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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Does the Gaza Ceasefire Plan Offer a Path to Palestinian Statehood? Reading Point 19, the Council Vote and Each Party's Own Words

The plan's only statehood clause says conditions "may" allow a pathway. What the Council text, the 1933 criteria and each party's own words record.

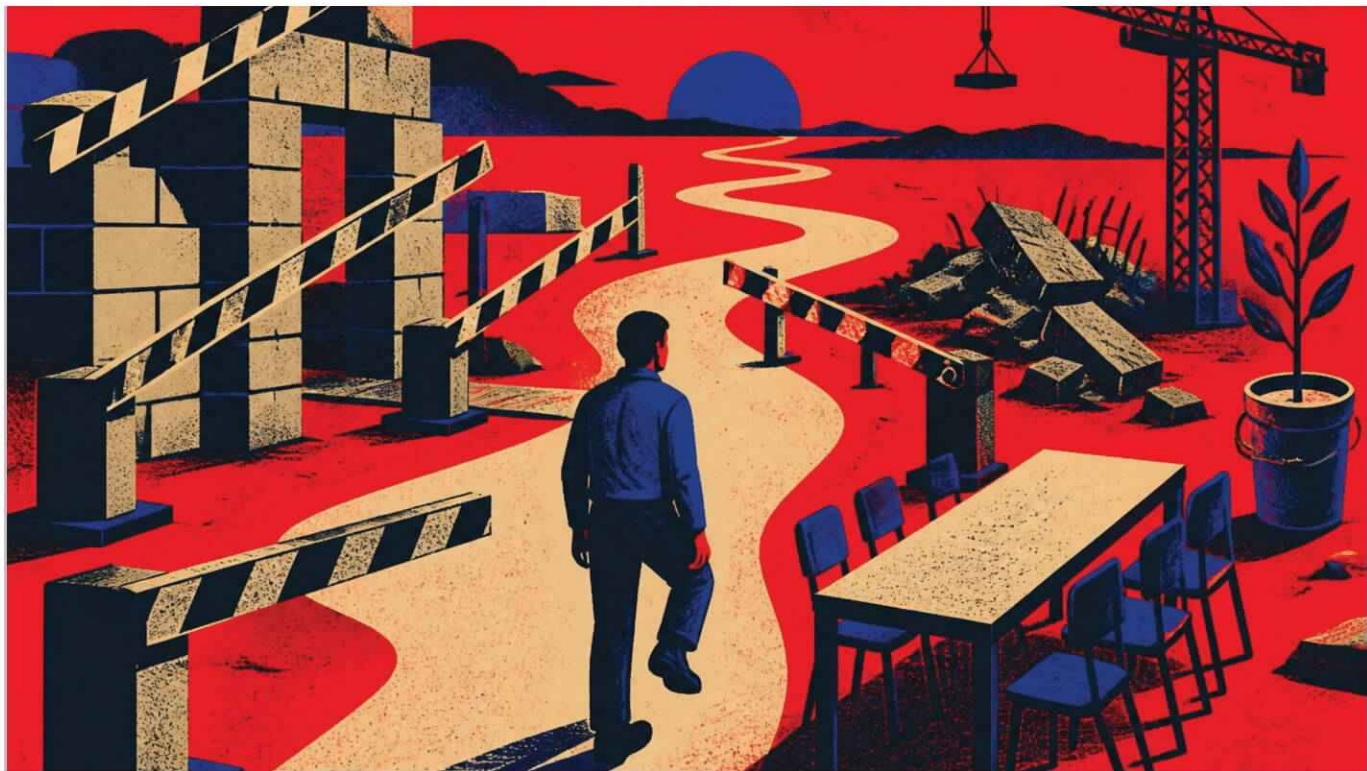
Gaza Ceasefire

Palestinian Statehood

Self-Determination

Security Council Resolution 2803

Board of Peace



The ceasefire plan the UN Security Council endorsed in Resolution 2803 of 17 November 2025 addresses Palestinian self-determination in **1 of its 20 points**, and that point says conditions “may” allow “a credible pathway” once two preconditions are met. The plan names no date, no borders and no body that decides when the preconditions are satisfied. The Council’s own operative text restates the clause in a different order and drops the plan’s line recognising statehood as “the aspiration of the Palestinian people”.

Key Findings

- Point 19 of the Comprehensive Plan, annexed to Security Council Resolution 2803 (2025), is the only one of its 20 points to use the words “self-determination” and “statehood”, and its verb is “may”.
- The Council adopted Resolution 2803 on 17 November 2025 by **13 votes to 0**, with China and the Russian Federation abstaining, per the verbatim record S/PV.10046: an endorsement of the whole plan, which sets no statehood timetable.

- Resolution 2803 authorises the Board of Peace as a transitional administration until 31 December 2027; the Board's first mandated report (S/2026/418, 15 May 2026) is the only one filed as of September 2026.
- The 1995 Interim Agreement set a dated clock for permanent-status talks, "not later than May 4, 1996", covering borders among seven named issues; the 2025 plan sets no equivalent date for its pathway.
- In the Palestinian Center for Policy and Survey Research's Poll No. 97, fielded 5 to 8 August 2026 (n = 1,270), 64% of Palestinians rated the chances of a state within five years low or nonexistent.

Which words does the plan use for Palestinian self-determination?

Point 19 of the plan annexed to UN Security Council Resolution 2803 (2025) is **the only one of 20 points** that uses the words self-determination and statehood. It reads in full: "While Gaza re-development advances and when the PA reform program is faithfully carried out, the conditions may finally be in place for a credible pathway to Palestinian self-determination and statehood, which we recognize as the aspiration of the Palestinian people."

Three word choices carry the weight. The verb is "may", a modal of possibility. The object is "a credible pathway", a route rather than a state. The closing clause calls statehood an "aspiration", the Plan's own term for what Palestinians seek.

The Council did not reproduce that sentence when it wrote its own operative text. Operative paragraph 2 of Resolution 2803 restates the idea as: "After the PA reform program is faithfully carried out and Gaza redevelopment has advanced". Two changes follow. First, the sequence tightens: the plan runs the two conditions in parallel ("While... and when"), and the Council runs them in series ("After... and"). Second, the Council's paragraph drops the clause "which we recognize as the aspiration of the Palestinian people" entirely.

So the same document carries two wordings of the pathway, one in the annex and one in the operative text. The annex is the plan the Council endorsed; the operative paragraph is the Council's own restatement. A reader quoting "the plan" on statehood needs to say which of

the two is being quoted, because they differ on sequence and on whether the aspiration is recognised.

Nothing else in the 20 points uses either word. The plan's other political language concerns Gaza's interim administration, demilitarisation, withdrawal lines and reconstruction, which later sections take in turn.

Is it often said the plan opens a route to statehood?

It is often said that the Security Council's endorsement opened a route to Palestinian statehood, and the Council did endorse the plan, by **13 votes to 0** with China and the Russian Federation abstaining, on the verbatim record of its 10046th meeting.

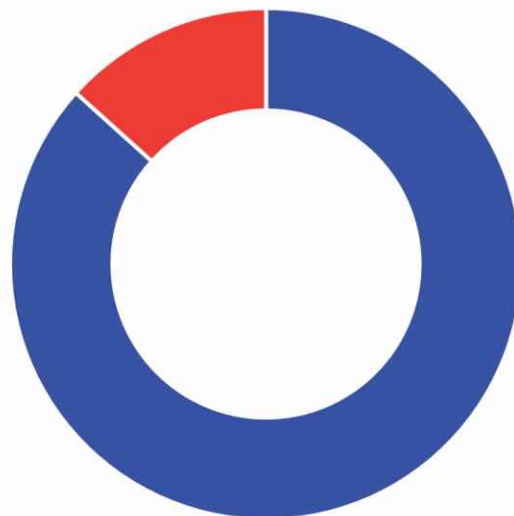
The vote was taken on 17 November 2025, and the text it endorsed does contain pathway language: point 19 speaks of "a credible pathway to Palestinian self-determination and statehood".

The claim has named, dated holders. The four mediating states signed the Trump Declaration for Enduring Peace and Prosperity at Sharm el-Sheikh on 13 October 2025, welcoming "the truly historic commitment and implementation by all parties to the Trump Peace Agreement". The signatories were the United States, Egypt, Qatar and Türkiye. Neither Israel nor any Palestinian body signed it. Its nearest operative line commits the four "to the resolution of future disputes through diplomatic engagement and negotiation rather than through force or protracted conflict."

The Council vote is the recorded base. Algeria, Denmark, France, Greece, Guyana, Pakistan, Panama, the Republic of Korea, Sierra Leone, Slovenia, Somalia, the United Kingdom and the United States voted in favour; China and the Russian Federation abstained. Operative paragraph 1 "Endorses the Comprehensive Plan, acknowledges the parties have accepted it, and calls on all parties to implement it in its entirety."

How the Security Council voted on Resolution 2803

15 MEMBERS, 17 NOVEMBER 2025; NO MEMBER VOTED AGAINST



■ In favour ■ Abstaining

Source: United Nations Security Council, S/PV.10046, 17 November 2025, recorded vote on resolution 2803.

The reframe is what the endorsement covers. The vote was on the plan as a whole, and the plan's only statehood sentence is conditional and undated. A near-unanimous endorsement of a text that says conditions "may" allow a pathway is an endorsement of that conditional, not of a timetable for statehood. The ceasefire itself preceded the vote: Denmark stated in the same meeting that it "entered into force on 10 October", 38 days before adoption.

Which conditions stand between the plan and the pathway?

Point 19 of the plan annexed to Resolution 2803 (2025) names **2 preconditions**: that "Gaza re-development advances" and that "the PA reform program is faithfully carried out."

Neither is defined by a measure, a list of reforms or a date. Other points of the same annex add conditions on armed groups and on Gaza's security that sit alongside the pathway.

The reform condition appears in three wordings inside one document. Plan point 9 speaks of the Palestinian Authority having "completed its reform program". Operative paragraph 2 of the resolution raises the bar to "satisfactorily completed its reform program". Point 19 uses

“faithfully carried out”. No clause specifies which reforms, and none sets a standard for “satisfactorily” or “faithfully”.

Demilitarisation carries the security conditions. Point 13 reads: “There will be a process of demilitarization of Gaza under the supervision of independent monitors, which will include placing weapons permanently beyond use through an agreed process of decommissioning, and supported by an internationally funded buy back and reintegration program all verified by the independent monitors.” Point 14 adds: “A guarantee will be provided by regional partners to ensure that Hamas, and the factions, comply with their obligations and that New Gaza poses no threat to its neighbors or its people.” Operative paragraph 7 gives the International Stabilization Force the task of ensuring “the process of demilitarizing the Gaza Strip”.

Hamas is named 5 times in the annex and not once in the Council’s operative paragraphs, so the conditions on the group rest on the plan the Council endorsed rather than on language the Council wrote. The Board of Peace’s own first report names “Hamas’ refusal to accept verified decommissioning” as the principal obstacle; that attribution is the Board’s.

The Palestinian Authority’s own statements on the endorsed plan and a two-state outcome are set out in the Institute’s report on [the Palestinian two-state position and the polls](#).

Who decides when those conditions have been met?

Resolution 2803 (2025) establishes the Board of Peace “as a transitional administration with international legal personality” and authorises it, with the international presences, **until 31 December 2027**, “subject to further action by the Council”, per operative paragraphs 2 and 8. The resolution names no body that certifies the reform programme “satisfactorily completed” or the redevelopment sufficiently advanced.

The reporting duty is the only oversight clause. Operative paragraph 10 “Requests the BoP provide a written report on progress related to the above to the UN Security Council every six months”. It asks for progress, not for a finding that point 19’s conditions are met.

The Board filed its first report on 15 May 2026, as document S/2026/418, transmitted by the United States. It covers 17 November 2025 to 14 May 2026 and is written by the body it reports on. Its account of its own founding is that the Board of Peace Charter was signed on 16 January 2026 and launched at Davos on 22 January 2026 with 28 heads of state as members. Plan point 9, not the Council's operative text, states that the President of the United States chairs the Board; the operative paragraphs never name the chair.

A second report was due around 15 November 2026 and did not exist as of September 2026, so the Board's record is a single reporting period.

The mandate date matters for the pathway. The Board's authority lapses on 31 December 2027 unless renewed; point 19 attaches no date to its conditions. The transitional structure therefore has a sunset, and the statehood clause has none. What happens to the pathway if the mandate ends before the conditions are judged met is not addressed in the resolution or the annex.

Who administers Gaza while the conditions are pending?

The plan annexed to Resolution 2803 (2025) places Gaza under a temporary "technocratic, apolitical Palestinian committee" of "qualified Palestinians and international experts," overseen by the Board of Peace, and the Board's first report records **50 partner nations and organizations** in its Civil-Military Coordination Centre, established on 17 October 2025. That count is the Board's own, reported by the implementing body on itself.

The structure separates Palestinian civil administration from authority over it. The committee is Palestinian; the transitional administration with "international legal personality" is the Board. Operative paragraph 2 describes the Board's role as setting "the framework, and coordinate funding for" Gaza, softened from the plan's point 9, which says the Board "will set the framework and handle the funding for" it.

Security sits with a third body. Operative paragraph 7 authorises "a temporary International Stabilization Force (ISF) in Gaza to deploy under unified command acceptable to the BoP", which "shall... assist the BoP in monitoring the implementation of the ceasefire in Gaza" and "operate under the strategic guidance of the BoP". On the Board's own account in May 2026,

the force had not deployed: “Preparations for deployment are well advanced,” and “Efforts are ongoing in force generation and deployment.” Five states, Albania, Indonesia, Kazakhstan, Kosovo and Morocco, signed the Declaration of Founding Contributors on 19 February 2026, and a pre-deployment site survey was completed in late April 2026.

So, seven months into the ceasefire, Gaza’s interim arrangement on the implementing body’s own record consisted of a Palestinian technocratic committee, an internationally chaired administration above it, a coordination centre and a stabilisation force still being generated. None of the three layers above the committee is Palestinian, and the committee itself includes international experts. What the agreement documents are, and who signed each, is set out in the Institute’s report on [what the ceasefire instrument defines](#).

Which attributes of statehood does the plan actually address?

The 1933 Convention on Rights and Duties of States names **4 qualifications** a state “should possess”: “a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.” Read clause by clause, the plan addresses Gaza’s interim government and Israeli withdrawal lines, and sets no borders, date or foreign-relations provision for a Palestinian state.

