**Title**: Investigating Israel’s apartheid against the Palestinian people: towards the implementation of UNGA Resolution 77/205

**To**: UN Secretary General Antonio Guterrez,

Submission for the preparation of the report of the UN Secretary-General pursuant to the UNGA Resolution 77/205

**From**: Palestinian Civil Society organizations and coalitions

**I**.

The Durban Declaration and Programme of Action (DDPA) remains a useful conceptual framework to combat racism and racial discrimination, including their manifestations in the form of colonialism and apartheid. In the subsection on victims, the Durban Declaration identifies a number of explicitly named vulnerable groups and victims, including the Palestinian people. Nevertheless, the DDPA’s conceptual framework and principles were not applied to this group of victims. The DDPA does not mention racism and racial discrimination as a source or root cause of the plight of the Palestinian people, and beyond rhetorical calls for the resumption of Israeli-Palestinian “peace talks,” it makes [no recommendation](https://bdsmovement.net/files/English-BNC_Position_Paper-Durban_Review.pdf) to states on how to respond to Israel’s system of military occupation, settler-colonialism and apartheid against Indigenous Palestinians, or even how to end their complicity in maintaining that system.

On the contrary, civil society, during the NGO Forum of the World Conference Against Racism, which was held in Durban and attended by representatives of close to 3,000 NGOs from all continents, recognized that Israel is guilty of the crime against humanity of apartheid in its[NGO Forum Declaration and Programme of Action](https://academic.udayton.edu/race/06hrights/WCAR2001/NGOFORUM/index.htm). The Forum declared that the Palestinian people endures a colonialist, discriminatory military occupation that violates its fundamental and inalienable right of self-determination and amounts to “Israel’s brand of apartheid.”

Since then, Palestinian, Israeli and international human rights organizations, as well as UN human rights mechanisms and a growing number of UN Member States, have recognized the Palestinian people as a victim of the crime against humanity of apartheid and called for action by the international community - in particular for the UN to fulfill its obligations to uphold international law and human rights.

Below we outline the relevant advances regarding the application of the conceptual framework of the DDPA to the Palestinian people and recommend incorporating these in the UNSG report with the aim of advancing a more effective and consistent implementation of the DDPA through the Durban follow-up process also for the Palestinian people.

**II**.

In January 2023, the Palestine Liberation Organization (PLO), the sole legitimate representative of the Palestinian people, with the Palestinian Ministry of Justice, joined by the BDS movement, the Palestinian NGO Network (PNGO), and the Palestinian Human Rights Organizations Council (PHROC), issued a [historic call](http://www.plo.ps/en/article/211/) for building of a global anti-apartheid front to dismantle [Israel’s regime of settler-colonialism and apartheid](https://www.alhaq.org/advocacy/20931.html).

This is a milestone in the decades of Palestinian grassroots and civil society efforts calling for the recognition of Israel as an apartheid regime and for the international community to impose countermeasures to end this crime against humanity. Palestinians have led popular struggles as well as engaged in advocacy efforts at various institutional levels to arrive at this point where the recognition of Israel as an apartheid state and demands for accountability measures have become much more mainstream. This [website](https://antiapartheidmovement.net/) captures the highlights of the Palestinian anti-apartheid movement as well as the latest developments at the popular and [institutional levels](https://www.alhaq.org/advocacy/17049.html).

Due to these efforts, there is a growing international consensus on the fact that Israel imposes a regime of systematic racial domination, segregation and oppression that privileges Jewish Israelis over the entire Indigenous Palestinian people. In April 2021, [Human Rights Watch](https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution) issued a report which concluded that Israeli laws and policies directed at Palestinians amount to a system of apartheid in present-day Israel and the OPT. In February 2022, [Amnesty International](https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/) published its in-depth report detailing how Israel enforces a system of oppression and domination against all Palestinians, including refugees, and that it must be held accountable for committing the crime against humanity of apartheid. Among others, it recommended activating UN mechanisms and called on states to end military ties with Israel. Together, these reports provide irrefutable grounds for states and international bodies, foremost the United Nations, to engage with Israel’s 21-century-apartheid and enforce countermeasures to dismantle it.

