Recognition that Israel’s Laws, Policies, and Practices Constitute Apartheid Against the Palestinian People

Recommendation

The 219th (2010) General Assembly of the Presbyterian Church (U.S.A.) recognizes that Israel’s laws, policies, and practices constitute apartheid against the Palestinian people.

- The General Assembly directs the Stated Clerk of the PC (USA) to send this overture to the United Nations, encouraging them to find that the state of Israel is committing the crime of apartheid and to take the appropriate actions. The General Assembly directs the Stated Clerk of the PC (USA) to communicate this information to the President and the Congress of the United States.
- The General Assembly urges its members, congregations, presbyteries, and national staff units, including the Office of Interfaith Relations, to study this matter and to seek appropriate ways to bring an end to Israeli apartheid.
- The General Assembly directs the General Assembly Mission Council to prepare study resources, and urges Presbyteries to provide opportunities for study and discussion to further educate church members about the Israeli occupation of Palestine.

Rationale

Although only individuals can be convicted of the crime of apartheid, Articles I and II of the of the International Convention on the Suppression and Punishment of the Crime of Apartheid ratified by the United Nations on November 30, 1973 are instructive as to what constitutes apartheid. These articles of the U.N apartheid convention are included in Appendix A of this document. The rationale for the above recommendation is that the laws, policies, and practices of the state of Israel towards Palestinians constitute the crime of apartheid as defined by the United Nations. After a short discussion of Presbyterian Church U.S.A. resolutions and positions on the Israel-Palestine conflict, this rationale section gives examples of how Israel is committing apartheid in eleven areas specifically identified by the U.N.

Presbyterian Church U.S.A. Positions on the Israel-Palestine Conflict

Since 1948 the PC (USA) has passed resolutions strongly supporting the right of Israel to exist within the internationally recognized pre-1967 borders and emphatically condemning violence against civilians by all parties. The church affirms that Israel and all nations have the right to provide security for their citizens by taking appropriate measures that are consistent with international law.

The PC (USA) has also, through resolutions, strongly supported the right of Palestine to be an independent and sovereign state within the pre-1967 borders, the right of return of refugees or a negotiated compensation, the removal of all illegal Israeli settlements in occupied Palestinian territories or a 1:1 swap of land, a shared Jerusalem, an end to Israel's military occupation of Palestinian territories, either the total removal of the Separation Wall or the removal of those portions of the Wall that are on Palestinian land, and equal rights for Palestinians who are citizens of Israel.

Presbyterian Beliefs Relevant to This Recommendation

We believe in God, Creator of the universe and of humanity. We believe in a good and just God, who equally loves each one of God’s creatures. We believe that every human has dignity that is derived from the dignity of the Almighty One. We believe that this dignity is one and the same in each and all of us.

We believe the new reality revealed in Jesus Christ is the new humanity, a new creation, and a new beginning for human life in the world in which sin is forgiven, reconciliation is accomplished, and the dividing walls of hostility are torn down.
We believe the prophetic mission of the Church is to speak the Word of God courageously, honestly and lovingly in the local context and in the midst of daily life. We believe the prophetic mission of the church is to speak the Word of God courageously, honestly and lovingly in the local context and in the midst of daily life; following the example of Jesus, the church is called to stand alongside the oppressed to help bring about justice, peace and reconciliation.

As a living Church we are called to bear witness to the goodness of God and the dignity of human beings. We are called to pray and to make our voice heard when we see injustice and oppression in the world. The communion of love says to every believer in spirit and in truth: if my brother or sister is a prisoner I am a prisoner; if his or her home is destroyed, my home is destroyed; when my brother or sister is killed, then I too am killed.

Why the PC(USA) Should Declare That Israel is Committing the Crime of Apartheid

The PC (USA) resolutions on Israel-Palestine are consistent with U.N. resolutions regarding the Israel-Palestine conflict and with international law. To date resolutions and words have had no effect on Israel’s occupation of Palestine. Nor have they changed Israel’s disregard for international law in the occupied territories.