Article 1 qualification	What the plan annexed to Resolution 2803 provides	Source
Permanent population	No provision defining a state’s population	Resolution 2803, Annex 1
Defined territory	Israeli forces withdraw “to the agreed upon line” in Gaza (point 3); no border for a state	Resolution 2803, Annex 1
Government	Interim Palestinian technocratic committee under Board oversight	Resolution 2803, op. para. 2
Capacity for relations	“International legal personality” conferred on the Board, not on a Palestinian body	Resolution 2803, op. para. 2

On territory, point 3 states that “Israeli forces will withdraw to the agreed upon line to prepare for a hostage release” and that “battle lines will remain frozen until conditions are met for the complete staged withdrawal.” That is a withdrawal line in Gaza, not a frontier of a

state, and it does not refer to the West Bank. The only “international legal personality” the resolution confers belongs to the Board of Peace.

Two features of the Convention bound what this comparison shows. Article 3 states that “The political existence of the state is independent of recognition by the other states,” so the qualifications are not a recognition test, and the Convention names no organ that applies them. It is also a regional treaty signed by 19 American republics in 1933. Its English text reads “should possess”, not “must”, and its third qualification is “government”, without the word “effective” often added to it.

The comparison therefore records which of the four subjects the plan addresses in its own words. Of the four, the plan speaks to government, in interim and supervised form, and to a withdrawal line, and is silent on population and on external relations.

How does this deferral compare with the 1995 interim agreement?

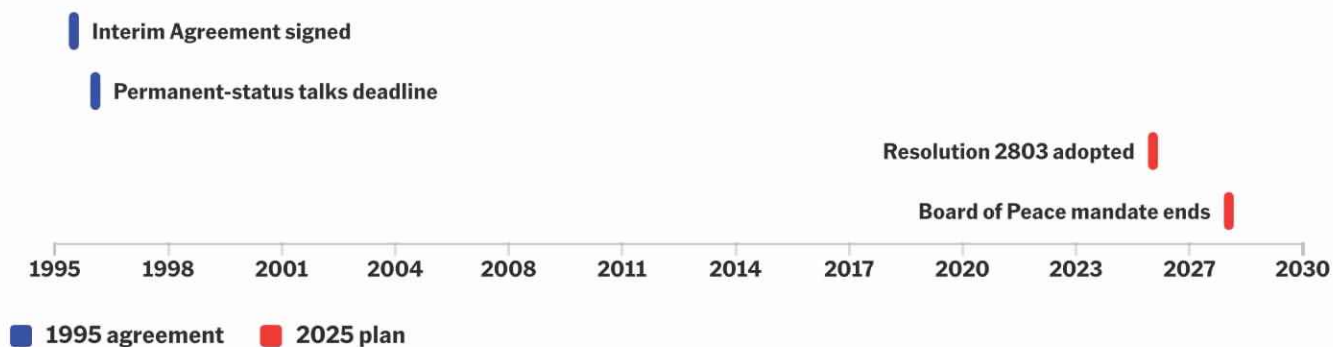
The Israeli-Palestinian Interim Agreement of 28 September 1995 fixed a date for talks on the questions it left open: permanent-status negotiations would begin “not later than **May 4, 1996**”, per Article XXXI(5). Point 19 of the 2025 plan attaches no date to its pathway, while the Board of Peace’s mandate runs to 31 December 2027.

Oslo II named the deferred subjects. Article XXXI(5) says the negotiations “shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.” Borders is on that list by name. It also set an 18-month schedule for three further redeployments, “each to take place after an interval of six months.”

It protected both sides’ claims in the interim. Article XXXI(6) states: “Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions.” Article XXXI(7) states: “Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.” Article XXXI(8) records that the two sides “view the West Bank and the Gaza Strip as a single territorial unit.”

Dated clocks in the two instruments

THE 2025 PLAN ATTACHES NO DATE TO ITS STATEHOOD PATHWAY



Source: *Israel and the PLO, Interim Agreement, 1995, Art. XXXI*; *UN Security Council Resolution 2803 (2025), op. para. 8*.

The contrast is between two kinds of deferral. Oslo II deferred sovereignty questions to a named negotiation, with a start date and a list that included borders, and was signed by the two parties. The 2025 plan defers them to conditions without a date or list of issues, was endorsed by the Council, and its accompanying declaration was signed by four mediating states. The 1996 date is what the 1995 text promised, not a record of what followed. The Interim Agreement’s jurisdiction terms are examined in the Institute’s report on [who owns Palestine](#).

Is self-determination treated as a right or an aspiration?

The plan calls Palestinian statehood “the aspiration of the Palestinian people”; the International Court of Justice’s advisory opinion of 19 July 2024 treats self-determination as a right, finding by **11 votes to 4** that Israel’s continued presence in the Occupied Palestinian Territory is unlawful. The two texts use different categories for the same subject.

The Court’s paragraph 274 lists among obligations it describes as erga omnes “the obligation to respect the right of the Palestinian people to self-determination”. That is the Court’s stated legal position in a non-binding opinion, requested by the General Assembly; the tallies on its separate findings ranged from unanimous on jurisdiction to 11 to 4 on the unlawful-presence finding and the obligation to end it.

An intergovernmental instrument uses the same category. Paragraph 63 of the Durban Declaration, adopted at the World Conference against Racism on 8 September 2001, states: “We recognize the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State and we recognize the right to security for all States in the region, including Israel”. The sentence pairs the Palestinian right with Israel’s security in one clause.

Against this, the plan’s point 19 conditions a “pathway” to self-determination on reform and redevelopment, and names the end state an aspiration. The Council’s own operative paragraph 2 goes further in the other direction: it drops the aspiration clause and keeps only the conditional pathway. The Palestinian Presidency’s statement of 8 September 2026 uses the language of right and realisation, calling for “the realization of an independent, sovereign, and viable State of Palestine”.

The difference is between a right held now whose exercise is at issue, and an outcome that becomes available when conditions are met. The plan is written in the second register. The obligations the Court attached to its findings, and the recorded votes on statehood, are covered in the Institute’s report on [occupation and the statehood votes](#).

What does Israel’s government state about a Palestinian state?

The Knesset adopted a declaration that it “firmly opposes the establishment of a Palestinian state west of the Jordan” by **68 votes to 9** on the night of 17 to 18 July 2024, fifteen months before the ceasefire, as CNN reported (CNN, 2024). It is a statement of the legislature’s position, not a statute, and it predates the plan and Resolution 2803.

The declaration gives its reason in the same text: a Palestinian state “in the heart of the Land of Israel would pose an existential danger to the State of Israel and its citizens, perpetuate the Israeli-Palestinian conflict and destabilize the region.” That is the chamber’s own stated position. The Knesset’s own record of the vote was not read for this report; the tally and wording are carried from the press report.

The enacted text that frames self-determination in Israeli law is Basic Law: Israel as the Nation-State of the Jewish People (2018). Clause 1(b) states that the State of Israel “is the

nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination.” Clause 1(c) states: “The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People.” Clause 7 states that “The State views the development of Jewish settlement as a national value.” The Knesset labels its English translation unofficial. The clauses concern self-determination “in the State of Israel” and do not refer to territory outside it.

Israel’s Foreign Ministry, through its Permanent Mission to the Multilateral Organizations in France, published its statement “Israel’s Objectives and Current Operation”, last updated 17 September 2025. Its figures, reported by Israel as a party to the conflict, concern hostages and aid: 207 hostages returned or recovered and 48 remaining as of 14 September 2025, and more than 106,000 aid trucks entering Gaza since 7 October 2023.

Israel is a party that, per operative paragraph 1, the Council “acknowledges” has accepted the plan. Point 19’s pathway therefore sits beside a legislative resolution of 2024 opposing a Palestinian state and a Basic Law making national self-determination within the State exclusive to the Jewish people. Neither text refers to the plan, and the plan refers to neither.

How do Palestinian leaders and the public read the pathway?

In the Palestinian Center for Policy and Survey Research’s Poll No. 97, fielded face to face from 5 to 8 August 2026 among 1,270 respondents, **64%** said the chances of an independent Palestinian state alongside Israel within five years are low or nonexistent, and 32% said medium or high.

The margin of error is 3.5%.

The same survey put bare support for the two-state solution at 44%, against 50% opposed, and found 33% supporting “abandoning the two-state solution in favor of a single state for Palestinians and Israelis,” against 27% ten months earlier. These are separate questions and do not sum. The sample covers the West Bank and Gaza but not East Jerusalem, and Gaza interviews were limited to areas without an Israeli military presence, with shelter interviews for others.

Palestinian readings of the state and the pathway

SEPARATE QUESTIONS, WEST BANK AND GAZA, 5 TO 8 AUGUST 2026, N = 1,270



Source: Palestinian Center for Policy and Survey Research, Poll No. 97, August 2026; margin of error 3.5%.

The leadership's dated statements tie the ceasefire to a statehood outcome. The PLO Executive Committee, as reported by WAFA, the Palestinian news agency, on 1 August 2026, "affirmed that the agreement should mark the beginning of a serious political process leading to an end to the Israeli occupation and guaranteeing the Palestinian people's right to self-determination through the establishment of an independent and sovereign Palestinian state on the June 4, 1967 borders, with East Jerusalem as its capital". The Presidency, reported on 8 September 2026, reaffirmed a state "living in security and peace alongside the State of Israel."

The standing border position is the PLO Negotiations Affairs Department's: "The 1967 border, which is defined as the 1949 Armistice Line along with all legal modification thereto up to June 4th 1967". That page was last revised in 2019. The leadership reads the plan as a beginning that should lead to a state on named lines; the plan names no lines.

Methodology and limitations

This report reads the plan through its instruments. The primary text is UN Security Council Resolution 2803 (2025), whose Annex 1 carries the 20-point Comprehensive Plan; the recorded vote is from the verbatim record S/PV.10046. The operative paragraphs and the annex differ on the reform standard, the sequence of conditions and the aspiration clause, and each quotation names which text it comes from. The Trump Declaration of 13 October

2025 is quoted from the United States Government Publishing Office text, whose editorial note states that an original was not available for verification.

The Board of Peace report (S/2026/418) is the implementing body's account of its own work, transmitted by a guarantor, and its counts are labelled as its own. The Interim Agreement of 1995 is quoted from the text published by the Israeli Ministry of Foreign Affairs, a party to it. The 1933 Convention is quoted from the depositary's scanned original, and applying its qualifications is a comparison of subjects addressed, not a determination of statehood.

Party positions are each party's own. The Knesset figure and declaration text are carried from CNN's report of 18 July 2024; the chamber's own record was not read. The Basic Law is quoted in the Knesset's own unofficial translation. Palestinian statements reach readers as WAFA's reported speech rather than as issued texts. The PSR poll measures opinion, excludes East Jerusalem from its frame, and its Gaza subsample was drawn under fieldwork constraints; its 3.5% margin applies to the whole sample only.

The International Court of Justice's 2024 advisory opinion is named for its stated position and recorded votes and is not used as evidence for the report's answer. The plan's point 19 carries no quantity beyond its own conditions, and no body publishes a measure of progress toward them.

Conclusion

So does the ceasefire plan offer a path to Palestinian sovereignty? It offers the words for one, in a single sentence, and a set of conditions in front of them. Point 19 says conditions "may" allow "a credible pathway"; the Council's own restatement tightens the sequence and drops the word "aspiration".

The record around that sentence is consistent. The Council endorsed the plan 13 to 0. The transitional administration it created expires on 31 December 2027, and the pathway has no date. The reform standard appears in three wordings with no named arbiter. Of the four qualifications in the 1933 Convention, the plan speaks to an interim, supervised government and a Gaza withdrawal line. The 1995 agreement named borders and a negotiating date; this plan names neither. Israel's legislature voted 68 to 9 against a Palestinian state in 2024, and

64% of Palestinians surveyed in August 2026 rated the prospect of one within five years low or nonexistent.

A pathway whose conditions no one is named to certify, attached to a mandate that ends before any date for the pathway is set, leaves a question for governments and publics on both sides: when the Board's authority lapses, who will be positioned to say whether the conditions of point 19 have been met?

Frequently Asked Questions

Did Israel or Hamas sign the Trump Declaration of 13 October 2025?

No. The Declaration's signature block carries four names: the leaders of the United States, Egypt, Qatar and Türkiye. It is a joint statement by the mediating states and contains no ceasefire term.

Which countries abstained on Resolution 2803?

China and the Russian Federation abstained, per the Council's verbatim record S/PV.10046. The other 13 members voted in favour and none voted against.

Who chairs the Board of Peace?

Plan point 9 states that the President of the United States chairs the Board. The Council's operative paragraphs do not name the chair.

Which states have committed troops to the International Stabilization Force?

Five: Albania, Indonesia, Kazakhstan, Kosovo and Morocco signed the Declaration of Founding Contributors on 19 February 2026, according to the Board of Peace report of May 2026. The force operates under United States unified command.

How often must the Board of Peace report to the Security Council?

Every six months, under operative paragraph 10. The first report is dated 15 May 2026; the next was due around November 2026.

Does the Montevideo Convention bind Israel or the Palestinians?

The 1933 Convention was signed by 19 American republics and binds only its parties. Its Article 1 is widely used as a reference list of statehood qualifications, and Article 3 separates a state's existence from its recognition.

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Security Council resolution 2803 uses the word violation zero times. What the one mandated report and each party's own count actually record.

DATA REPORT AUGUST 14, 2026

Is Israel's Occupation of Palestinian Territories Related to Its Opposition to Statehood? Reading the Recorded Votes, the Treaty Text and Each Party's Own Statements

Israel's parliament voted 68 to 9 against Palestinian statehood in July 2024. What the recorded votes and the law of occupation each hold.



The Hanover Institute for Public Policy studies the inputs fueling antisemitism in the United States and publishes what the evidence shows. Its work is content analysis, computational social science, and other data-driven research, and its reports take no policy positions.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

What Role Does Demography Play in Israel's Policies Toward Palestinians? Reading the Statutes, the Two Population Registers and the Court Record

Israel's immigration law, its census boundary and its courts each treat the Jewish majority differently. What the statutes and the counts record.

Demography

Law of Return

Population Statistics

Nation-State Law

Israeli Supreme Court



In the Israel Central Bureau of Statistics' April 2025 count, the majority at the centre of Israel's demographic policy debate stood at 76.6% "Jews and others" among 10.094 million residents. That share is measured over a boundary that includes West Bank settlers and East Jerusalem and leaves out the Palestinians of the West Bank and Gaza. Is the majority a fact that policy protects, or a number whose size depends on where the count stops? On the role demographic considerations play in Israel's policies towards Palestinians, the record shows both. Since 1970 the Law of Return has extended immigration rights to the grandchildren of Jews and to their spouses, and rival estimates of the 2004 Palestinian population differed by 1.34 million people, each estimate attached to a different policy.