Israeli human rights organizations and legal experts have arrived at the same conclusion. In July 2020, Israeli human rights organization [Yesh Din](https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/) concluded that Israel is imposing apartheid on Palestinians. In January 2021, [B’Tselem](https://www.btselem.org/publications/fulltext/202101_this_is_apartheid) published a damning report titled, “A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid.” Most recently, [Israeli legal experts](https://www.google.com/url?q=https://www.lawprofsforum.org/post/implications-of-the-agreement-subordinating-the-civil-administration-to-the-additional-minister-24&sa=D&source=docs&ust=1681135791766448&usg=AOvVaw3zKcr_lyiAf1Ll9zn7jKJc) have published a position paper affirming that Israel practices apartheid in the occupied Palestinian territory.

Palestinian human rights advocacy groups and experts have for decades presented irrefutable evidence that Israel’s regime against Indigenous Palestinians is one of settler-colonialism and apartheid. The most [recent authoritative Palestinian report](https://www.alhaq.org/advocacy/20931.html) in this respect was issued by Al-Haq and other Palestinian human rights organizations in November 2022.

Along with these human rights organizations and experts, several former and current UN officials and committees have addressed Israeli apartheid in their reports. UN Special Rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967, including [John Dugard](https://digitallibrary.un.org/record/593075?ln=en), [Richard Falk](https://opensiuc.lib.siu.edu/ps_pubs/9/), [Michael Lynk](https://www.ohchr.org/en/press-releases/2022/03/israels-55-year-occupation-palestinian-territory-apartheid-un-human-rights) and the current SR [Francesca Albanese](https://reliefweb.int/report/occupied-palestinian-territory/report-special-rapporteur-situation-human-rights-palestinian-territories-occupied-1967-francesca-albanese-a77356-enar), have all identified Israel’s apartheid based on their analyses and have called for measures to put an end to it. Former UN Secretary General [Ban Ki-moon](https://www.ft.com/content/c1210a21-0209-4c4b-8cb3-cfa31c3fdee0) has called for a new approach towards addressing Palestine-Israel, stating that the regime imposed by Israel against Palestinians constitutes apartheid, and the international community has to address the consequences of this.

In 2018, Palestine submitted to the UN Committee on the Elimination of Racial Discrimination (CERD) an [interstate complaint](https://www.ejiltalk.org/breaking-new-ground-again-the-cerd-committees-decision-on-admissibility-in-palestine-v-israel/) against Israel for racial discrimination. The complaint was admitted; five years on, it is still being handled by CERD as the first of its kind. The UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, after completion of its [2022 field mission](https://www.ohchr.org/en/countries/palestine/special-committee-reports) concluded: “The Special Committee is cognizant that many stakeholders consider that this practice amounts to apartheid. This concern must be given serious consideration by the international community, for it owes obligations erga omnes to prevent and end the most serious crimes under international law.”

The United Nations resolution [A/HRC/RES/S-30/1](https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index) resolution to establish an independent Commission of Inquiry on human rights violations in the OPT, including East Jerusalem, and Israel (COI) recognizes racism and racial discrimination among the root causes of the plight of the Palestinian people and explicitly tasks the COI to “investigate [...] systematic discrimination and repression based on national, ethnic, racial or religious identity.” In its first report, the COI [recognizes](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F21&Language=E&DeviceType=Desktop&LangRequested=False) the applicability of the Convention against Apartheid within the framework of investigation of the different layers of human rights violations committed by Israel against the Palestinian people.

A growing number of diplomats, states and state representatives have taken steps in conformity with the third-state obligations to cooperate to end Israel’s system of apartheid, and to neither recognize as lawful nor aid or assist in the maintenance of the illegal situation resulting from this crime against humanity . In February 2023, for instance, the mayor of Barcelona [suspended institutional relations with Israel and a twinning agreement](https://apnews.com/article/politics-israel-government-spain-palestinian-territories-benjamin-netanyahu-02dda857fb64c7127f39e7ef8e81d48a) with Tel Aviv over Israel’s crime of apartheid against Palestinians. In 2020, 10 ex-Presidents and hundreds of current and former parliamentarians from Asia, Africa and Latin America [called for](https://globalsouthforpalestine.org/) “activation of the UN Special Committee on Apartheid to address Israel’s regime over the indigenous people of Palestine.” During UNGA77, six states [acknowledged](https://antiapartheidmovement.net/home-slider/view/acknowledging-israels-apartheid-during-unga-77/10) Israel’s apartheid in their addresses. Leading among them is South Africa whose foreign minister, [Naledi Pandor](https://www.aljazeera.com/news/2022/7/26/south-africa-calls-for-israels-proscription-as-apartheid-state), and many political and civil society leaders such as the late Archbishop Desmond Tutu, Ronnie Kasrils (former minister in the government of Nelson Mandela), Mandla Mandela, the late Archbishop Desmond Tutu, Rev Frank Chikane and many more veterans of the South African anti-apartheid struggle have been calling for international measures against Israel’s apartheid similar to those applied in the past to dismantle apartheid in South Africa.