Each year the ordeals and injustices suffered by the Palestinian people in the West Bank, Gaza, and Israel continue. Land is expropriated, homes are demolished, and freedom of movement is restricted. The combination of Israeli settlement colonies on Palestinian land, the bypass roads connecting these settlements, and the separation wall creates a network of barriers that confine Palestinians to live in separate reserves and ghettos. The rights to work, education, freedom from arbitrary arrest, peaceful assembly, and freedom of expression granted under international law are restricted or denied.

For many years many prominent political, social, and religious leaders have looked at Israeli laws, policies, and practices in occupied Palestine and have asserted that they constitute the crime of Apartheid. The PC (USA) has not been one of those voices. It is time to end our silence and give a name to injustices already condemned by many PC (USA) resolutions. In response to the urgent call from our Palestinian Christian sisters and brothers, now is the time for the PC (USA) to declare that Israel is committing the crime of apartheid against the Palestinian people.

Israel is Committing the Crime of Apartheid

Israel’s laws, polices, and practices towards Palestinian citizens of Israel and Palestinians in the occupied West Bank, Gaza, and East Jerusalem establish and maintain the domination of one ethnic group of persons over another ethnic group through systematic discrimination and oppression in violation of the U.N. International Convention on the Suppression and Punishment of the Crime of Apartheid. Israel has created a system where one ethnic group, Israeli Jewish nationals, have a superior status and another ethnic group, non-Jewish Arabs living in Palestine and Israel, have an inferior status. This overture highlights the following eleven areas in which the state of Israel is violating the International Convention on the Suppression and Punishment of the Crime of Apartheid ratified by the United Nations.

1. **Israel’s laws, policies, and practices constitute apartheid through the expropriation of landed property belonging to Palestinians** (Article II.d of the U.N. convention on Apartheid)

   Israeli laws, policies, and practices systematically distinguish, exclude, dominate, and oppress Palestinian on grounds of ethnicity. Among these laws, policies and practices are numerous acts of population transfer developed by the state of Israel to transfer, both internally and externally, Palestinians from Israel or the Occupied Palestinian Territories and prevent the return of those who have been displaced. Israel allows and funds the
construction of settlement colonies built on the expropriated land in violation of international law. The net result is that the state of Israel systematically and continually expropriates the landed property of Palestinians.

- Under the 1947 United Nations Palestine partition Resolution 181, 56% of the land area of Palestine was designated for a Jewish state and 44% for an Arab state. This resolution stipulated that the equal rights of minorities within each state must be protected. However, in the war that followed Israel’s declaration of independence in May 1948, Israel occupied 78% of the land, thereby expropriating all of the land within its military control that had been designated by the United Nations for an independent Arab state.¹
- In 1947-48, 750,000 non-Jewish residents of land designated by the U.N. for the Jewish state and an Arab state were either forcibly removed from their landed property or not allowed to return to their homes in defiance of international law.² The land was expropriated by Israel for Jewish housing, farms, roads, and businesses
- Israel passed the absentee property law in 1948 and the law of return in 1950 to expropriate land from Palestinians. Palestinians were prevented from returning to their land, and then their land was confiscated because they were absent from it.
- In June, 1967 East Jerusalem was occupied by the Israeli military. Twenty-seven square miles of East Jerusalem were annexed to Israel. More than 30% of the land in East Jerusalem has been expropriated to build new settlements where approximately 190,000 Israeli’s reside in 46,978 units of housing.³
- Between 1967 and 2009, vast areas of West Bank land have been expropriated to allow over 121 settlements and 100 outposts for Jewish residents.⁴ Nearly half a million settlers now live in the occupied West Bank, including 190,000 in East Jerusalem.⁵
- A separation wall is constructed on land in the West bank and will expropriate an additional 11.9% of Palestinian land in the West Bank when complete.
- The agricultural Jordan Valley area, about 30% of the West Bank, is now off limits to most Palestinians.
- In 1998 Ariel Sharon, Israeli Foreign Minister later to become Prime Minister made the following statements about Israeli settlement of the West Bank;⁶
  - "Everybody has to move, run and grab as many hilltops as they can to enlarge the settlements because everything we take now will stay ours"
  - "It is the duty of Israeli leaders to explain to public opinion, clearly and courageously, a certain number of facts that are forgotten with time. The first of these is that there is no Zionism, colonization, or Jewish State without the eviction of the Arabs and the expropriation of their lands."

