

BADIL Resource Center for Palestinian Residency and Refugee Rights

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03 January 2022

To the attention of Mr. Michael Lynk, Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967,

BADIL Resource Center for Palestinian Residency and Refugee Rights presents the following written submission focusing on Israeli apartheid on both sides of the Green Line, as BADIL has proven in its research that the Israeli apartheid system is not restricted to one side of the Green Line. Israeli apartheid operates as an exhaustive system applied on all of Mandatory Palestine and against all Palestinians for the same purpose: acquiring the maximum amount of land with the minimum number of Palestinians, and therefore must be considered as such.

The crime of apartheid under the International Convention on the Suppression and Punishment of the Crime of Apartheid and Rome Statute encompasses three primary elements: an intent to maintain a system of domination by one racial group over another; systematic oppression by one racial group over another; and one or more inhumane acts, carried out on a widespread or systematic basis pursuant to those policies. For Israel, its application of an apartheid system on both sides of the Green Line manifests in segregation, fragmentation, and isolation.

The three tools refer to a whole range of laws, regulations, policies, and practices that create a distinction between Israeli-Jews and Palestinians, with the former as the superior group and the latter as the inferior group. Demonstrated by concrete examples on both sides of the Green Line, segregation, fragmentation, and isolation therein operate by splintering the Palestinian people geographically and politically into different legal categories with different administrative methods used to control Palestinian populations based on where they live. Israel mobilizes these tools confine, concentrate, separate, and disconnect Palestinians communities of one particular area from another, all of which relate to apartheid by dividing populations along racial lines on multiple levels, including legal, physical, socio-economic and cultural.

One of the prime means by which these tools are utilized to further apartheid is through transportation systems. Israel has intentionally transformed transportation infrastructure into assets that create dual-spatial configurations through networks that run entirely along racial lines.¹ Importantly, control of the transportation routes is at the heart of Israel's strategy to cut ties among the Palestinian people and to reduce economic potential. In order for the apartheid regime to control and appropriate the road network, Israel expropriates Palestinian lands to create routes that favor Israeli-Jewish colonizers and advance the Israeli colonial enterprise which in turn encircles and fragments Palestinian cities and communities.

¹ BADIL Resource Center, *Forced Population Transfer: The Case of Palestine - Segregation, Fragmentation, and Isolation*, working paper no. 23 (Bethlehem: BADIL, 2020), available at: https://www.badil.org/cached_uploads/view/2021/04/19/wp23-sfi-1618823935.pdf.

Palestinian cities are not only becoming increasingly disconnected from the rest of Mandatory Palestine, but are also facing internal disconnection between different urban areas and villages within the governorates themselves – a result that directly corresponds to the Israeli imposed system of bypass roads and a fractured public transport system on both sides of the Green Line. Simultaneously, Israel targets Palestinian transportation networks in Palestinian cities through several mechanisms, including the diversion of major thoroughfares, cessation of public transport networks, appropriation and control of pre-existing road facilities, and checkpoints. All of this is combined with large swathes of Palestinian land and communities subjected to the Israeli process of *de facto* and *de jure* annexation.² This has transformed Palestinian cities in the occupied Palestinian territory into increasingly strangled, isolated enclaves, besieged by Israeli colonies and surrounded by superior transportation infrastructure established exclusively for Israeli-Jewish colonizers.

In 1948 Palestine, Israel manages to confine, concentrate and disconnect Palestinian communities from their surroundings, completing the broader system of cities' fragmentation and segregation. Since Israel has a stranglehold on urban planning and transportation decision-making, its policies of segregation, fragmentation, and isolation are enacted in a subtle and largely inconspicuous way, rather than through explicit targeting of Palestinian communities. Cities' structural maps and the permission or prevention of building play a primary role in either creating successful cities or poor and marginalized ones. These structural maps are designed according to Israeli-Jewish priorities and are at odds with Palestinian needs. Consequently, Israel deprives Palestinian communities of public transport options both within the city and local areas, as well as direct and regular connections between key Palestinian centers. This control and manipulation of road planning and transportation decision-making serves the purpose of *de facto* development of the Palestinian communities.

Conclusively, the three tools of segregation, fragmentation, and isolation and their consequent restrictions imposed on Palestinians living across the Green Line amount to the level of deliberate measures calculated to prevent their participation in the political, social, economic, and cultural life and create conditions preventing their full development by denying them their basic human rights,³ which expose that Israel is practicing apartheid over the Palestinian people.

As a peremptory norm of international law, the prohibition of apartheid requires states to adhere to their obligations of non-assistance and non-recognition under Article 41 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts.

Accordingly, BADIL calls the UN and International Community to:

- Strategically and systematically mobilize UN Human Rights bodies and mechanisms to recognize and to declare that Israel's policies and practices create an institutionalized regime of racial

² BADIL Resource Center, *Israeli Annexation: The Case of Etzion Colonial Bloc*, in-focus research, (Bethlehem: BADIL, 2019), available at: https://www.badil.org/cached_uploads/view/2021/04/20/etzionbloc-israeliannexation-1618907810.pdf

³ United Nations General Assembly, International Convention on the Suppression and Punishment of the Crime of Apartheid, 1015 UNTS 243, 30 November 1973.

domination and oppression over the Palestinian people as a whole, which amounts to the crime of apartheid under various international definitions of Apartheid.

- Pressure third states to abstain from acknowledging and supporting situations of fragmentation, segregation, and isolation created by Israel which not only violate the Palestinian people's internationally recognized right to self-determination, but also constitute one of the pillars of Israel's apartheid regime over the whole of Mandatory Palestine.
- Prompt the international community to take all measures available within international law, including sanctions, to hold Israel accountable for its policies and practices of apartheid and demand Israel to cease all measures and policies that contribute to the fragmentation of the Palestinian people and repeal all legislation enshrining racial discrimination, domination, and oppression.
- Utilize all available legal mechanisms that obligate third states to cut all investment ties with companies listed on the UN database of business enterprises involved in activities relating to settlements in OPT and to refrain from supporting and/or investing in infrastructure and services, particularly transportation, that reinforce the apartheid situation of fragmentation, segregation and isolation of the Palestinian people from and within their territory.

BADIL remains at the disposal of the Special Rapporteur for any interactive discussion on the above presented opinion. For more information, BADIL attaches its research paper on one of the pillars of apartheid: [the policies and practices of segregation, fragmentation, and isolation](#).
