Does it amount to apartheid?

The case rests on how the system works over time. Who can move, where people can build, and which laws and authorities govern them?

The legal test

Under the Rome Statute, apartheid involves inhumane acts in a system of systematic oppression and domination by one racial group over another, carried out with intent to maintain that system. [8]

What rights organisations found

Human Rights Watch, Amnesty International and the Israeli organisation B’Tselem concluded that Israeli authorities practise apartheid against Palestinians. Their analyses differ in scope. Human Rights Watch found that the elements of the crime came together in the occupied territory, including East Jerusalem. [9] [10] [11]

What the World Court found

In July 2024 the International Court of Justice (ICJ) found that Israel’s measures maintained near-complete separation between settlers and Palestinians in the West Bank and East Jerusalem, breaching Article 3 of the racial discrimination convention. Article 3 prohibits racial segregation and apartheid. The Court’s majority did not specify which of the two applied. Israel rejected the advisory opinion and argued for a negotiated settlement. [6] [14]

A separate case on Gaza

In South Africa v Israel, the ICJ issued binding interim measures under the Genocide Convention in 2024. The case is pending. The interim orders made no finding on whether genocide had occurred. [12]

LEGAL FINDINGS AND HUMAN RIGHTS REPORTS

Read the evidence

01 Mandate-era land records, 1945 (UN, pp. 43–44)

02 UN partition plan and original map, 1947

03 UN history of the question of Palestine

04 UN Resolution 194, paragraph 11

05 ICJ opinion on the barrier, 2004

06 ICJ opinion on the occupation, 2024 (§§ 223–229, 285)

07 UN OCHA OPT access map and obstacle counts

08 Rome Statute, Article 7

09 Human Rights Watch, 2021

10 Amnesty International, 2022

11 B’Tselem, 2021

12 ICJ case record, South Africa v Israel

13 Australia’s recognition of Palestine, 2025

14 Reuters on Israel’s response to the ICJ opinion

15 Israel’s Basic Laws, including the Knesset and Nation-State laws

16 UN OCHA OPT access factsheet, April 2026

17 UN backgrounder on Palestinian refugees

UN partition **ICJ opinion** **UN access map**

What this means in Australia

Australia formally recognised the State of Palestine on 21 September 2025. The ICJ says states must not recognise as lawful, or aid in maintaining, the situation created by Israel’s unlawful presence in the occupied territory. [6] [13]

Ask your federal MP

What steps is Australia taking to support Palestinian self-determination and to distinguish between Israel and the occupied territory in its dealings?

Independent rewrite informed by APAN’s Disappearing Palestine (June 2025).

SOURCE TITLES IN THE PDF ARE CLICKABLE

Palestine under occupation

Land, movement and the evidence for apartheid

This leaflet examines Israeli government and state policies and their effects on Palestinians. It rejects antisemitism and collective blame of Jewish people or Israelis.

Three maps trace a proposed partition, the territorial outcome of the 1948 war, and the restrictions Palestinians face in the West Bank.

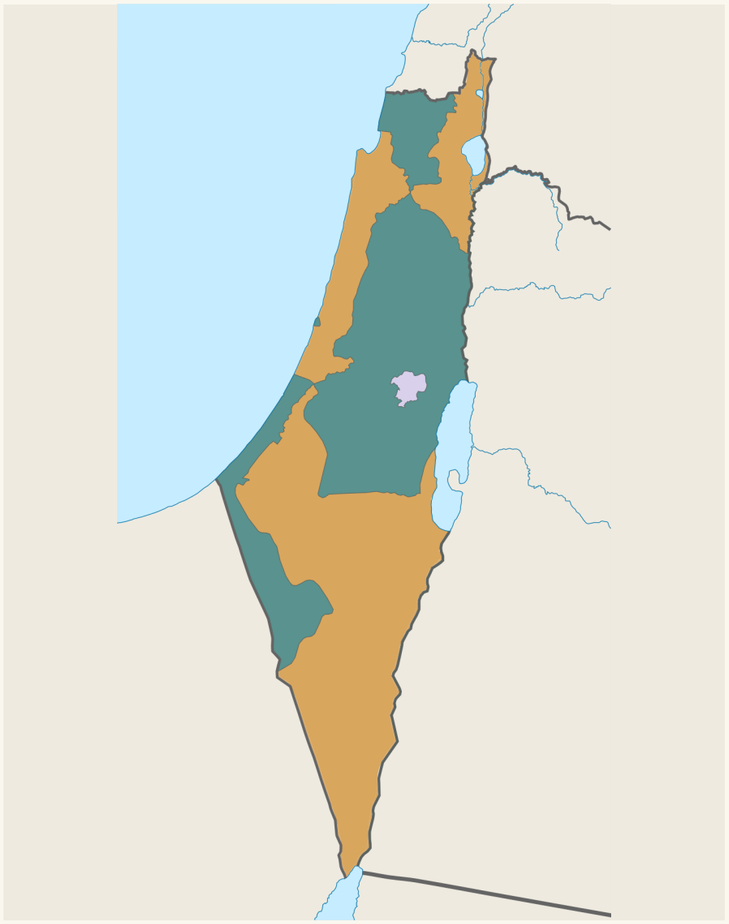
Palestinians have a right to self-determination. In 2024 the International Court of Justice concluded that Israel’s continued presence in the occupied Palestinian territory is unlawful and must end as rapidly as possible. [6]

NOVEMBER 2026

01 / PROPOSED TERRITORY

1947 UN partition

Two proposed states and an international zone.