The global consensus is increasingly clear -- Israel is committing the crime of apartheid against the Palestinian people and it must be held accountable for it. What stands in the way is the ongoing complicity of Western states that enable, fund and arm Israel’s apartheid regime and undermine any effort at international accountability just as leading Western states had done with the apartheid regime in South Africa. They inhibit and crush formidable initiatives to uphold international law and end systemic racism and oppression, in essence inhibiting a robust implementation of the Durban Declaration and Programme of Action.

**III**.

**Recommendations to the Secretary General**:

1. Acknowledge in your report that the international human rights community and relevant UN human rights mechanisms have comprehensively documented and analyzed that systematic racism and racial discrimination amounting to the crime of apartheid is a root cause and source of the multi-layered IHL and human rights violations perpetrated by Israel against the Palestinian people.
2. Draw attention to the need to combat the crime of apartheid as manifest in the 21st century, wherever it is perpetrated.
3. Confirm that effective implementation of the Durban Declaration and Programme of Action must include - and remains incomplete if it fails to address – the system of apartheid that oppresses the Palestinian people.
4. Call for the enhancement of the Durban follow-up mechanism through monitoring of Israel’s 21st century apartheid and promoting international accountability measures to ensure respect of international law and the human rights of the Palestinian people.

**Signatories:**

**The Palestinian Boycott, Divestment and Sanctions (BDS) National Committee** - [BNC](https://bdsmovement.net/bnc) representing:: General Union of Palestinian Workers; Palestinian Union of Postal, IT & Telecommunications Workers; Palestinian Trade Union Coalition for BDS (PTUC-BDS); Palestinian NGO Network (PNGO); Palestinian National Institute for NGOs; Federation of Indep. Trade Unions; Global Palestine Right of Return Coalition; Palestinian Bar Association; Palestinian Medical Association; Occupied Palestine and Syrian Golan Heights Initiative (OPGAI); Gen. Union of Palestinian Teachers; Palestinian Federation of Unions of University Professors and Employees (PFUUPE); General Union of Palestinian Women; General Union of Palestinian Writers; Union of Palestinian Farmers; Grassroots Palestinian Anti-Apartheid Wall Campaign (STW); Palestinian Campaign for the Academic & Cultural Boycott of Israel (PACBI); Popular Struggle Coordination Committee (PSCC); Palestinian Federation of New Unions; Civic Coalition for the Defense of Palestinian Rights in Jerusalem; Coalition for Jerusalem; National Committee to Commemorate the Nakba; Union of Public Employees in Palestine-Civil Sector; General Union of Palestinian Peasants; Union of Palestinian Charitable Organizations; Union of Professional Associations; Women Campaign to Boycott Israeli Products; Palestinian Economic Monitor; Union of Youth Activity Centers- Palestine Refugee Camps; Agricultural Cooperatives Union; National Committee for Grassroots Resistance

**The Palestinian Initiative for the Promotion of Global Dialogue and Democracy** – [MIFTAH](http://www.miftah.org/)

**The Palestine Institute for Public Diplomacy** - [PIPD](https://www.thepipd.com/)

[**Bisan**](https://www.bisan.org/) **Center for Research and Development**

**Al-Quds University Community Action Center** - [CAC](https://cac.alquds.edu/en/)

**Union of Agriculture Work Committee** - [UAWC](https://www.uawc-pal.org/index.php?&amp;lang=en)

**The Palestinian Human Rights Organizations Council -** PHROC - compromising of:

* [Al-Haq Organizatio](https://www.alhaq.org/)n - Law in the Service of Mankind
* [Al Mezan Center for Human Rights](https://www.mezan.org/ar)
* [Palestinian Centre for Human Rights](https://pchrgaza.org/en/)
* [Addameer Prisoner Support and Human Rights Association](https://www.addameer.org/)
* Defense for Children International - Palestine - [DCI-P](https://www.dci-palestine.org/)
* [Jerusalem Legal Aid and Human Rights Center](https://www.jlac.ps/en)
* Ramallah Center for Human Rights Studies
* [Hurryyat](https://hurryyat.net/) - Center for Defense of Liberties and Civil Rights