Key Findings

- The Knesset's Law of Return (Amendment No. 2), 5730-1970 extends a Jewish immigrant's rights to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." It defines "Jew" as a person "born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."
- The Israel Central Bureau of Statistics recorded 7.732 million "Jews and others" (76.6%) and 2.114 million Arabs (20.9%) in April 2025, counting West Bank settlers and East Jerusalem residents inside its total. The Palestinian Central Bureau of Statistics enumerated 4,780,978 West Bank and Gaza residents in its 2017 census and estimated East Jerusalem administratively, so the two registers overlap and cannot be summed.
- Arabs made up 39.5% of Jerusalem's residents at the end of 2023, according to the Israel Central Bureau of Statistics' Jerusalem Day 2024 release, which counts the East Jerusalem neighbourhoods annexed after 1967 inside one municipal population.
- In a 2006 Begin-Sadat Center report that was not peer-reviewed, Zimmerman, Seid and Wise put the West Bank and Gaza Arab population 1.34 million below the official Palestinian figure. Lustick (2013, peer-reviewed) attributed the claimed shortfall to

“complex but systematic manipulation of data” and tied it to proposals to annex 60% or more of the West Bank.

- Israel’s Supreme Court held in Ka’adan (2000) that the State “was not permitted, by law” to allocate land to the Jewish Agency for a settlement on the basis of discrimination between Jews and non-Jews. In Hasson (2021), an eleven-justice panel upheld the Nation-State Law.

How do Israel’s enacted laws build demography into policy?

The Knesset’s Law of Return (Amendment No. 2), 5730-1970 extends a Jewish immigrant’s rights to **5 categories of relative**, counted from its text: “a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew.” It governs who may join Israel’s population.

The 1950 core that the amendment builds on is a single sentence: “Every Jew has the right to come to this country as an *oleh*.” The translator glosses *oleh* as “a Jew immigrating, into Israel.” The 1970 amendment also defines the word the whole law turns on: “‘Jew’ means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion.” It withholds the extended rights from “a person who has been a Jew and has voluntarily changed his religion,” and makes it “immaterial” whether the Jew through whom a right is claimed is alive or ever immigrated. A further section of the same amendment imports the definition into the Population Registry Law, so the category that governs immigration also governs registration.

The 2018 Basic Law: Israel as the Nation-State of the Jewish People adds the national frame, in a translation the Knesset labels unofficial. Clause 1(c) reads: “The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People.” Clause 5 keeps the State “open to Jewish immigration, and the ingathering of the exiles.” Clause 7 states that the State “views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation.”

Beneath both sits the 1948 Declaration, proclaiming “THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL” and, in the Knesset’s English, pledging “complete equality of

social and political rights to all its citizens irrespective of religion, race or sex.” The Foreign Ministry’s English has “all its inhabitants.”

The provisions quoted here set entitlements and national values. None of them states a population share or a target, and none names demography as its purpose.

Instrument	Operative wording	Source
Declaration of Independence, 1948	“A JEWISH STATE IN ERETZ-ISRAEL”	Provisional Government of Israel
Law of Return s.1, 1950	“Every Jew has the right to come to this country as an oleh”	Knesset
Law of Return s.4A, 1970	Rights vested in a child, grandchild and three classes of spouse	Knesset
Nation-State Law cl.1(c), 2018	Self-determination “exclusive to the Jewish People”	Knesset, unofficial translation

Is demography widely described as the driver of Israeli policy?

It is often said that Israeli leaders and analysts have long treated a Jewish majority as essential to the state. Named scholarship supports the premise. In *Contemporary Jewry* in 1989, the geographer Arnon Soffer argued that the distribution of Jewish and Arab populations constrains the borders a Jewish-majority state can hold. In the Israel Central Bureau of Statistics’ April 2025 count, that majority was **76.6%** “Jews and others.”

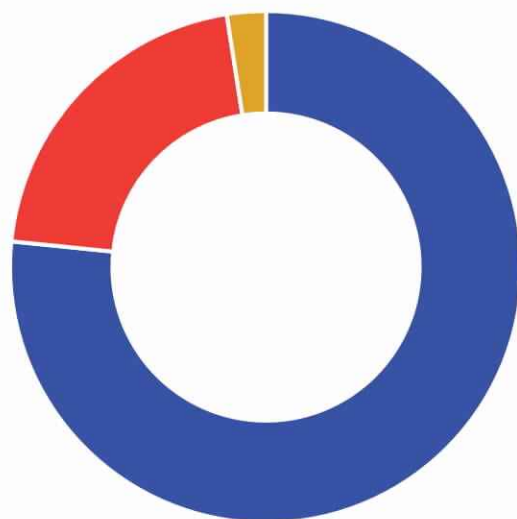
Soffer’s paper is interpretive demographic geography and reports no fertility rates. Its significance is that an Israeli scholar read population statistics directly as a guide to territorial policy. The link between demography and state-building is older than that paper. Anat Leibler (2014, peer-reviewed, *Social Studies of Science*) traces how the demographer Roberto Bachi’s pro-natal advocacy, together with the systematisation of ethnic categories such as “Mizrahi,” intersected with state formation before 1948. Philippe Fargues (2000, *Population and Development Review*) finds that fertility on both sides tracked national conflict rather than a smooth modernisation curve. He also finds that Palestinians and Israelis alike framed fertility as national strength.

Scholars critical of the policy use the same variable. Oren Yiftachel titled his 1999 Constellations article “‘Ethnocracy’: The Politics of Judaizing Israel/Palestine.” Ian Lustick subtitled his 2013 Middle East Journal audit “Statistical Manipulation as a Solution to Israel’s ‘Demographic Problem.’” Across 24 years, then, authors who argue for demographic policy and authors who criticise it both treat demography as a policy variable.

The base rate supplies the scale. The Israel Central Bureau of Statistics counted 2.114 million Arabs (20.9%) in April 2025, a category that in its definition covers Moslems, Arab Christians and Druze. It counted foreigners at 248,000 (2.5%) as of mid-2024. The Bureau’s “Arab” category covers only people inside its own statistical area. It is not a count of Palestinians under Israeli control.

Israel’s population by Bureau category

MILLIONS, EVE OF INDEPENDENCE DAY 2025 (FOREIGNERS AS OF MID-2024)



■ Jews and others ■ Arabs ■ Foreigners

Source: Israel Central Bureau of Statistics, Israel’s Independence Day 2025, preliminary.

Which borders does Israel’s 76.6% Jewish majority figure assume?

The 76.6% is a share of the population the Israel Central Bureau of Statistics counts, and by the Bureau's own practice that population includes West Bank settlers and East Jerusalem residents. It excludes the **4,780,978** residents the Palestinian Central Bureau of Statistics enumerated in the West Bank and Gaza in its 2017 census. That census itself estimated East Jerusalem administratively.

The boundary has been drawn in stages. Sivan Hirsch-Hoefler and Lihi Ben Shitrit (2020, POMEPS, not peer-reviewed) trace the stages through the Bureau's yearbooks. The 1968 yearbook moved East Jerusalem into Israel's general count. A 1970 footnote folded settlers into the total as "Israeli residents in the Administrated Territories." By 1983 settlement localities were counted among Israel's localities, and in 1997 the separate territories chapter was removed. The authors call this "normalization," which is their own analytic term. They also record that a locality straddling the Green Line, Shani Livne, sits in the Bureau's South District.

The effect can be measured on the Jewish side. In the 2019 American Jewish Year Book, Sergio DellaPergola decomposes Israel's 6,665,600 core Jews at the start of 2019. He places 6,001,700 within the pre-1967 borders, 221,800 in East Jerusalem, 23,200 on the Golan Heights and 418,900 in the West Bank. On that decomposition, the citer's own arithmetic puts 663,900 people, about 10%, outside the pre-1967 lines but inside the national count.

How the Bureau's yearbook widened its count

CHANGES IN ISRAEL CENTRAL BUREAU OF STATISTICS YEARBOOK PRACTICE, 1967 TO 1997



Source: Hirsch-Hoefler and Ben Shitrit, 2020, POMEPS, not peer-reviewed.

The two registers cannot simply be added together. The Israeli Bureau counts East Jerusalem's Arab residents inside Israel, and the Palestinian Bureau counts East Jerusalem inside the West Bank. Adding the two totals therefore counts the city's Arab residents twice.

Did demographic arguments shape the Oslo division of territory?

The Israeli-Palestinian Interim Agreement of 28 September 1995 drew its first line by population. It defines Areas A and B as "the populated areas" delineated on map No. 1 and provides that land in those areas "will come under the jurisdiction of the Council." Area C and the settlements stayed outside that jurisdiction, pending three further redeployments due within **18 months** of the Council's inauguration.

The text defines Area C residually, as the "areas of the West Bank outside Areas A and B." In Area C, Israel was to transfer only "civil powers and responsibilities not relating to territory." Area B also takes in "the built-up area of the hamlets listed in Appendix 6 to Annex I." The appendix lists 83 hamlets across 9 districts; that total is a count of its entries, not a figure the agreement prints. Article XII(5) links the settlements to the remainder by definition: "the Settlements' means, in the West Bank the settlements in Area C." Article XVII(1) removes "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis" from the Council's jurisdiction. As drafted, the agreement assigns people and land to different jurisdictions.

The text is silent on two points. It states no rationale for the line. It also gives no share of territory: the words "per cent" appear once in the main agreement, in Article IX on appointments. The figure usually quoted comes from later writers. In a 2026 policy analysis for the Arab Center Washington DC, the lawyer Alaa Mahajna describes Area C as "around 60 percent of the West Bank" and names no body that measured it.

A demographic reading of the division predates the signature. Soffer's 1989 argument, that the location of Jewish and Arab populations constrains the borders a Jewish-majority state can hold, is one named statement of that reading. Soffer did not negotiate the agreement, and the agreement adopts no reasoning. It preserves both parties' positions: under Article

XXXI(6), neither side “shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions.”

What does Israel’s own record show about Jerusalem’s population balance?

Arabs made up **39.5%** of Jerusalem’s residents at the end of 2023, against 60.5% “Jews and others,” in the Israel Central Bureau of Statistics’ Jerusalem Day 2024 release. The Bureau counts the East Jerusalem neighbourhoods annexed after 1967 inside a single municipal population.

The release records the city’s population growth during 2023 as 13,400. Its figures are preliminary. The release also puts ultra-Orthodox Jews at about 29.2% of residents, a modelled estimate drawn from a 2022 machine-learning model. An earlier Bureau release, for Eid al-Adha 2022, counted 362,000 Moslem residents of Jerusalem at the end of 2021: 37.5% of the city’s residents and 21.2% of all Moslems in Israel. The two releases use different categories, “Arabs” in 2024 and “Moslems” in 2022, so the gap between 37.5% and 39.5% is not a measured change. Arab Christians are counted inside the first category and outside the second.

The 2024 release breaks the year’s growth into its sources. Natural increase added about 20,500 people and the international migration balance added 4,000, a balance that counts residents who stayed abroad for more than 12 months as departures. The release gives these two components as positive figures and a net growth of 13,400, so some movement it does not itemise, including movement to other parts of Israel, must account for the difference. It does not split any of these figures by population group. The share of each group can be read from the release. The growth of each group cannot.

The record contains no numeric target. No Israeli government document in the sources gathered for this report states a demographic target for Jerusalem or a desired Jewish share of the city. The Bureau’s releases report the balance. They do not set it. The claim that planning, residency rules and spatial control are aimed at holding a majority in the city is made by bodies outside Israeli government, and no document of that government reviewed here states it.

The Nation-State Law is the nearest official text. Its Clause 3 reads: “The complete and united Jerusalem is the capital of Israel.” That clause concerns status. It sets no population share.

Does Israeli pronatalist policy form part of demographic policy?

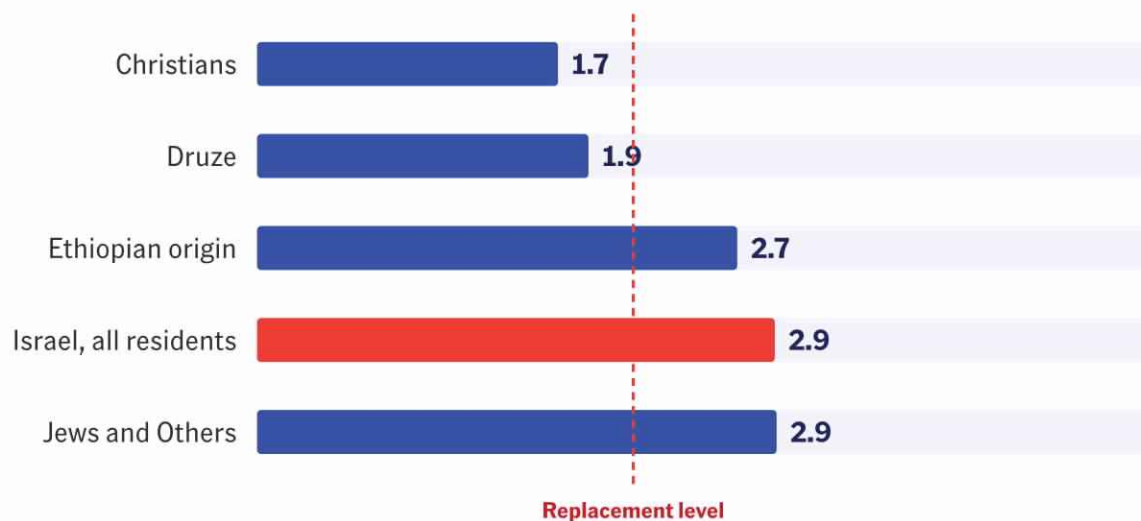
Israel’s total fertility rate was **2.89** children per woman in 2022, according to the Central Bureau of Statistics’ “Israel in Figures 2023.” Rachel Shenhav-Goldberg, Robert Brym and Talia Lenton-Brym (2019, peer-reviewed, Canadian Review of Sociology) study why the rate is high relative to Israel’s family-welfare effort. They link it partly to state policy, including “the world’s most extensive publicly funded in vitro fertilization (IVF) system.”

The same authors attribute the rate to religious and nationalist sentiment “heightened by a perceived demographic threat from Palestinian population growth.” That attribution is theirs, and it is contested. Barbara Okun (2016, peer-reviewed, Population Studies) finds that secular, native-born Jewish women also stay above replacement. She explains the pattern through a wider set of factors: state and family support for childbearing, strong familism and marriage, a dual emphasis on women’s employment and fertility, and, as one factor among several, Jewish nationalism in a setting of ethno-national conflict. The measured policy lever is IVF funding. How much weight demographic motive carries behind it is the point on which the two studies part.