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Palestinian land ownership or control</th>
</tr>
</thead>
<tbody>
<tr>
<td>1923¹</td>
<td>British mandate</td>
<td>97%</td>
</tr>
<tr>
<td>1947</td>
<td>U.N partition</td>
<td>44%</td>
</tr>
<tr>
<td>1948-1967</td>
<td>Israel independence</td>
<td>22%</td>
</tr>
<tr>
<td>2009⁷</td>
<td>West Bank occupation</td>
<td>13%</td>
</tr>
</tbody>
</table>

³ Palestinian loss of land 1946 to 2000

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2. **Israel’s laws, policies, and practices constitute apartheid by denying the right to freedom of residence to Palestinians in the West Bank, Gaza, and East Jerusalem.** (Article II.c of the U.N. convention on Apartheid)

   Israeli laws, policies, and practices systematically prevent Palestinians from freedom of residence through the demolition of Palestinian housing and denial of building permits for the construction of Palestinian housing. In those areas of the West Bank and East Jerusalem where Palestinian housing is destroyed or denied, homes for Jewish settlers are permitted and constructed and only Jewish people can live in the settlement colonies.

   - Between 1967 and the end of 2001, almost no Palestinian housing units were given construction permits in East Jerusalem. In that same time period, 46,978 housing units were built for Jewish settlers in East Jerusalem.\(^{10}\)
   - Since the Annapolis peace talks began in November 2007, nearly 5,500 new Jewish only settlement housing units have been submitted for approval.\(^{11}\)
   - In 1967 the population of East Jerusalem was almost entirely Palestinian. Today there approximately 190,000 Jewish settlers. Palestinians now constitute one-third of the East Jerusalem’s population.
   - Between 1999 and 2008, 688 Palestinian houses were demolished in East Jerusalem alone.\(^{12}\)
   - From June 1967 to June 2009, over 24,000 Palestinian homes have been demolished in the occupied territories.\(^{13}\)

3. **Israel’s laws, policies, and practices constitute apartheid by denying Palestinians the right to freedom of movement in the West Bank, Gaza, and East Jerusalem.** (Article II.c of the U.N. convention on Apartheid)

   Israeli laws, policies, and practices systematically deny Palestinians the right to movement. Israel uses a number of means to restrict Palestinian movement in the West Bank, which include: permanent and temporary checkpoints, physical obstructions, the Separation Wall, forbidden roads or roads with restrictions on Palestinian use, and the movement-permit regime. By implementing these means, Israel has split the occupied territories into six geographical areas: North, Center, South, the Jordan Valley and northern Dead Sea, the enclaves resulting from the Separation Barrier, and East Jerusalem, which is an integral part of the West Bank. Movement between the sections and within each section has become, in recent years, hard, slow, and sometimes impossible. Israel almost completely forbids the movement of Palestinians between the West Bank and the Gaza Strip and impedes Palestinians from entering Israel and from going abroad:

   **Checkpoints:**
   - Israel has set up over 600 checkpoints and road-blocks in the occupied West Bank. Fixed and random temporary checkpoints restrict movement between Palestinian cities and villages.\(^{14}\)
   - Checkpoints restrict Palestinian’s freedom of movement to their homes, businesses, schools, jobs, hospitals, and farms.
   - Palestinians routinely suffer indeterminate waiting, humiliating treatment, uncertainty, and denial of access at checkpoints. Often, the end result is that the army denies Palestinians the ability to cross the checkpoint.
   - These restrictions significantly affect the daily lives of Palestinians in commerce, in access to medical treatment and educational institutions, and in conducting social activities. Simple actions such as going to work in a nearby town, marketing farm produce, obtaining medical treatment, and visiting relatives entail bureaucratic procedures and great uncertainty.
   - Restrictions on the freedom of movement prevent Palestinians from practicing other rights such as those set forth in the International Covenant on Economic, Social and Cultural Rights. Among these are the right to work, peacefully assemble, health, education, protection of family life, and an adequate standard of living.\(^{15}\)
Israel's restriction on freedom of movement for non-Jewish Palestinians is discrimination based on ethnic origin since these restrictions apply only to Palestinians. Jewish residents are permitted to enter and leave settlements without restriction.