Proposed Arab state
Proposed Jewish state
Jerusalem area, proposed UN administration

In the mid-1940s, Palestinian Arabs were the majority population. Mandate records distinguished Arab-owned and Jewish-owned land from substantial areas recorded as public or waste land. [1]

The UN proposed allocating just over half the territory to the Jewish state. The proposal was never implemented as drawn. [2] [3]

Map by Uri Farkash, recoloured. Wikimedia Commons · CC BY-SA 4.0.

MAP 1 / PARTITION PROPOSAL

02 / TERRITORIAL CONTROL

1949 armistice lines

The Green Line marked where the armies stopped.



Israel
Jordanian control
Egyptian control

After the 1948 war, Israel controlled about 77% of former Mandate Palestine. Around 750,000 Palestinians fled or were expelled in the Nakba. UN Resolution 194 called for refugees wishing to return and live at peace to be permitted to do so, and for compensation in specified circumstances. [3] [4] [17]

Israel captured the West Bank, including East Jerusalem, and Gaza in 1967. The ICJ found that settlements and the sections of the separation barrier built in occupied territory violate international law. [3] [5] [6]

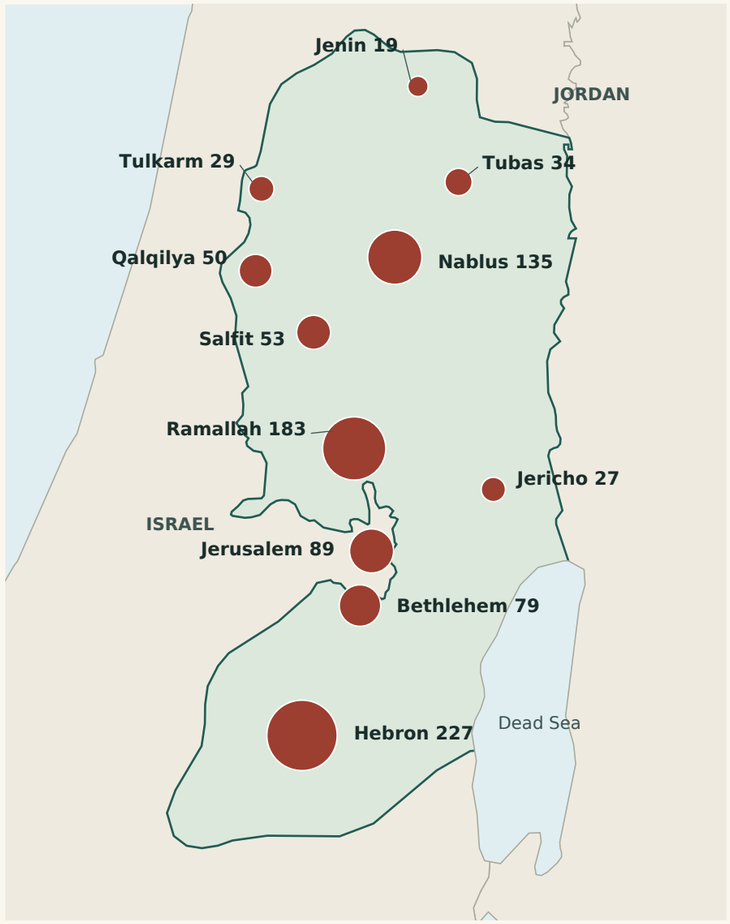
Generalised outlines. Local armistice details omitted. Base map from Natural Earth.

MAP 2 / CONTROL AFTER THE 1948 WAR

03 / MOVEMENT RESTRICTIONS

West Bank access

Documented obstacles by governorate, December 2025.



Circle area shows the count, grouped by governorate.

925 obstacles included **307 checkpoints** staffed continuously or intermittently, plus gates, roadblocks and other barriers. Hebron includes 101 obstacles in H2. Circles represent totals, with individual locations in the linked UN map. [7] [16]

Israeli settlers and Palestinians in the West Bank are generally subject to different legal regimes. Palestinian citizens of Israel can vote in Israeli national elections. Citizenship, residency and location affect which rights apply. [6] [15]

Data from United Nations OCHA OPT. Base map from Natural Earth.

MAP 3 / WEST BANK OBSTACLES