The rates by group are published separately.

Total fertility rate by population group

CHILDREN PER WOMAN, 2022, ISRAEL CENTRAL BUREAU OF STATISTICS SERIES



Source: Israel Central Bureau of Statistics: Israel in Figures 2023; Christmas 2023; Sigd 2023; Nabi Shu'ayb 2024 releases.

The Bureau's own vital-statistics series reports that the Jewish and Muslim rates have converged to within about a tenth of a child. L. Daniel Staetsky (2019, peer-reviewed, Population Studies) records that Muslim fertility in Israel fell from nearly 10 children per woman in the mid-1960s to about 4.5 in the mid-1980s, and then held near that level for two decades. The Druze peak was 7.92 children in 1964, according to the Bureau's 2024 Druze release. Daphna Birenbaum-Carmeli (2008, peer-reviewed) gives a Haredi rate near 7.7 as background, not as her own measurement. She describes a pregnancy-spacing intervention developed with 23 Haredi nurses. That intervention shows health practice working inside a high-fertility community rather than state encouragement of births.

Why do rival demographers draw opposite policy conclusions?

Bennett Zimmerman, Roberta Seid and Michael Wise put the West Bank and Gaza Arab population at 2.49 million in mid-2004, **1.34 million** below the 3.83 million the Palestinian Central Bureau of Statistics reported. Their report, "The Million Person Gap," was published by Bar-Ilan University's Begin-Sadat Center in 2006 and was not peer-reviewed. It carried a policy thesis: that Israel's "demographic time bomb" was overstated.

The authors itemised the gap. They attributed 325,000 to residents living abroad and 210,000 to East Jerusalem Arabs counted in both registers. A 310,000 immigration-versus-emigration error and 238,000 in unmet birth forecasts made up much of the rest. The authors

were not demographers: the team comprised a business consultant, a historian and a physicist.

Sergio DellaPergola of the Hebrew University wrote the critique in a paired 2005 policy brief for the Jerusalem Center for Public Affairs. He built his Palestinian base from Israeli Central Bureau of Statistics data rather than the disputed 1997 census, and he still reached about 3.4 million, close to the official figures. He framed “the fertility differential, not the head-count” as the decisive long-run factor. The Palestinian Bureau rejected the overcount thesis and revised its own model after the study.

Three estimates of one population

WEST BANK AND GAZA ARAB POPULATION, MILLIONS, ESTIMATES FOR ABOUT 2004 TO 2005



Source: Zimmerman, Seid and Wise, 2006, BESA, not peer-reviewed; DellaPergola, 2005, JCPA brief.

Each estimate travelled with a policy conclusion. Ian Lustick (2013, peer-reviewed, Middle East Journal) documents how the claim of 1 million to 1.5 million non-existent Palestinians was tied to proposals to annex 60% or more of the West Bank. He concludes that the campaign rested on “complex but systematic manipulation of data.” Yakov Faitelson (2009, Middle East Quarterly, not peer-reviewed) restated the gap as “probably around one million people.” Faitelson also records that the Palestinian Authority criticised the 2007 census for undercounting East Jerusalem, so the dispute runs in both directions. The disagreement is over the size of a population that no single census covers. A higher count supports the case for separation, and a lower count supports the case for retaining the territory.

What have Israel's courts said about majority-preserving policies?

In *Hasson v. Knesset* (2021), an **eleven-justice** panel of Israel's Supreme Court upheld Basic Law: Israel as the Nation-State of the Jewish People, the statute that declares Jewish settlement "a national value." The same judgment held that the Knesset is "not all powerful." Even by Basic Law, the Court ruled, the Knesset cannot deny the core character of the State as Jewish and democratic.

The earlier leading case concerned land. In *Ka'adan v. Israel Land Administration* (8 March 2000), a five-justice panel declared: "the State was not permitted, by law, to allocate state land to the Jewish Agency, for the purpose of establishing the communal settlement of Katzir on the basis of discrimination between Jews and non-Jews." President Barak wrote that "What the State cannot do directly, it cannot do indirectly." He also wrote that the Jewish character of the state does not justify "discrimination by the State between its citizens, on the basis of religion or nationality." On the Law of Return he added that Jews "were granted a special key to enter," but once inside, a person "enjoys equal rights with all other household members."

The remedy was narrow. The State was ordered to consider the family's request "on the basis of the principle of equality"; the Court did not order that the family be admitted. Justice Kedmi dissented only on whether the ruling reached past allocations. He concurred with the equality principle, which is judge-made: Basic Law: Human Dignity and Liberty (1992) contains no equality clause.

A state-commissioned review sits between these two rulings. In August 2013, Justice Minister Tzipi Livni appointed the jurist Ruth Gavison to advise on anchoring Israel's identity in law. Her recommendations, submitted on 19 November 2014 and published in 2015, were to "refrain, at this stage," from further constitutional anchoring. If legislation went ahead anyway, she recommended that it manifest "a fair, generous and inclusive attitude to the Arab minority." No government adopted the review. The Knesset passed the Nation-State Law on 19 July 2018, about three years after publication.

Where do scholars disagree on how much weight demography carries?

In Sammy Smootha's 1995 survey of 1,200 Arab citizens of Israel, **75.0%** objected to Israel keeping a Jewish majority. Smootha published the result in his 1997 Israel Studies article. The same article built a model in which majority preservation and democracy coexist in tension.

Smootha's definition reads: "Ethnic democracy is a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." In his model, a "democratic principle" and an "ethnic principle" operate at once, so demography is one force among several. His other 1995 figures show the range of Arab opinion on the same point: 6.8% denied Israel's right to exist, while 35.3% rejected its right to exist "as a Jewish-Zionist state."

Yiftachel (1999) gives demography more weight. His ethnocratic regimes "maintain a relatively open government, yet facilitate a non-democratic seizure of the country and polity by one ethnic group." In his 2006 book he places land, settlement and planning at the centre of that account. Soffer (1989) treats demography as the decisive border variable. Lustick (2013) treats the "demographic threat" as a frame whose inputs are themselves contested, a count that is argued over as well as used.

The same disagreement runs through the fertility literature. Shenhav-Goldberg and colleagues (2019) give weight to nationalist sentiment and perceived threat. Okun (2016) finds that the pattern is better explained by a wider institutional and familial constellation.

Author, year	Weight given to demography	Source type
Soffer, 1989	Decisive for borders	Peer-reviewed
Smootha, 1997	One principle held in tension with democracy	Peer-reviewed
Yiftachel, 1999	Organising principle of the regime	Peer-reviewed
Lustick, 2013	A disputed count mobilised for policy	Peer-reviewed

Methodology and limitations

This report rests on four types of record. The first is enacted texts: the 1948 Declaration, the Law of Return and its 1970 amendment, the 2018 Basic Law and the 1995 Interim Agreement. The second is official statistics from the Israel Central Bureau of Statistics and the Palestinian Central Bureau of Statistics. The third is judgments of Israel's Supreme Court. The fourth is named scholarship, each item labelled as peer-reviewed or not.

Both statistical offices report on populations tied to a party in the conflict, and each count is that office's own. The Israeli releases are preliminary and carry mixed reference dates: April 2025, mid-2024 for foreigners, and end of 2023 for Jerusalem. The Palestinian census of 2017 is the last full enumeration, so later West Bank and Gaza totals are projections from it. The two registers overlap in East Jerusalem and cannot be summed.

The Knesset labels the Nation-State Law translation unofficial. The Declaration's two official English texts differ on the word "citizens." Several quantities cited here, including the 83 Area B hamlets and the 663,900 Jews outside the pre-1967 lines, are the citer's own counts or arithmetic on published figures.

Conclusion

Is the Jewish majority a fact that policy protects, or a number whose size depends on where the count stops? The record supports both readings. Since 1970 the Law of Return has extended entry to a Jew's grandchildren and their spouses, and in 2018 the Basic Law declared Jewish settlement a national value. The 76.6% majority is measured over a boundary that took in East Jerusalem in 1968 and settlers by 1970. Jerusalem's 39.5% Arab share is published without any stated target beside it.

The state funds fertility treatment on a scale its own scholars describe as unmatched. Rival estimates of the Palestinian population differed by 1.34 million people, and each estimate was attached to a territorial policy. The courts barred Jews-only land allocation in 2000 and upheld the Nation-State Law in 2021.

In none of these records is the majority stated as a number to be reached. What varies is the population over which it is counted: citizens, residents, or everyone living between the river and the sea. The choice among those boundaries is itself a policy choice. If the same majority

reads as three-quarters of Israel's own count and as a far smaller share of everyone between the river and the sea, which of those numbers is the one its laws are written to protect?

Frequently Asked Questions

How many immigrants has Israel received since 1948?

Over 3.5 million, according to the Israel Central Bureau of Statistics' Independence Day 2026 release, about 1.68 million (47.8%) of them since 1990. The population at independence was 806,000.

How large was the post-Soviet immigration wave?

William Berthomière (1995, peer-reviewed) counts more than 500,000 arrivals from the former Soviet Union from 1989. H. Factor and J. Habib (1993) estimate that Israel's population rose about 10% between 1990 and 1993.

What share of the world's Jews live in Israel?

About 45% at the end of 2024, according to the Israel Central Bureau of Statistics' Independence Day 2026 release. The Bureau's Holocaust Day 2025 release counts 7.1 million Jews in Israel out of 15.7 million worldwide at the beginning of 2024.

Which Palestinians does the Palestinian census count?

The 2017 census enumerated residents present in the West Bank and Gaza on 1 December 2017, and East Jerusalem was estimated administratively. It does not count the refugee diaspora, and Palestinian figures from before 1997 are modelled rather than enumerated.

Do the Druze and Christian populations fit the demographic debate?

Both groups have fertility below replacement: in 2022, 1.85 children per Druze woman and 1.68 per Christian woman, according to the Israel Central Bureau of Statistics. The Bureau estimated Christians at about 184,200 in December 2025, 1.9% of the population.

Did fertility rise with conflict on the Palestinian side too?

Fargues (2000, peer-reviewed) finds that fertility on both sides tracked conflict and was framed as national strength. Marwan Khawaja (2000, peer-reviewed) finds that the West Bank transition was under way from about 1985, with a lull during the first Intifada.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

What Is the History Behind Claims That Israel Violates Gaza Ceasefires? Reading Seven Truces Since 2008 and the Research on Who Breaks Them

Seven Gaza truces since 2008, each ended by an incident each side blamed on the other. What the dated record and the research on lulls show.

Gaza Ceasefire

Hamas

Resolution 1860

Resolution 2803

Conflict Data



Gaza has had at least seven ceasefires or pauses since June 2008 that carry a dated public record, and at the end of almost every one, each side's own statements blamed the other. The measured research is sharper and split. Three academics found in 2009 that 79% of the lulls in lethal violence during the Second Intifada were broken first by an Israeli killing, while a peer-reviewed economics study found Israeli violence followed Palestinian violence and not the reverse. Israel's own records attribute the collapse of each Gaza truce to Hamas.

Key Findings

- **79%** of the pauses in lethal violence from September 2000 to October 2008 ended when Israel killed a Palestinian, 8% when Palestinians killed an Israeli, and 13% with both on the same day, on an analysis by Kanwisher, Haushofer and Biletzki (2009) that was not peer-reviewed.
- Jaeger and Paserman (2008), in the American Economic Review, found “Granger causality from Palestinian to Israeli violence, but not vice versa” in daily fatalities from September 2000 to January 2005; Haushofer and colleagues (2010), in PNAS, found that “both sides retaliate” once rocket fire is counted.
- Of the 362 rockets and mortar shells an Israeli research centre counted during the June to December 2008 lull, **324** came after an IDF operation on 4 November 2008 that killed Hamas operatives at a cross-border tunnel (Intelligence and Terrorism Information Center, 2009).
- Israel's 2015 report on the 2014 conflict lists **eight** suspensions of hostilities and attributes the breach of each to Hamas, the party's own account (Israel Ministry of Foreign Affairs, 2015).
- Security Council Resolution 2803, endorsing the October 2025 arrangement, uses the word violation zero times, while the IDF's own list records 61 dated incidents it attributes to Hamas (United Nations Security Council, 2025; Israel Defense Forces, 2026).

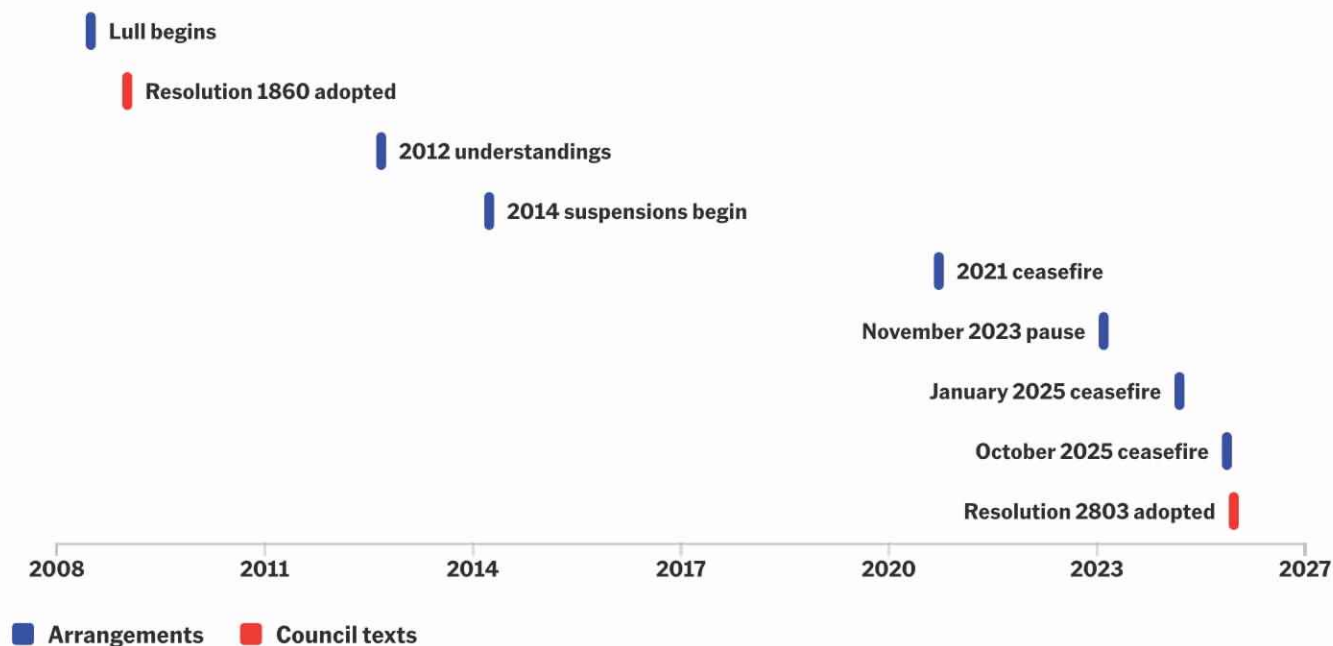
Which Gaza ceasefires does the dated record hold since 2008?