- Israel claims that checkpoints and roadblocks are needed for the security of Israel. However, since only a handful are located on the border between Israel and the West Bank, the purpose appears to be the affliction of such hardship on Palestinians to force them to leave their lands and homes and emigrate from Palestine.

Bypass roads:
- Bypass roads link settlement colonies with one another and with Israel, circumventing Palestinian built-up areas. These roads include a 50 to 75 meter-wide buffer zone, in which no construction or planting is allowed.\(^{16}\)
- Bypass roads, often constructed on expropriated Palestinian land, carve up the West Bank into isolated ghettos and often deprive Palestinians of vital agricultural land and the income from it. As of August 2008, 493 miles of bypass roads were in use.\(^{17}\)
- Bypass roads are restricted to Israelis with yellow license plates on their vehicles. Palestinian vehicles, identified by green license plates, are not allowed on these roads without a permit. Permits are difficult or impossible to obtain and expensive. These roads cut-off Palestinians from their schools, hospitals, markets, and extended families.
- Palestinian transportation is relegated to inferior secondary, sometimes unpaved roads that are, themselves, restricted by checkpoints and roadblocks.

Separation Wall
- In West Bank much of the separation wall is constructed between Palestinian homes and their farmland, businesses, schools, hospitals, and the homes of family and friends. In East Jerusalem the separation wall is constructed through the middle of a once contiguous city, much like the Berlin Wall. The barrier has brought untold hardships for hundreds of thousands of Palestinians. The suffering has been particularly acute for those who depend on agriculture for their livelihoods.
- When completed, the 722 kilometer length of the Wall will be more than twice the 315 kilometer length of the Green Line, which is the internationally recognized border separating Israel and the West Bank.\(^{18}\)
- Only Palestinian land, most of it privately owned, is being confiscated for the building of the wall. Land owned by Jews is unaffected.\(^{19}\)
- The separation wall cuts deeply into the West Bank in several locations. There is creeping confiscation of land in the areas between the Green Line and the Wall, where severe movement restrictions continue to result in the inability of Palestinian land owners to farm their land. Along this seam zone thousands of Palestinians on both sides of the barrier are being driven into poverty by restrictions on residency, lack of access to farm lands, inability to market their crops, and confiscation of land.
4. Israel’s laws, policies, and practices constitute apartheid by dividing the population along racial lines by the creation of separate reserves and ghettos for the Palestinians (Article II.d of the U.N. convention on Apartheid)

Israeli laws, policies, and practices systematically create separate reserves or ghettos for Palestinians. The settlement colonies, the bypass roads that connect them, and the Separation Wall imprison Palestinians into isolated enclaves, eviscerate the Palestinian economy, and prevent the creation of a viable, contiguous, sovereign, and independent Palestinian state. Many thousands of acres around settlements are closed to Palestinian entry.
• In the occupied territories, the combination of Israeli land expropriation, bypass roads that cannot be crossed by Palestinians, and severe curtailment of Palestinian movement has confined the Palestinian people into ever-shrinking ghettos or reserves.

• The International Court of Justice, a number of UN Human Rights treaty bodies, independent experts and the International Committee of the Red Cross have concluded that the construction of the Wall causes forced displacement and amounts to population transfer.

• The number of settlements and bypass roads increased during the Oslo peace negotiations more than at any other point in history, slicing the West Bank into countless disconnected areas reserves or ghettos in which Palestinians are confined.

