal foundations of the State*

Israel's apartheid regime is embedded in a series of laws adopted by the State since 1948. These include laws relating to citizenship and entry, such as the 1950 Law of Return, the 1952 Citizenship Law, and the 1952 Entry into Israel Law, which enshrine a superior status of "Jewish nationality," grant every Jewish person the exclusive right to enter Israel and claim citizenship, while denying the right of Palestinian refugees and displaced persons to return to their homes, lands, and property. In addition, the dispossession of Palestinian refugees was sealed in law with the adoption of the 1950 Absentee Property Law, which continues to be used by to confiscate Palestinian property.

Contrary to the object and purpose of the Convention, the 2018 Basic Law: Nation-State of the Jewish People entrenches Israel's apartheid regime in the State's constitutional legal foundations, by stipulating that the right to self-determination in Israel is unique to the Jewish people, and establishing "Jewish settlement as a national value," thereby giving constitutional force to the expansion of illegal Israeli settlements.

### *The role of Israel's Zionist parastatal institutions*

Israeli law further authorizes the World Zionist Organization (WZO), the Jewish Agency (JA) and affiliates, to function in Israel as quasi-governmental entities, chartered to carry out material discrimination against non-Jewish persons. Israel's Zionist parastatal institutions have historically prevented the indigenous Palestinian people on both sides of the Green Line from accessing or

exercising control over their means of subsistence, by exploiting and diverting Palestinian natural resources for the benefit of Israeli-Jewish settlers.

## **2/ Maintaining Israel's Apartheid Regime**

Embedded in a system of impunity, Israel has maintained its apartheid regime by entrenching fragmentation, coupled with the creation of a coercive environment designed to drive Palestinian transfer and weaken the ability of Palestinians to effectively challenge the many facets of Israel's apartheid regime, including through mass arbitrary detention, torture and other ill-treatment sanctioned by Israeli courts, widespread collective punishment, denial of access to healthcare, and a Government-led effort to silence opposition to Israel's apartheid regime.

## **3/ Recommendations**

- We urge the Committee to recognise and declare that Israel's discriminatory laws, policies, and practices have established, and continue to maintain, an apartheid regime of systematic racial domination and oppression over the Palestinian people as a whole, using fragmentation as a main tool of racial oppression and domination, in violation of Article 3 of ICERD.
- We further urge that the Committee call on Israel to cease all measures and policies, which contribute to the fragmentation of the Palestinian people, including by reaffirming the right of return of all Palestinian refugees and displaced persons to their homes, lands, and property.
- We urge the Committee to call on Israel to cease conferring public functions of the State to its Zionist parastatal institutions, and to repeal all legislation enshrining racial discrimination, including the Jewish Nation-State Basic Law (2018), as contrary to the object and purpose of the Convention.
- We urge the Committee to demand Israel immediately cease the construction of all illegal settlements, lift the ongoing closure and blockade of Gaza with immediate effect, implement the recommendations of the 2018 UN Commission of Inquiry, and call for an end to Israel's prolonged military occupation, in accordance with the right of the Palestinian people to self-determination.



- Finally, we urge the Committee to call for justice and accountability into suspected war crimes and crimes against humanity committed against the Palestinian people, including through the opening of an investigation by the International Criminal Court into the situation in Palestine.

Ultimately, we stress that only by examining Israeli policy towards the Palestinian people as a whole can we begin to undo the political, legal, and geographic fragmentation imposed on the Palestinian people that underpins Israel’s apartheid regime.