Seven arrangements since June 2008 carry a dated record in the sources assembled here: the lull of 19 June 2008, the understandings of 21 November 2012, the suspensions of the 2014 conflict, the ceasefire of 21 May 2021, the pause of November 2023, the ceasefire of 19 January 2025 and the arrangement in force from 10 October 2025. Only the last has a text published as an annex to a Security Council resolution.

The others took the forms their records describe. The 2008 lull, in the words of the Israeli Intelligence and Terrorism Information Center, “was based on unwritten understandings and called for the cessation of the fighting in the Gaza Strip” (Intelligence and Terrorism Information Center, 2008). The 2012 understandings were announced by Egypt’s foreign minister, with the text posted on the Egyptian president’s Facebook page (Intelligence and Terrorism Information Center, 2012). The 2021 ceasefire was an Egyptian initiative Israel’s security cabinet accepted as “mutual” and “unconditional” (CNN, 2021).

Dated Gaza ceasefires and pauses, 2008 to 2025

START DATES AS RECORDED IN THE SOURCES CITED IN THIS REPORT



Source: ITIC, 2008 and 2012; Israel Ministry of Foreign Affairs, 2015; CNN, 2021; CBS News, 2023 and 2025; Security Council resolutions 1860 (2009) and 2803 (2025).

The list is not exhaustive. It leaves out shorter truces, including the August 2022 ceasefire with Palestinian Islamic Jihad, for which no primary record was read for this report. What the seven share is the absence, until 2025, of any written text defining what counts as a breach. Every judgment about who broke an arrangement before 2025 was therefore a judgment made by one of the parties, a monitor or a researcher, never one set by the arrangement itself. The sections below take the research first, then each arrangement in turn.

Is it often said Israel repeatedly broke Gaza ceasefires?

It is often said that Israel has repeatedly violated ceasefires in Gaza, and the claim has a dated quantitative source. In February 2009, Nancy Kanwisher, Johannes Haushofer and Anat Biletzki reported that **79%** of all conflict pauses in the Second Intifada “were interrupted when Israel killed a Palestinian, while only 8% were interrupted by Palestinian attacks,” the remaining 13% by both sides on the same day (Kanwisher, Haushofer and Biletzki, 2009).

Their method is stated in the piece. They took the daily record of killings on both sides from September 2000 to October 2008, compiled by the Israeli human rights organisation B’Tselem, defined a “conflict pause” as one or more days on which no one on either side was killed, and asked which side killed first when each pause ended. The piece was published on the Huffington Post, not in a journal, and it counts killings only: a pause ended by rocket fire that killed no one would not register as broken.

The same authors describe the 2008 lull in terms Israel’s own records share. After it began in June 2008, “the rate of rocket and mortar fire from Gaza dropped to almost zero, and stayed there for four straight months,” a pattern they illustrate with a factsheet from the Israeli consulate in New York. On 4 November, they write, “Israel killed a Palestinian, an event that was followed by a volley of mortars fired from Gaza,” and a further strike killed six more.

The claim is supported in the form its authors measured: in their data, the first killing after a lull was far more often Israeli than Palestinian. It is not a finding about rocket fire, about intent, or about the arrangements after 2008, which their data do not cover. The peer-reviewed literature, taken up next, disputes what the ordering of violence shows.

What does peer-reviewed research find about who breaks the lulls?

Two peer-reviewed studies of the same conflict reach opposite readings. David Jaeger and Daniele Paserman, in the American Economic Review in 2008, analysed daily fatalities from September 2000 to January 2005 and found “evidence of Granger causality from Palestinian to Israeli violence, but not vice versa,” with “no evidence that the Palestinians and Israelis are engaged in a predictable ‘tit-for-tat’ cycle of violence” (Jaeger and Paserman, 2008).

Johannes Haushofer, Anat Biletzki and Nancy Kanwisher, in the Proceedings of the National Academy of Sciences in 2010, replicated the first half of that result: “Israeli killings of Palestinians increase after Palestinian killings of Israelis.” They then widened the data, adding rocket launches from IDF records alongside B’Tselem fatality counts, and found that “the firing of Palestinian rockets increases sharply after Israelis kill Palestinians” and that “the probability (although not the number) of killings of Israelis by Palestinians increases after killings of Palestinians by Israel” (Haushofer, Biletzki and Kanwisher, 2010).

The two findings differ in what they count. Jaeger and Paserman count fatalities; Haushofer and colleagues add non-lethal rocket fire and a longer series running from 2000 to 2008. Their title states the conclusion: “Both sides retaliate.” The PNAS study drew a published critique from Golan and Rosenblatt (2011), and the authors’ reply in the same journal is titled “Revisiting the statistical analysis of the Israeli–Palestinian conflict confirms that both sides retaliate” (Haushofer, Biletzki and Kanwisher, 2011).

Granger causality is a statistical test of whether one series helps predict another; it measures ordering in time, not intent or legal responsibility. Neither study addresses who breached a particular agreement, and neither covers any arrangement after 2008. What they establish is that the answer to “who responds to whom” depends on which forms of violence are counted, which is why each side’s account of any single truce can be internally consistent and still contradict the other’s.

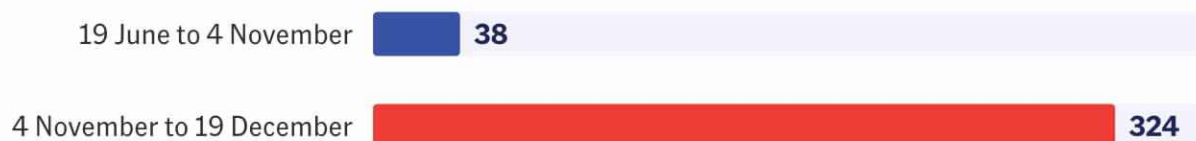
How did the June 2008 lull end, on Israel’s own count?

324 of the 362 rockets and mortar shells fired at Israel during the June to December 2008 lull came after 4 November, on the count of the Intelligence and Terrorism Information Center, an Israeli research institute (Intelligence and Terrorism Information Center, 2009).

From 19 June to 4 November, the centre's own count records 20 rocket landings and 18 mortar shells. Its report of 19 December 2008 gives Israel's account of the turning point: "On November 4 the IDF carried out a military action close to the border security fence on the Gazan side to prevent an abduction planned by Hamas, which had dug a tunnel under the fence to that purpose. Seven Hamas terrorist operatives were killed during the action. In retaliation, Hamas and the other terrorist organizations attacked Israel with a massive barrage of rockets" (Intelligence and Terrorism Information Center, 2008).

Rockets and mortar shells fired during the 2008 lull

ISRAELI RESEARCH CENTRE'S OWN COUNT, BY PERIOD



Source: Intelligence and Terrorism Information Center, 2009, Summary of rocket fire and mortar shelling in 2008; the centre's own count.

The centre's figures carry their own context. It records that the lull "brought relative quiet to the western Negev population and the Gaza Strip, especially during its first months," and that the six months before it saw 2,278 rockets and mortar shells, an average of 380 a month. It also records what the lull was meant to deliver: "the opening of the crossings between the Gaza Strip and Israel," negotiations for the release of a captive Israeli soldier, and talks on Rafah.

On the timing, Israel's own record and the 2009 analysis agree: the lull held until 4 November, and the IDF operation of that day came first. They disagree on its character. The Israeli centre calls it a preventive action against a tunnel, and the analysts count it as the

killing that ended a pause. Neither description is a finding by a body appointed to judge the arrangement, because the arrangement, being unwritten, appointed none.

What did the Security Council ask for in January 2009?

14 of the Security Council's 15 members voted on 8 January 2009 for Resolution 1860, with the United States abstaining and none against, according to the verbatim record of its 6063rd meeting (United Nations Security Council, 2009). Operative paragraph 1 "calls for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza."

The resolution's preamble describes the collapse of the 2008 lull without assigning it to either side. It expresses "grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm." The phrase names a refusal and no refuser. The same preamble emphasises "the need to ensure sustained and regular flow of goods and people through the Gaza crossings," the issue the lull had been meant to address.

The resolution sets no mechanism for determining a breach. It "Condemns all violence and hostilities directed against civilians and all acts of terrorism," calls for the unimpeded provision of humanitarian assistance, and welcomes initiatives for humanitarian corridors. It names no monitor, no verification body and no consequence for non-compliance.

The Council's text therefore did what every arrangement before 2009 did: it called for a ceasefire whose terms and whose breaches were left to the parties and the mediators. The one party-neutral document of the 2008 to 2009 period is a call for a ceasefire, not a finding about the one that ended. The next arrangement with a dated record came almost four years later, through Egyptian mediation.

What did the November 2012 understandings require?

The 2012 understandings came into effect at **21:00** on 21 November 2012, brokered by Egypt with American involvement, according to the Intelligence and Terrorism Information

Center's update of that day. It reports that the text, posted on the Egyptian president's Facebook page, provided that "the two sides agreed to stop all offensive activities and within 24 hours deliberations would begin about broader issues" (Intelligence and Terrorism Information Center, 2012).

The centre records that after 21:00, "ten rocket hits were identified in Israeli territory, but since 2300 hours there has been quiet." Israel, Hamas and Palestinian Islamic Jihad each announced they accepted the ceasefire. Israel's prime minister announced that the operation had ended and listed what he described as its achievements; the centre relays these from the prime minister's website.

The understandings were announced by a mediator rather than signed by the parties. The Egyptian foreign minister presented them at a joint press conference with the United States Secretary of State. No text was deposited with the United Nations or published by either party as an agreement. The broader issues that were to be deliberated within 24 hours, which the centre does not itemise, have no published outcome in the sources assembled here.

This is the pattern the record shows through 2021: a mediator announces a mutual cessation, each side accepts it on its own terms, and the question of what either side must do beyond stopping fire is deferred. When fighting resumed in 2014, there was no written standard against which either side's conduct under the 2012 understandings could be measured, and the sources assembled here record no determination of who broke them.

How does Israel's record describe the 2014 truces?

Eight suspensions of hostilities appear in the table in Israel's May 2015 report on the 2014 Gaza conflict, which calls the list "non-exhaustive" (Israel Ministry of Foreign Affairs, 2015). The report states that "Israel agreed to numerous ceasefires brokered by other countries and international organisations" and "also declared unilateral ceasefires."

The table records each suspension with its sponsor and, in the report's own column headed "Violations," what ended it. The Egyptian proposal of 15 July was "Rejected by Hamas; 56 rockets fired." A suspension proposed by the Security Council for 28 July was followed, on the report's account, by "Continued firing of rockets into Israel, infiltration through a tunnel

into Israel, and attacks against IDF forces.” The three-day suspension from 08:00 on 1 August, coordinated on a UN and US proposal, was cancelled after an “Attack against IDF forces, attempted abduction of IDF soldier.” The five-day suspension from 14 August ended with “50 Rockets and mortars were fired towards Southern Israel after the suspension was extended by 24 hours.”

The report states its conclusion at paragraph 396: Hamas “consistently rejected proposed ceasefire agreements, violated coordinated ceasefires, and exploited unilateral IDF ceasefires by conducting military activities against the IDF and carrying out rocket and mortar attacks against Israel.” It records the use Israel made of one pause: during the suspension of 26 and 27 July, repairs raised the electricity Israel supplied to Gaza “from 52mw to 102mw.”

This is the party’s own record of its own conduct and the other side’s, published by the government of a state that fought the conflict; it lists no breach by Israel, and no independent body is cited as having verified its entries. It is nonetheless the most detailed dated list of the 2014 suspensions in the sources assembled here, and it shows a structure the other arrangements share: each pause was proposed by a third party, accepted or rejected by each side separately, and ended by an incident one side attributed to the other.

How did the 2021 ceasefire and the 2023 pause end?

The 2021 ceasefire was set to take effect at **2 a.m.** on 21 May 2021, a senior Hamas official told CNN, after Israel’s security cabinet accepted “the Egyptian initiative for a mutual unconditional ceasefire,” as a statement from the prime minister’s office put it (CNN, 2021). The cabinet acted, the statement said, on the recommendation of the Chief of Staff and the heads of the Shin Bet, the Mossad and the National Security Council.

The word “unconditional” carries the point. The 2021 arrangement, like 2012, was a mutual cessation announced through a mediator with no published terms beyond stopping fire, which is why its end cannot be measured against a text. The sources read for this report record no published determination of how it later broke down.

The pause of November 2023 was different in kind, because it was tied to hostage releases. It began on 24 November 2023 and ran for a week; CBS News reported that 105 hostages were

freed during it, along with some 240 Palestinian prisoners, the latter figure from the Palestinian Prisoners' Club (CBS News, 2023). As it was due to expire at 7 a.m. on 1 December, the Israeli military said it had intercepted a rocket fired from Gaza, and then posted: " Hamas violated the operational pause and in addition, fired toward Israeli territory. The IDF has resumed combat against the Hamas terrorist organization in the Gaza Strip."

That statement is the party's own account, and it is the only account of the pause's end in the sources read for this report; no mediator's determination of which side ended it was located. What distinguished 2023 from the earlier pauses is that it had a countable exchange at its centre. Its end therefore turned not only on fire but on whether the next release would happen, a question the January 2025 ceasefire made explicit in phases.

How did the January 2025 ceasefire end?

The January 2025 ceasefire ran from 19 January, and its first phase ended on **1 March 2025**; the pause in major fighting held until Israel resumed strikes on 18 March, CBS News reported (CBS News, 2025). The two sides could not agree on a second phase aimed at releasing the remaining hostages and ending the war.

Each side's account of the end is on the record, and they are opposite. The statement from the Israeli prime minister's office said Israel was resuming strikes because of Hamas's "repeated refusals to release its hostages and its rejection of all offers it received from the U.S. presidential envoy Steve Witkoff and mediators," as CBS reported it. Hamas, in a statement quoted in the same report, said that "Netanyahu and his extremist government have decided to overturn the ceasefire agreement," and that it held the Israeli government "fully responsible for the repercussions."