5. Israel’s laws, policies, and practices constitute apartheid by denying Palestinians the right to a nationality. (Article II.c of the U.N. convention on Apartheid)

On November 29, 1947 the United Nations adopted a Partition Plan for Palestine that divided the League of Nation’s British Mandate of Palestine. It stated that “Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in Part III of this Plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948.” In this partition plan 44% of the land was allocated for an Arab state and 56% was allocated for the Jewish state. While Israel did become an independent state in 1948, the independent Arab state did not come into existence because the land designated as an independent Arab state was militarily occupied.

• Between 1948-2009 the state of Israel has systematically occupied and/or annexed all of the land within its military control that had been designated by the United Nations for an independent Palestinian state. In doing so, Israel has denied the Palestinians a right to a nationality.

• The 1952 Citizenship and Entry into Israel Law which limits eligibility for Israeli citizenship to only those Palestinian non-Jews who were present in the territory of Israel between 1948 and 1952 and their descendents. This law excludes and de facto de-nationalizes Palestinian refugees who were displaced in 1947-1948 by the Israeli military.

• In 1967 Israel annexed East Jerusalem in violation of international law.

• Between 1967-2009 Israel has controlled the rural undeveloped part of the West Bank, called Area C in the Oslo Peace agreement. Through the construction of settlement colonies, bypass roads, the separation wall, buffer zones, and the creation of land reserves, Israel has left Palestinians in control of only 13% of the land area of the British mandate of Palestine.

• Israel has failed to implement the November 22, 1967 United Nations resolution 242 requiring Israel to withdraw its forces from the West Bank and Gaza.

• In 1978 Israeli Menachem Begin signed the Camp David Accords, which stated that “the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by its inhabitants.” By not implementing this agreement to end its occupation of the West Bank and Gaza, Israel has denied the Palestinians right to a nationality.

• In Israel-Palestinian negotiations in Madrid (1991), Oslo (1993), Wye River (1998), Camp David (2000) and Annapolis (2007), Israel’s has insisted it will not implement U.N. Security Council Resolution 242 and that Palestinians must recognize certain Israeli “facts on the ground. By not implementing U.N. resolutions or peace accords regarding the Palestinians, Israel has denied Palestinians a right to a nationality since 1948.

6. Israel’s laws, policies, and practices constitute apartheid by arbitrary arrest and illegal imprisonment of Palestinians (Article II.a of the U.N. convention on Apartheid)

Israel's use of administrative detention violates international standards. Israel holds Palestinians in prolonged detention without trial and without informing them of the charges against them. While detainees may appeal the detention, neither they nor their attorneys are allowed to see the evidence.

• Administrative detention is detention without charge or trial, authorized by administrative order rather than by judicial decree. International law has placed rigid restrictions on the application of administrative detention because of the high potential for abuse. The Israeli government does not conform to international
legal standards. Israel has never defined the criteria for what constitutes "state security, and routinely detains Palestinians for political reasons or no reason.\(^{20}\)

- In 2007, Israel held a monthly average of 830 administrative detainees, which was one hundred higher than in 2006. As of October 31, 2009 there are 41 detainees under 16 and 269 detainees between the ages of 16 and 18.\(^{21}\)

7. **Israel's laws, policies, and practices constitute apartheid by denying Palestinians the right to education** (Article II.c of the U.N. convention on Apartheid)

In Israel, the 400,000 Palestinian school children are in a public school system wholly separate from the 1.2 million Jewish students. The Palestinian schools differ significantly in quality from their Jewish counterparts. Palestinian schools are often overcrowded and understaffed, poorly built, badly maintained, or simply unavailable. Schools for Palestinian children offer fewer facilities and educational opportunities than are offered other Israeli children.