The report records the context both statements sit in. The first phase had seen dozens of hostages released in exchange for nearly 2,000 Palestinian prisoners. After it ended, the report says, Israel's prime minister had repeatedly threatened to resume the war, and the United States president had issued warnings and ultimatums to Hamas, "some contradicting the agreed-upon terms of the ceasefire." Egypt's foreign ministry called for immediate international intervention to halt the strikes.

This is the first arrangement in the record whose breakdown turned on the terms of a phased agreement rather than on a first shot. Each side cited the other's refusal: Israel of further releases on the proposals put to Hamas, Hamas of the agreement's second phase. No mediator's published determination of which reading was right appears in the sources read for this report, and the text of the January 2025 agreement itself was not among them.

What does the October 2025 arrangement count as a violation?

Zero times: Security Council Resolution 2803, adopted on 17 November 2025 by 13 votes to none with China and the Russian Federation abstaining, never uses the word violation, and neither does the twenty-point plan annexed to it (United Nations Security Council, 2025). The plan says "the war will immediately end" and that military operations "will be suspended" and battle lines "frozen."

The only monitoring clause is thin. Operative paragraph 7 has the International Stabilization Force "assist the BoP in monitoring the implementation of the ceasefire in Gaza," and paragraph 10 asks the Board of Peace for "a written report on progress" every six months. The Board's only report, of 15 May 2026, states that "violations continue to occur on a near daily basis, some of which are serious," with no total, rate or attribution to a party (Board of Peace, 2026).

The parties fill the gap with their own lists. The Israel Defense Forces publish a page, dated 19 February 2026, compiling what they present as "IDF press releases addressing each ceasefire violation by Hamas since the start of the agreement," with 61 dated entries from 19 October 2025 to 14 February 2026 (Israel Defense Forces, 2026). The page states no total, applies the IDF's own test that the activities "constitute a clear violation of the understandings of the ceasefire," and records no incident by Israel. Palestinian bodies publish counts in the other direction; they reach readers through outlets this report does not rely on and are not reproduced here.

The 2025 arrangement is thus the first with a published text, and the text still leaves the question this report asks where every earlier arrangement left it: with the parties. The Institute's report on [what the ceasefire instrument defines](#) reads the 2025 texts in detail.

Methodology and limitations

This report draws on five types of source. Primary instruments and records are Security Council resolutions 1860 (2009) and 2803 (2025) with their recorded votes. Party records are Israel's May 2015 report on the 2014 conflict, the IDF's 2026 compilation, and statements from Israel's prime minister's office and military as relayed by named press. Israeli research: the Intelligence and Terrorism Information Center's reports of 2008, 2009 and 2012, which are the centre's own counts and characterisations. Peer-reviewed research: Jaeger and Paserman (2008), Haushofer and colleagues (2010, 2011) and the Golan and Rosenblatt (2011) critique. Press and commentary: the 2009 analysis by Kanwisher, Haushofer and Biletzki, which was not peer-reviewed, and CNN and CBS News reports that relay dated statements.

The research measures ordering in time, not legal responsibility. The 2009 analysis counts only killings and relies on B'Tselem data, a monitoring organisation's own compilation; the PNAS study adds IDF rocket data; the AER study covers 2000 to 2005 only. None covers any arrangement after 2008.

The arrangement-by-arrangement record is uneven. Before 2025, no arrangement had a published text defining a breach, so every account of an ending is a party's, a mediator's or a researcher's. The texts of the 2012 understandings as posted and of the January 2025 agreement were not read directly, and the August 2022 ceasefire is not covered. Israeli statements are carried in full where a party's own account is the only one available, and labelled as such.

Conclusion

So what is the historical context behind the claim that Israel violates ceasefires in Gaza? It is a record of at least seven arrangements since 2008, almost all unwritten, each ended by an incident that each side attributed to the other, and a research literature that agrees on the ordering of events far less than either side's account suggests.

The record is specific where it can be. The 2008 lull held until an IDF operation on 4 November, and 324 of its 362 projectiles came after it, on Israel's own centre's count. A 2009

analysis found Israel killed first after 79% of Second Intifada lulls; a peer-reviewed study found Israeli violence followed Palestinian violence, and another found that both sides retaliate once rockets are counted. Israel's 2015 report lists eight 2014 suspensions and attributes every breach to Hamas. In 2025 each government cited the other's refusal. And the one arrangement with a published text never uses the word violation.

The pattern is less a record of who broke each truce than of who was never asked to decide. When no arrangement names a judge, every count of violations is someone's own, and the question becomes which count a reader already trusts before reading it. If the next ceasefire again leaves breaches undefined, whose list will the history of its ending be written from?

Frequently Asked Questions

Was the 2008 lull written down?

No. The Intelligence and Terrorism Information Center describes it as “based on unwritten understandings” that “called for the cessation of the fighting in the Gaza Strip,” with Hamas committing to enforce it on other groups (Intelligence and Terrorism Information Center, 2008). It was expected to last six months, and Hamas spokesmen said it would end on 19 December 2008.

Did the Security Council blame either side for the end of the 2008 lull?

No. Resolution 1860 refers to casualties “since the refusal to extend the period of calm” without naming who refused, and calls for “an immediate, durable and fully respected ceasefire” (United Nations Security Council, 2009). It was adopted by 14 votes to none, with the United States abstaining.

How many rockets were fired before the 2008 lull, on Israel's count?

The Intelligence and Terrorism Information Center counted 2,278 rockets and mortar shells in the six months before the lull, an average of 380 a month (Intelligence and Terrorism Information Center, 2008). During the six-month lull it counted 329 by 17 December 2008, most of them after 4 November.

What is Granger causality, and why does it matter here?

It is a statistical test of whether past values of one series help predict another. Jaeger and Paserman (2008) found Palestinian fatalities predicted Israeli ones and not the reverse; it measures timing, not intent or who breached an agreement.

Did Israel supply more electricity to Gaza during the 2014 pauses?

Israel's 2015 report states that during the suspension of 26 and 27 July 2014, repairs to power lines raised the electricity Israel supplied to Gaza "from 52mw to 102mw" (Israel Ministry of Foreign Affairs, 2015). That is the party's own account.

Who monitors the October 2025 ceasefire?

Resolution 2803 tasks the International Stabilization Force with assisting the Board of Peace "in monitoring the implementation of the ceasefire," but sets no duty to count or publish violations (United Nations Security Council, 2025). The Board's May 2026 report gives no violation total (Board of Peace, 2026).

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Nation-State Law

Antisemitism Definitions



The best-known argument that Zionism is racist rests on UN General Assembly Resolution 3379, adopted on 10 November 1975 by 72 votes to 35 with 32 abstentions and revoked on 16 December 1991 by 111 votes to 25. The other arguments point to Israeli statutes: a 2018 Basic Law that reserves national self-determination to the Jewish people, and a 1950 immigration law whose eligibility runs by descent or conversion. The charge is racism, but the texts it cites sort people by religion and nationality. Whether “racist” is the right word for what those texts do is the question the rest of the record keeps returning to.

Key Findings

- **UN General Assembly Resolution 3379 (1975)** determined that “zionism is a form of racism and racial discrimination” by 72 votes to 35 with 32 abstentions. **Resolution 46/86 (1991)** revoked it by 111 votes to 25 with 13 abstentions. The governmental Durban Declaration of 2001 does not contain the word “Zionism”.
- **Israel’s Basic Law: Israel as the Nation-State of the Jewish People (2018)** states that national self-determination in the state “is exclusive to the Jewish People”. The Israel Democracy Institute’s explainer records that it passed the Knesset 62 to 55.
- **Israel’s Law of Return, as amended in 1970**, extends the right to the child and grandchild of a Jew and their spouses. It defines a Jew as a person “born of a Jewish mother or has become converted to Judaism”.
- **Israel’s Central Bureau of Statistics (2026)** counts 2.157 million Arab residents, 21.1% of a preliminary 10.244 million. In Sammy Smootha’s 1995 survey of 1,200 Arab citizens, 50.3% regarded Zionism as racist.
- **Moon, Barlev and Neuberg (2026)** ran three preregistered experiments with 979 US participants. Liberals liked a person expressing antisemitism more when the antisemitism was justified by disapproval of Israel.

What arguments are made that Zionism is racist?

The argument with the firmest textual footing rests on an enacted statute. Israel's Basic Law: Israel as the Nation-State of the Jewish People passed the Knesset **62 to 55** on 19 July 2018. Clause 1(c) states that the right to national self-determination in the State of Israel "is exclusive to the Jewish People" (Knesset, 2018). Three other families of argument cite a 1975 UN determination, regime-type scholarship and a settler-colonial framing.

The arguments fall into four families, and each rests on a named text. The vote count is carried as the Israel Democracy Institute's explainer records it, though the explainer dates the vote to June.

The enacted-text argument reads Israeli statutes directly. Clause 1(b) of the 2018 Basic Law calls Israel "the nation state of the Jewish People". Clause 7 states that "The State views the development of Jewish settlement as a national value." The law contains no equality clause and no individual-rights clause. That absence is a fact about the text, not a finding about how the state treats anyone. The argument pairs this law with section 1 of the Law of Return, 1950: "Every Jew has the right to come to this country as an oleh."

The intergovernmental argument cites the General Assembly's operative line of 10 November 1975: the Assembly "Determines that zionism is a form of racism and racial discrimination" (United Nations General Assembly, 1975). This is the only text in the series that uses the word racism about Zionism in an adopted instrument.

The regime-type argument comes from political geography. Oren Yiftachel's 1999 article in *Constellations* is titled "Ethnocracy": The Politics of Judaizing Israel/Palestine. It describes ethnocratic regimes as "states that maintain a relatively open government, yet facilitate a non-democratic seizure of the country and polity by one ethnic group." Yiftachel did not coin the term; his own footnote traces it to Linz, Stepan and Mazrui.

The settler-colonial argument is represented by Tariq Dana, writing in *Middle East Critique* in 2024. Dana argues that Israeli settler colonialism is exceptional within settler-colonial studies because of its Zionist ideological roots and the absence of a conventional metropole. Alan Dowty's 2022 essay for the Stroum Center for Jewish Studies at the University of Washington argues the opposite.

These four families use three different words: racism, ethnocracy and colonialism. The sections below take each text in turn and ask what category it actually names.

Is it often said that Zionism privileges Jews over non-Jews?

Yes. The premise appears in UN, non-governmental and scholarly texts from 1975 onward, and Israel's own statutes do distinguish by Jewish identity. The distinction reaches **2.157 million** Arab residents, 21.1% of a preliminary 10.244 million. That is the Israel Central Bureau of Statistics' own count on the eve of Independence Day 2026.

It is often said that Zionism privileges Jews over non-Jews. The claim has dated holders:

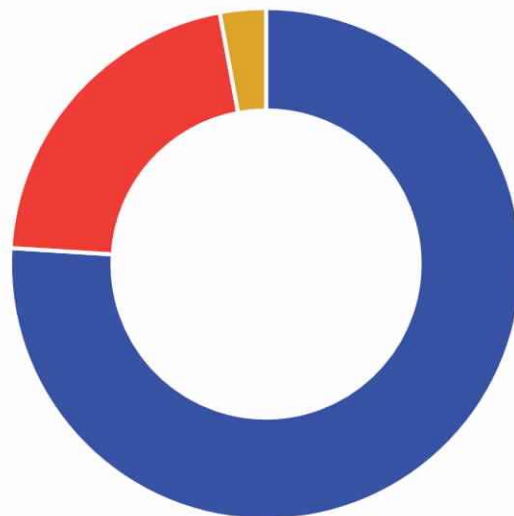
- **The General Assembly (1975)** framed it as racism.
- **The NGO Forum of the 2001 World Conference against Racism** wrote in Declaration paragraph 162, "We declare Israel as a racist, apartheid state."
- **Yiftachel (1999)** titled his argument around "Judaizing" Israel/Palestine.

On the texts, the premise is directionally accurate. Clause 1(c) of the 2018 Basic Law and section 1 of the 1950 Law of Return both confer something on Jews as Jews.

The base rate shows who is on the other side of that line. In its release for Independence Day 2026, the Bureau reports 7.790 million Jews and Others (76%), 2.157 million Arabs (21.1%) and 296,000 foreigners (2.9%). Its figures are preliminary and based on the 2022 census. The foreigner data relate to the end of 2025.

Israel's population by the Bureau's own groups

SHARE OF A PRELIMINARY 10.244 MILLION, EVE OF INDEPENDENCE DAY 2026



■ Jews and Others ■ Arabs ■ Foreigners

Source: Israel Central Bureau of Statistics, Israel's Independence Day 2026, preliminary; foreigner data for end of 2025.

The premise is also held within the population the statutes distinguish. Smootha's survey of September to October 1995 interviewed 1,200 Arab citizens within the pre-1967 borders, excluding East Jerusalem, face to face. In that survey:

- 50.3% regarded Zionism as racist.
- 35.3% rejected Israel's right to exist as a Jewish-Zionist state.
- 6.8% denied Israel's right to exist.

These are 1995 figures from one survey, and no comparable later reading appears in the sources used here.

Is eligibility under the Law of Return defined by descent?

In part. Since **1970**, section 4A of Israel's Law of Return has extended the right to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." That is eligibility by descent. Section 4B, added the same year, defines a Jew as a person "born of a Jewish mother or has become converted to Judaism."

That opens a second route through conversion.

The full text of section 4B, in the English published by the Knesset, reads: “For the purposes of this Law, ‘Jew’ means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion.” The definition has three limbs:

1. Maternal descent.
2. Conversion.
3. A religious exclusion.

Section 4A carries its own exclusion as well: the right does not extend to “a person who has been a Jew and has voluntarily changed his religion.” Section 4A(b) makes it immaterial whether the Jewish ancestor “is still alive and whether or not he has immigrated to Israel.”

The two readings of this text turn on different clauses. The descent reading rests on 4A and on the maternal limb of 4B, under which eligibility can pass through three generations without any act by the claimant. The competing reading rests on the conversion limb, which is open to a person of any ancestry, and on the religious exclusion, which removes a person of Jewish descent who has adopted another religion. The same 1970 amendment inserted section 3A into the Population Registry Law. That section imports the 4B definition into the Registry, so the definition reaches identity documents as well as immigration.