- Palestinian children attend schools with larger classes and fewer teachers than do those in the Jewish school system, with some children having to travel long distances to reach the nearest school. Palestinian schools also frequently lack basic learning facilities like libraries, computers, science laboratories, and even recreation space.\(^{22}\)
- Israeli Education Ministry authorities have acknowledged that the ministry spends less per student in the Palestinian school system than in the Jewish school system. The Israeli schools also receive additional state and state-sponsored private funding for school construction and special programs through other government agencies. The gap is enormous--on every criterion measured by Israeli authorities.\(^{23}\)
- The Israeli government has acknowledged that its Palestinian education system is inferior to its Jewish education system when it reported to the United Nations Committee on the Rights of the Child in 2001 that “there is a great deal of variance in the resources allocated the education in the Palestinian versus the Jewish sector. These discrepancies are reflected in various aspects of education in the Palestinian sector, such as physical infrastructure, the average number of students per class, the number of enrichment hours, the extent of support services, and the level of education of professional staff.”\(^{24}\)
- Neglect of the physical infrastructure of the public educational system in East Jerusalem has worsened over the years until it has reached the crisis point; today, it is necessary to build thousands of additional classrooms overnight in order to accommodate the needs of residents. The situation has deteriorated even further as a result of construction of the Separation Wall in East Jerusalem.
- Thousands of Palestinian students in East Jerusalem are being denied access to free public education, although they are entitled to it by Israeli law. In East Jerusalem there is a shortage of over 1,350 classrooms.\(^{25}\)
- The Israeli High Court of Justice ruled that the Ministry of Education and the Jerusalem Municipality must build hundreds of classrooms for the Palestinian students in East Jerusalem. However, the classrooms have not been built, and the classroom shortage has steadily worsened.\(^{26}\)
- Every year the Jerusalem Municipal Education Administration rejects a large number of Palestinian children from East Jerusalem who want to register for the public education system, due to lack of space in the educational institutions. This defies the law as well as the regulations of the director general of the Ministry of Education.
- By the year 2007, only about half of the Palestinian children in East Jerusalem, about 39,400 out of about 79,000 students, were enrolled in the municipal school system.

8. **Israel's laws, policies, and practices constitute apartheid by deliberate imposition of living conditions calculated to cause the physical destruction of Palestinians in whole or in part** (Article II.b of the U.N. convention on Apartheid)

The physical well being of any people is determined in large part by their access to adequate housing, drinking water, agricultural irrigation water, food, agricultural areas, utilities, employment, education, and wastewater treatment. The laws, policies and practices of Israel systematically deprive many Palestinians adequate living conditions in some or all of the above areas. Israeli practices deliberately impose on Palestinians living
conditions calculated to make life intolerable. Israel exploits Palestinian natural water and land resources through restricting water supply to Palestinians, not investing in infrastructure for economic development, uprooting olive and fruit trees of Palestinian farmers, and preventing the freedom of commerce for Palestinian farmers and workers.

- Over one and a quarter million olive and fruit trees and thousands of acres of farmland have been destroyed in Palestinian territories since 1967. Nearly 465,000 olive trees were uprooted between 2000 and 2005.\(^{27}\)
- Since the beginning of the occupation in 1967, Israel’s strict control of the water sector in the occupied territories has prevented development to meet Palestinian water needs, and caused shortages and a water-quality crisis.\(^{28}\)
- Israel has neglected construction of infrastructure to connect the Palestinian rural population to a running water network as well as proper maintenance of existing networks. In 2008, 227,500 Palestinians in 220 towns and villages were not connected to a water network. Another 190,000 Palestinians are only partially served.\(^{29}\)
- Of the water available from West Bank aquifers, Israel uses 83%, (10 % for illegal Israeli settlers in the West Bank and 73 % residents in Israel). West Bank Palestinians use the remaining 17%.\(^{30}\)
- Israel generally restricts Palestinian’s water use to the municipal and limited commercial and industrial sectors by limiting the extraction of groundwater for agricultural irrigation purposes.\(^{31}\)
- In the West Bank, about 50 groundwater wells and more than 200 cisterns have been destroyed or isolated from their owners by construction of the separation barrier, affecting the domestic and agricultural needs of more than 122,000 people.\(^{32}\)
- The sole aquifer that provides 96% of water consumed in the Gaza Strip has become polluted and salinated due to over-extraction and penetration of untreated sewage and agricultural runoff.\(^{33}\)
- Only 7% of the water in the Gaza Strip meets World Health Organization standards.\(^{34}\)
- West Bank Palestinian water consumption is 40 liters per day less than the minimum global standards set by the World Health Organization.\(^{35}\)
- Israel has severely restricted the already limited authority of the Palestinian National Authority in the Occupied Palestinian Territory. Israel’s destruction of ministerial buildings, arrests of PNA officials and unlawful withholding of PNA tax revenues, have rendered the PNA unable to pay the full salaries of its civil servants and carry out its basic functions. These factors have weakened the PNA’s ability to uphold law and order in the OPT.
- Palestinian residents of East Jerusalem pay taxes, but receive few benefits. The municipality has failed to invest significantly in infrastructure and services (such as roads, sidewalks and water and sewage systems) in East Jerusalem’s Palestinian neighborhoods.

9. **Israel’s laws, policies, and practices constitute apartheid by denying Palestinians the right to work** (Article II.c of the U.N. convention on Apartheid)

The destruction of farming as a source of livelihood has forced more and more Palestinians to seek work outside the agricultural sector and has provided Israeli employers with a cheap and vulnerable labor pool. Israeli employers of Palestinian workers in the West Bank directly benefit from employing people under conditions of occupation. Restrictions on Palestinian movement limit the workers' employment choices. Workers must get permits to work in Israel and these permits can have severe restrictions, be rescinded, or be denied. Dependency on permits makes organizing almost impossible.

- Because Palestinian workers are effectively prevented from changing employers, organizing, or suing for their rights, there is great potential for exploitative employment.\(^{36}\)
- Palestinian workers have no effective legal redress, and labor laws are not enforced.
- Reports document companies in the Israeli industrial zones that have paid sub-standard wages, forced Palestinians to work overtime for no pay, employed workers in hazardous conditions, or denied them of adequate social benefits.\(^{37}\)
- 30% of West Bank Palestinians are out of work, and average earnings in the territory are little more than half Israel's minimum wage.
10. Israel’s laws, policies, and practices constitute apartheid by enacting legislative and other measures calculated to prevent Palestinians from participation in the political, social, economic and cultural life of the country (Article II.c of the U.N. convention on Apartheid)

Israeli laws, policies, and practices systematically take actions to prevent Palestinians from participating in the political, social, economic, and cultural life of their country. The expropriation of Palestinian land, restrictions on the freedom of movement and residence, confining Palestinians to ghettos, arbitrary arrest and imprisonment of Palestinians, the restriction or denial of Palestinian rights to work, education, peaceful assembly, and religious practices are all part of Israeli measures calculated to prevent Palestinians from full participation in the economic, environmental, and social life of their country. This discriminatory system benefits Israeli Jews and causes irreparable harm to non-Jews both in Israel itself and in the occupied Palestinian territories.

In May 2009, The Human Sciences Research Council of South Africa analyzed Israeli practices towards the Palestinians and concluded that Israel practices the following "three pillars" of apartheid in the occupied territories. These Israeli practices are calculated to prevent Palestinians from participation in the political, social, and cultural life of their country.

- Israeli laws and policies establish Jewish identity for purposes of law and afford a preferential legal status and material benefits to Jewish people over non-Jewish people.
- Israel’s policies and practices fragment the Occupied Palestinian territories and ensure that Palestinians remain confined to the reserves designated for them while Israeli Jews are prohibited from entering those reserves but enjoy freedom of movement throughout much of the Palestinian territory. This policy is evidenced by Israel's extensive appropriation of Palestinian land, which continues to shrink the territorial space available to Palestinians; the hermetic closure and isolation of the Gaza Strip from the rest of the Occupied Palestinian Territories, the deliberate severing of East Jerusalem from the rest of the West Bank; and the appropriation and construction policies serving to carve up the West Bank into an intricate and well-serviced network of connected settlements for Jewish-Israelis and an archipelago of besieged and non-contiguous enclaves for Palestinians.
- Israel invokes the need for “security” to impose sweeping restrictions on Palestinian rights to freedom of opinion, expression, assembly, association and movement. The true underlying intent is to suppress dissent to its system of domination and maintain control over Palestinians as a group.