The asymmetry argument sets this law beside the 1948 refugees. The United Nations Conciliation Commission for Palestine’s Technical Committee estimated approximately 711,000 “refugees from Israel-controlled territory” in a report dated 7 September 1949. The estimate was published in the Commission’s 1950 report. The Commission counted refugees; it did not attribute a cause to their departure. How the statutes treat that population is set out in the report on [Palestinian refugees and the discrimination record](#).

Is the legal line drawn by race, religion or nationality?

On the official texts, it is drawn by religion and nationality. Israel’s Central Bureau of Statistics reports residents in **three** categories: “Jews and Others,” “Arabs” and, since 2023, foreigners. It defines “Arabs” as Moslems, Arab Christians and Druze, a grouping by religion

and nationality. The 1948 Declaration of the Establishment of the State of Israel uses the word race only once, and only as a basis on which equality is promised.

In the Knesset's English text, the Declaration pledges that the state "will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Foreign Ministry's English has "inhabitants."

The Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713-1953, draws its line by religious community. Section 1 states: "Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts." Section 2 states: "Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law."

In Ka'adan v. Israel Land Administration in 2000, the Supreme Court of Israel held at paragraph 31 that the values of the State "as a Jewish state" do not justify "discrimination by the State between its citizens, on the basis of religion or nationality." That equality rule is judge-made. Basic Law: Human Dignity and Liberty, 1992, contains no equality clause.

Text	Category it names	Source
Declaration, 1948	Equality "irrespective of religion, race or sex"	Provisional Government of Israel, 1948
Marriage jurisdiction, 1953	"Jews," under "Jewish religious law"	Knesset, 1953
Ka'adan, 2000	Discrimination "on the basis of religion or nationality"	Israeli Supreme Court, 2000
Population groups, 2026	"Jews and Others," "Arabs," foreigners	Israel Central Bureau of Statistics, 2026

The legal literature disputes whether a religious and national line can still be a racial one. John Dugard and John Reynolds (2013) hold that "the question of racial groups is a sociological rather than a biological one." On that basis, the relevant international law "appears sufficiently broad to understand Jewish Israelis and Palestinian Arabs as distinct groups." Their argument concerns the occupied territory, not Israel within the pre-1967 lines, and Dugard was the UN Special Rapporteur for it from 2001 to 2008. In the same issue

of the European Journal of International Law, Yaffa Zilbershats replies that the analysis conflates sovereign territory with belligerent occupation. How the 2018 law reads against the treaty definition of racial discrimination is set out in the report on [the Nation-State Law and racial grounds](#).

Which texts did the 1975 UN resolution cite as grounds?

Resolution 3379 passed **72 to 35** with 32 abstentions on 10 November 1975, as the verbatim record of the 2400th plenary meeting records. Its preamble recalls the Assembly's own 1973 resolution condemning "the unholy alliance between South African racism and zionism," and then takes note of three political texts from 1975:

1. The Mexico Declaration of the World Conference of the International Women's Year.
2. Resolution 77 (XII) of the Assembly of Heads of State and Government of the Organization of African Unity, adopted at Kampala.
3. The Political Declaration of the Non-Aligned foreign ministers, adopted at Lima in August.

The preamble quotes each ground in its own words:

- **The Mexico Declaration** held that international cooperation and peace require "the elimination of colonialism and neo-colonialism, foreign occupation, zionism, apartheid and racial discrimination in all its forms."
- **The OAU resolution** considered that "the racist regime in occupied Palestine and the racist regimes in Zimbabwe and South Africa have a common imperialist origin."
- **The Lima Declaration** "most severely condemned zionism as a threat to world peace and security and called upon all countries to oppose this racist and imperialist ideology."

Two features of the text shape how it can be used. First, the three 1975 grounds are declarations of political conferences, adopted by bodies whose membership overlapped heavily with the resolution's majority, and the fourth is the Assembly's own earlier resolution. None is a finding of fact about an Israeli law, a policy or a population. Second, the resolution defines neither term in its operative sentence. It does not state what it means by

zionism or by racism. It places the one inside the other by determination, and the Mexico text lists zionism alongside colonialism and apartheid rather than equating it with any of them.

The vote itself was divided. The 72 states in favour were a majority of the 139 voting or abstaining, and 67 states voted against or abstained. The history of the vote and the afterlife of the word in political speech are traced in the report on [“Zionista” as an accusation](#).

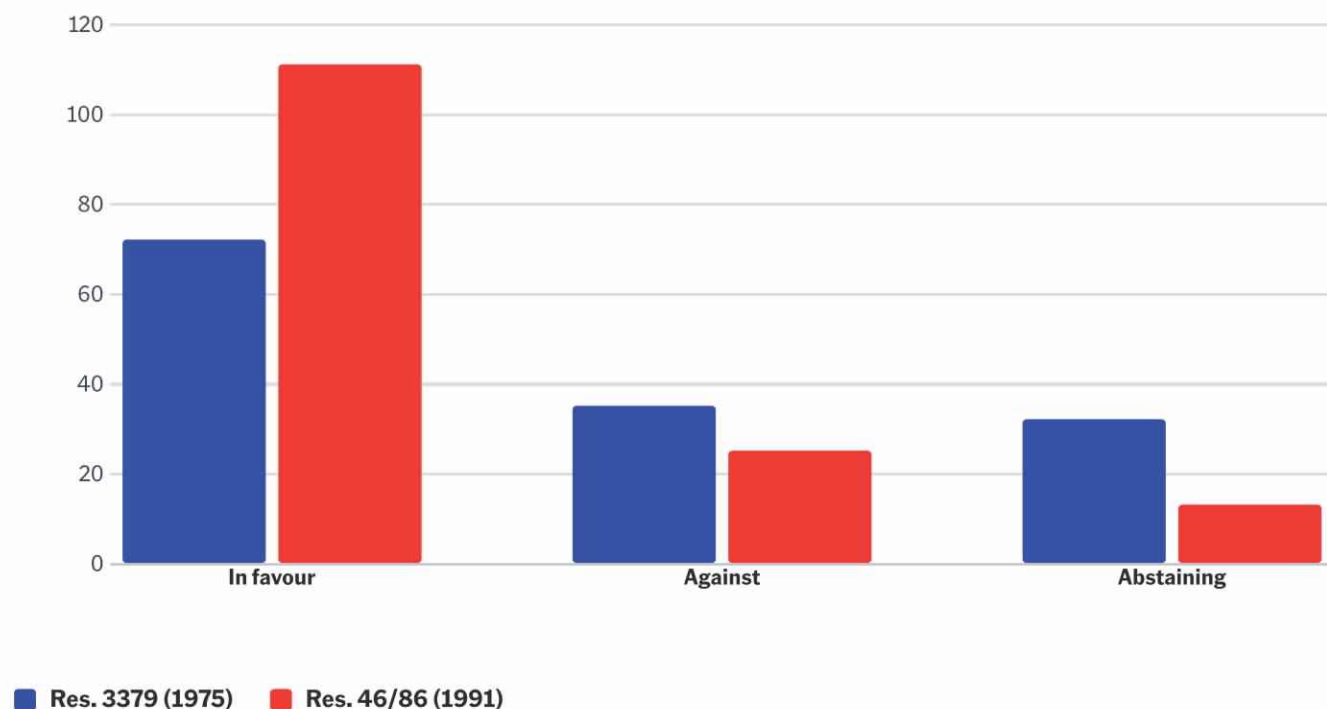
Does any standing UN text still say Zionism is racism?

No. General Assembly Resolution 46/86 revoked the 1975 determination on 16 December 1991 by **111 to 25** with 13 abstentions. It did so in one operative sentence: the Assembly “Decides to revoke the determination contained in its resolution 3379 (XXX) of 10 November 1975.”

The verbatim record of that meeting shows a procedural vote first: the Assembly rejected by 96 votes to 24, with 13 abstentions, a motion by Yemen that the decision should require a two-thirds majority. The governmental Durban Declaration and Programme of Action of 2001 do not contain the word “Zionism” in any of their 153 pages (World Conference against Racism, 2001).

Recorded votes on the Zionism determination

GENERAL ASSEMBLY, 10 NOVEMBER 1975 AND 16 DECEMBER 1991



Source: General Assembly resolutions 3379 (XXX) and 46/86, recorded votes.

The 2001 World Conference against Racism produced two different documents. The first, the governmental Declaration adopted at Durban on 8 September 2001, speaks to the region at paragraph 63. In its words: “We recognize the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State and we recognize the right to security for all States in the region, including Israel.” The second is the NGO Forum Declaration of 3 September 2001, which the Conference never adopted. It declared Israel “a racist, apartheid state” at paragraph 162, and its Programme of Action called “for the reinstitution of UN resolution 3379.” The two texts have different authors, different dates and opposite content on this point.

The United States withdrew from the conference on 3 September 2001, five days before the governmental Declaration was adopted. In his statement that day, Secretary of State Colin L. Powell said that racism is not combated by “declarations containing hateful language, some of which is a throwback to the days of ‘Zionism equals racism.’” He was describing draft and forum texts current on 3 September. The instrument finally adopted contains no reference to Zionism.

Do antisemitism definitions treat the racism claim as antisemitic?

The three definitions disagree on exactly this point. The International Holocaust Remembrance Alliance working definition was adopted by the IHRA plenary on 26 May 2016. IHRA's own adoption roll names **46** UN member states that use it. Among its illustrative examples is denying Jewish self-determination "by claiming that the existence of a State of Israel is a racist endeavor." The Jerusalem Declaration (2021) and the Nexus Document instead place criticism of Zionism outside antisemitism on its face.

The IHRA definition. The plenary adopted a two-sentence core definition beginning: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews." The eleven examples follow on a separate line introduced by "the following examples may serve as illustrations." The examples carry their own hedge: they "could, taking into account the overall context, include, but are not limited to" the cases listed. The same framing paragraph adds that "criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic." IHRA's own footnote on the roll says states "adopt, endorse, embrace, recognize, support" it, so the 46 is not a count of identical acts.

The Jerusalem Declaration on Antisemitism (2021) defines antisemitism as "discrimination, prejudice, hostility or violence against Jews as Jews." In its section of examples that "on the face of it, are not antisemitic," guideline 12 includes supporting full equality "between the river and the sea," whether "in two states, a binational state, unitary democratic state, federal state, or in whatever form." Guideline 13 includes comparing Israel "with other historical cases, including settler-colonialism or apartheid." Its antisemitic examples include guideline 10: denying "the right of Jews in the State of Israel to exist and flourish, collectively and individually, as Jews."

The Nexus Document, in its June 2024 revision of the February 2021 text, holds under "What is Not Antisemitic?" item 1 that "criticism of Zionism and Israel... should not, as such, be deemed antisemitic." Under "What is Antisemitic?" item 9, it counts treating Israel differently "solely because it is a Jewish state."

So the sentence "the existence of a State of Israel is a racist endeavor" appears as a possible example of antisemitism in the IHRA text, subject to context. The other two texts place the

surrounding category of argument outside antisemitism unless it crosses their own named lines.

Where do scholars disagree about calling it racism?

Four named scholars from 1997 to 2024 place the same institutions in different categories:

1. Sammy Smooha's "ethnic democracy" (1997).
2. Oren Yiftachel's "ethnocracy" (1999).
3. Tariq Dana's settler-colonial reading (2024).
4. Alan Dowty's 2022 essay arguing against the settler-colonial classification.

None of the four assigns racism as its regime category.

Smooha, in Israel Studies in 1997, defines ethnic democracy as "a system that combines the extension of civil and political rights to individuals and some collective rights to minorities, with institutionalization of majority control over the state." He separates it from the Herrenvolk type because citizenship extends to all and the minority is not excluded from its benefits. He places Northern Ireland from 1921 to 1972, Poland from 1918 to 1935 and Malaysia in the same category.

Yiftachel treats the same institutions as neither democratic nor authoritarian. His 1999 category rests on settler society, ethno-nationalism and the "ethnic logic" of capital. His 2006 book introduces the term "creeping apartheid," which is his own coinage inside his own framework, not a legal finding.

Gavison, a jurist rather than a regime theorist, was commissioned by the Minister of Justice in August 2013 and submitted her recommendations on 19 November 2014. She recommended refraining "at this stage" from further constitutional anchoring of the state's core vision. If a law were passed anyway, she said it should "manifest a fair, generous and inclusive attitude to the Arab minority." Her Hebrew text adds that it should be a vision law, not a nation law. No government adopted the recommendation. The Knesset passed the Nation-State Basic Law about three years after publication.

Dowty's essay is signed faculty commentary and was not peer-reviewed. It argues against the settler-colonial classification that Dana (2024) defends in a critical-theory journal.

The dispute these texts record is over which regime category fits: a democracy with an ethnic majority principle, an ethnic regime that is not a democracy, or a settler-colonial state. The word racism enters Smootha's article as a survey item, in which 50.3% of Arab respondents in 1995 described Zionism that way. It does not enter as the category he assigns.

Does seeing Jews as privileged change how antisemitism is judged?

It can, in one measured setting. Moon, Barlev and Neuberg (2026) ran three preregistered US experiments with **979** participants. Liberals, though not conservatives, liked a person expressing antisemitism more when the antisemitism was justified by disapproval of Israel and the war in Gaza, or by Israeli violations of Palestinian human rights. The measured outcome is how much participants liked the speaker. It is not a finding that criticism of Israel is antisemitism.

Without a justification, people expressing antisemitism were generally disliked, and more so by liberals. The authors attribute the "licensing" effect to two mechanisms:

- **Ingroup favoritism:** the justification marks the speaker as a fellow liberal.
- **Alliance politics:** the justification signals that the speaker is not generally bigoted.

The findings come from the published abstract and are associations within an experimental design, not measures of behaviour outside it.

The racism framing casts Jews as the advantaged party, and two further 2026 papers in American Psychologist address that perception. Hadar, Halevy, Cohen, Apfelbaum and Chan define perceived Jewish power as perceived control over valued resources. They report that across six national samples (the United States, Mexico, Australia, the United Kingdom, Germany and Poland), perceived Jewish power is associated with antisemitism by two routes:

- Among people who support social hierarchy, it registers as a threat to ingroup dominance.
- Among people who oppose hierarchy, it registers as a threat to egalitarian ideals.

In a review, Bilewicz, Cohen and Feinberg argue that antisemitism does not fit standard models of stereotyping, because the trope attributes high status and hidden power rather than low status.

All three papers are abstract-sourced and correlational. None measures the Zionism-racism framing itself. What they measure is narrower. When a group is perceived as powerful, that perception is associated with hostility toward it from both ends of the ideological spectrum. And in one US design, a justification framed around Israel was associated with liberal participants judging an antisemitic speaker more leniently.