11. Israel’s laws, policies, and practices constitute apartheid by inflicting serious bodily or mental harm and inhuman or degrading treatment on Palestinians. (Article II.a of the U.N. convention on Apartheid)

The previous ten examples of Israeli apartheid portray many ways in which Israeli laws, policies, and practices result in degrading treatment of Palestinians. In the West Bank there are also many examples where Israel inflicts serious bodily or mental harm on Palestinians. However, the most egregious commitment of this crime took place during the December 2008 – January 2009 war on Palestinians in Gaza. Since 2007 Israel has laid siege to Gaza, depriving the Gaza strip of food, purified water, medicines, building supplies and most other necessities, and creating what the Israeli human rights organization B’Tselem calls “the largest out-door prison in the world.” During the Gaza invasion, Israel attacked Gaza with F-16 fighter-bombers, Apache helicopter gunships, phosphorous bombs, tanks, armored D-9 Caterpillar tractors, and ground troops. The statistics are telling:

- 1,400 Palestinians killed, including at least 850 civilians, 350 children, and 110 women; over 5,000 wounded.
- 14 Israelis killed, including 4 civilians; 330 wounded.
- over 4000 homes destroyed, over 40,000 damaged
- 215 factories and 700 private businesses destroyed or seriously damaged
- 15 hospitals and 43 primary health care centers destroyed or damaged;
- 28 government buildings and 60 police stations destroyed or damaged;
- 30 mosques destroyed, 28 damaged;
- 10 schools destroyed, 168 damaged;
- three universities /colleges destroyed; 14 damaged;
- 53 United Nations properties damaged along with the food and medicines warehoused within them.
• Much of the economic infrastructure (power generators, water and sewage treatment plants, roads and farmland) was also destroyed or damaged.
• This invasion demonstrates Israel’s vastly disproportionate use of force against Palestinians resulting in the unnecessary infliction of serious bodily or mental harm on the Palestinian people and the creation of living conditions that are inhuman and degrading to the Palestinian people.
Appendix A

International Convention on the Suppression and Punishment of the Crime of Apartheid

Adopted and opened for signature, ratification by General Assembly resolution 3068 (XXVIII) of 30 November 1973, *entry into force* 18 July 1976, in accordance with article XV

The States Parties to the present Convention, have agreed as follows:

**Article I**

1. The States Parties to the present Convention declare that apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.

2. The States Parties to the present Convention declare criminal those organizations, institutions and individuals committing the crime of apartheid.

**Article II**

For the purpose of the present Convention, the term "the crime of apartheid", which shall include similar policies and practices of racial segregation and discrimination as practiced in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

a. Denial to a member or members of a racial group or groups of the right to life and liberty of person:
   1. By murder of members of a racial group or groups;
   2. 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.
   3. By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;

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;

c. Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;

d. Any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;

e. Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

f. Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

http://www.icc-cpi.int/NR/rdonlyres/6C2AB560-3E9D-401D-ACD8-A6F7C3AA7F6E/248661/372818.PDF
End Notes

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10 Steadfast Hope, the Palestinian Search for Just Peace, Israel-Palestine mission network of the PC (USA), p 29.
11 Steadfast Hope, the Palestinian Search for Just Peace, Israel-Palestine mission network of the PC (USA), p 29.
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14 Steadfast Hope, the Palestinian Search for Just Peace, Israel-Palestine mission network of the PC (USA), p 29.
16 Steadfast Hope, the Palestinian Search for Just Peace, Israel-Palestine mission network of the PC (USA), p 29.
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18 Al Haq, (affiliate of the International Commission of Jurists)
20 B’Tselem administrative detention http://www.btselem.org/English/Administrative_Detention/
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28 Watershed: The Role of Fresh Water in the Israeli-Palestinian Conflict” International Develop Research Center, 1995
35 Watershed: The Role of Fresh Water in the Israeli-Palestinian Conflict” International Develop Research Center, 1995
36 Kav LaOved, a nonprofit protecting the workers rights in Israel and by Israelis
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38 Steadfast Hope, the Palestinian Search for Just Peace, Israel-Palestine mission network of the PC (USA), p 29.