Methodology and limitations

The report assembles the arguments from the texts they cite and labels each by type:

- **Primary and official records:** the Knesset's English texts of the 1950, 1953, 1970, 1992 and 2018 statutes; the 1948 Declaration; the Supreme Court's Ka'adan judgment and HCJ 5555/18; General Assembly resolutions 3379 and 46/86 with their recorded votes; the Durban Declaration; the 1950 Conciliation Commission report; the Central Bureau of Statistics release for 2026; and the State Department statement of 3 September 2001.
- **Peer-reviewed research:** Smootha (1997), Yiftachel (1999), Dugard and Reynolds (2013), Zilbershats (2013), Dana (2024) and the three 2026 psychology papers. Hadar, Moon and Bilewicz are abstract-sourced.
- **Other types:** Yiftachel (2006) is a university-press book. Dowty (2022) is an unrefereed academic-centre essay. Gavison (2015) is a commissioned review that was not adopted. The IHRA, Jerusalem Declaration and Nexus texts are definitional instruments. The NGO Forum Declaration is an unadopted text read from third-party copies, because no issuing body publishes it.

Several limits apply:

- **Statute texts.** The Knesset's English pages of the Law of Return are marked neither official nor unofficial. The 1950 page is the text as enacted, and a 1954 amendment is not reflected in it.
- **Population figures.** The Bureau's 2026 figures are preliminary.
- **Survey data.** Smootha's percentages are from a single 1995 survey, and no comparable later reading appears in the sources used here.
- **Nexus date.** The Nexus text quoted is the June 2024 revision, and the February 2021 original was not available.
- **Law of Return date.** The Knesset reports the 1950 law's passage and its gazette publication under two consecutive Hebrew dates, both rendered 5 July 1950.
- **Vote record.** The Nation-State Law vote count is carried as the Israel Democracy Institute records it.

The unit of analysis throughout is the argument and the text it cites. The charge is examined through those texts and through the measurements attached to them.

Conclusion

Is the case that Zionism is racist a case about race? On the texts it cites, it is a case about Jewishness defined by descent, conversion and religion.

The record supports a clear set of points:

- The statutes confer a status on Jews that the 2.157 million Arab residents counted in 2026 do not share.
- The Law of Return's eligibility runs three generations by descent and admits any convert.
- The only adopted international text calling Zionism racism stood for 16 years and was revoked by a larger margin than the one that passed it.
- The governmental Durban text of 2001 left the equation out.
- Four named scholars from 1997 to 2024 describe the same institutions as an ethnic democracy, an ethnocracy, or a contested case of settler colonialism.

- The three antisemitism definitions divide over whether calling Israel's existence "a racist endeavor" is itself antisemitic.
- In 1995, half of the Arab citizens Smootha surveyed called Zionism racist.

What the measurements add is a question about consequence rather than truth. The racism framing names Jews collectively as the privileged party. The 2026 studies find that perceived Jewish power is associated with antisemitism on both the left and the right, and that an Israel-based justification made an antisemitic speaker more likeable to one audience. A resolution revoked in one sentence in 1991 left its word in circulation. Carried into ordinary speech about who holds power, does that word turn a dispute over statutes into a verdict on Jews as a people, and would the speaker who uses it know the difference?

Frequently Asked Questions

Did Israel's Supreme Court rule on the Nation-State Law?

Yes. In HCJ 5555/18 Hasson v. Knesset, delivered on 8 July 2021, an eleven-justice panel dismissed 15 petitions and upheld the Basic Law. The Court also held that the Knesset is "not all powerful" and cannot, even by Basic Law, deny Israel's core character as a Jewish and democratic state.

What status does the Nation-State Law give Arabic?

Clause 4(b) states that "Arabic has a special status in the State," and clause 4(a) makes Hebrew "the language of the State." Clause 4(c) adds that nothing in the article compromises the status Arabic had "in practice" before the law came into force.

Did Jewish bodies oppose Zionism before 1948?

Several did, on the record. The Pittsburgh rabbinical conference of 1885 declared, "We consider ourselves no longer a nation, but a religious community." The Reform movement's Columbus Platform reversed that position in 1937. The Bund's Fourth Congress in April 1901 called Zionism "a reaction of the bourgeois classes against antisemitism."

What did Edwin Montagu argue in 1917?

In War Cabinet paper G.T. 1868 of 23 August 1917, Secretary of State for India E. S. Montagu argued that British policy on Palestine was “anti-Semitic in result.” He wrote this “not with a view to suggesting that the Government is deliberately anti-Semitic,” and he was answering a draft, ten weeks before the Balfour Declaration issued.

How did the 1937 Royal Commission describe the conflict?

The Palestine Royal Commission, reporting in July 1937, wrote that “An irrepressible conflict has arisen between two national communities within the narrow bounds of one small country.” It framed the dispute as national rather than racial and recommended partition. The recommendation was never enacted.

Does the Durban Declaration address antisemitism?

Yes. Paragraph 61 of the 2001 governmental Declaration recognises “with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world.” Paragraph 58 states, “We recall that the Holocaust must never be forgotten.”

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Did Israel Support Apartheid South Africa's Regime? Reading the Export Share, the 1975 Records and the Denial

South Africa took 35% of Israel's security exports in the late 1970s. What the 1975 records, the 2010 denial and the historians show.

Israel

South Africa

Apartheid

Arms Trade

Nuclear History

Cold War



Yes, on the measured trade. In the late 1970s South Africa became Israel's largest arms customer, "responsible for 35% of Israel's total security exports," according to Yaron Salman's peer-reviewed study in *Israel Affairs* (2026). Declassified South African records, published by *The Guardian* in May 2010, show the two defence ministers signing a secret military agreement in 1975 and discussing Jericho missiles with the "correct payload" at Zurich on 4 June that year. The records show South Africa did not buy nuclear warheads from Israel, and in 2010 the office of Israel's president denied that Israel ever negotiated their exchange.

Key Findings

- 35% of Israel's total security exports went to South Africa in the late 1970s, when it became Israel's largest arms customer (Salman, 2026). The base is Israel's own export trade.
- In 1975 the two countries' defence ministers signed a military agreement, known as Secment, stating that "the very existence of this agreement... shall be secret and shall not be disclosed by either party" (McGreal, 2010).
- South African minutes of a meeting in Zurich on **4 June 1975** record Botha expressing interest in Jericho missiles "subject to the correct payload being available" and Peres saying it "was available in three sizes" (McGreal, 2010).
- Security Council resolution 418, adopted unanimously on **4 November 1977**, required all states to "cease forthwith any provision to South Africa of arms and related matériel of all types" (United Nations Security Council, 1977).
- On 24 May 2010 the office of Israel's president stated that "Israel has never negotiated the exchange of nuclear weapons with South Africa," the party's own published position (McGreal, McCarthy and Smith, 2010).

How large was Israel's arms trade with apartheid South Africa?

South Africa accounted for 35% of Israel's total security exports in the late 1970s, when it became Israel's largest arms customer, according to Yaron Salman of the Max Stern Yezreel Valley College in "Beyond embargo: Israel–South Africa relations during the apartheid era,"

a peer-reviewed study in Israel Affairs published in July 2026 (Salman, 2026). More than a third of what that sector sold abroad in those years went to one customer.

The question readers usually carry is simpler than the record: did Israel stand with a government most of the world was trying to isolate? The export share is the strongest single measurement available on that question. It sizes the relationship from Israel's side of the ledger.

The figure measures one thing precisely, and its limits are part of reading it correctly. It is a share of value, not a count of systems, and it is not a figure in currency. It is also not a measure of how much of South Africa's own arms procurement came from Israel. A 35% share tells a reader how much Israel's defence exports depended on South Africa. It does not tell a reader how much South Africa depended on Israel, and the second figure is not published in any checkable form among the sources cited here.

Salman's account of why the share mattered comes from interviews he conducted with nine former Israeli officials and from Israeli archival documents. One, a former Israeli military attaché in South Africa, told him South Africa "was a major financing partner" for the defence industries. Another, a former director general of Israel's Foreign Ministry, wrote that the "huge South African customer... supported tens of thousands of families of military industry workers in Israel." These are the recollections of former officials, and Salman himself cautions that one such testimony "should be treated cautiously due to its possible retrospective view."

The timing of the share matters for the sections that follow. The late 1970s were the years of the 1975 agreement between the two defence ministries and of the 1977 mandatory arms embargo. The share is a single figure for the period, so neither event is visible inside it.

Is it often said Israel was apartheid's closest ally?

It is often said that Israel was one of apartheid South Africa's closest allies, and the phrase has a dated scholarly anchor. Sasha Polakow-Suransky's 2010 book is titled *The Unspoken Alliance: Israel's Secret Relationship with Apartheid South Africa*, and Salman (2026) writes

that “In the 1970s, Israel saw South Africa as a major ally.” The measured record supports the closeness in one direction: South Africa took **35%** of Israel’s security exports.

On the measured record the claim is directionally supported. A signed 1975 agreement between defence ministries, whose very existence was to be kept secret, is a closer relationship than ordinary trade. A customer taking more than a third of a country’s security exports is a relationship of real weight.

The reframe is the comparison group. The 35% share measures South Africa’s importance to Israel. The claim of a “closest ally” is also a claim about Israel’s importance to South Africa, set against South Africa’s other suppliers and partners. No figure among the sources cited here places Israel’s share of South African arms imports alongside those of other states.

The word “alliance” is itself contested in the scholarship. Yehonatan Alsheh of the University of the Free State, in a 2013 article in the *Southern Journal for Contemporary History*, surveys five explanations of the ties and concludes that “the current tendency to suggest that there was an Israeli-South African alliance that was underwritten by ideological affinities is essentially garbled” (Alsheh, 2013). He also rejects the idea that the two shared the same international status: “it is simply untrue that Israel was of the same international status as South Africa.”

Both findings stand together. The relationship was large from Israel’s side and secret by design. Whether it was an alliance, and of what kind, is argued in the scholarship rather than settled by a published measurement.

What did the secret 1975 Peres-Botha agreement commit to?

In **1975** Israeli Defence Minister Shimon Peres and South African Defence Minister P. W. Botha signed a covert agreement governing the military relationship, known as Secment. Its text, as *The Guardian* quoted it in May 2010, provided: “It is hereby expressly agreed that the very existence of this agreement... shall be secret and shall not be disclosed by either party.” The agreement also said that neither party could unilaterally renounce it (McGreal, 2010).

These documents are official records of one party to the agreement. The South African government produced them, and its post-apartheid successor released them at the request of Polakow-Suransky, over what The Guardian reports were Israeli objections. The newspaper is the relay, and the South African state is the author of the records.

The agreement bound the two defence ministries rather than private firms or intermediaries, since the ministers who signed it held the defence portfolio in each government. The confidentiality clause is the feature most directly relevant to the question of support. The two governments agreed not only to cooperate but also to keep secret that they had agreed to do so.

The date of signature is stated two ways in the same newspaper's coverage. The Guardian's report of May 2010 places the signing "some weeks before" the Zurich meeting of 4 June 1975. A second report, dated 24 May 2010, quotes Polakow-Suransky saying of the payload discussion: "Four days later Peres signed a secrecy agreement with PW Botha" (McGreal, McCarthy and Smith, 2010). The two accounts cannot both be right, and the published text does not print the date; Polakow-Suransky told the newspaper that Israel's defence ministry had sought to block access to "the signature and the date." The year is secure; the day is not.

What these records do not supply is also a matter of fact. They are South Africa's copies and South Africa's minutes. No Israeli copy of the agreement appears in the sources cited here. The Israeli government's published response in 2010, examined below, addressed nuclear weapons and did not address the conventional cooperation agreement.

Did Israel offer South Africa nuclear-capable missiles?

South African minutes of a meeting at Zurich on **4 June 1975**, published by The Guardian in May 2010, record: "Minister Botha expressed interest in a limited number of units of Chalet subject to the correct payload being available." They continue: "Minister Peres said the correct payload was available in three sizes. Minister Botha expressed his appreciation and said that he would ask for advice" (McGreal, 2010). Chalet was the codename for the Jericho project.

An earlier meeting, on 31 March 1975, is described in Polakow-Suransky's book, as The Guardian quoted it: Israeli officials "formally offered to sell South Africa some of the nuclear-capable Jericho missiles in its arsenal." A memo drawn up the same day by South Africa's military chief of staff assumed "That the missiles will be armed with nuclear warheads manufactured in RSA (Republic of South Africa) or acquired elsewhere."

Three things in the record must be kept apart, because the evidence differs for each.

The first is a discussion. The Zurich minutes record ministerial talk about Jericho missiles and a payload "in three sizes." This is documented, dated and attributable to named officials. That "correct payload" meant nuclear warheads is The Guardian's reading and Polakow-Suransky's, argued from the South African memo; the minutes use the euphemism and not the word.

The second is an offer to sell nuclear weapons. The Guardian's headline, "Revealed: how Israel offered to sell South Africa nuclear weapons," is the newspaper's characterisation of the records. Whether the discussion amounted to an offer is the point Israel disputes.

The third is a transfer. The same reporting states that "South Africa did not buy nuclear warheads from Israel and eventually developed its own atom bomb," and that "Botha did not go ahead with the deal in part because of the cost." The records carry the discussion with specificity. They carry no delivery.

What does Israel's government say about the nuclear documents?

On **24 May 2010** the office of Israel's president, Shimon Peres, stated: "Israel has never negotiated the exchange of nuclear weapons with South Africa. There exists no Israeli document or Israeli signature on a document that such negotiations took place," as The Guardian reported that day (McGreal, McCarthy and Smith, 2010). It added that "there exists no basis in reality" for the claims. This is the party's own published position, not an independently verified finding.

The denial came one day after the newspaper published the South African minutes. Its speaker adds weight: in 2010 Peres was president of Israel, and in 1975 he was the defence minister recorded in the minutes. The denial therefore comes from the same official whose words the South African records attribute to him.

The statement makes two distinct claims, and each has a different relationship to the documents. The first is substantive: that no negotiation over the exchange of nuclear weapons took place. The second is evidentiary: that no Israeli document or Israeli signature records such negotiations. The second is consistent with the published record, which consists of South African documents. The first is where the parties' accounts diverge. Polakow-Suransky called the denial "disingenuous," saying the minutes show "that the South Africans perceived that an explicit offer was on the table."

The scope of the denial is narrow, and that is a fact about the text. The same report notes that while Peres's office said no document bearing his signature mentions nuclear weapons, "his signature does appear with Botha's on an agreement governing the broad conduct of the military relationship." The denial does not address that agreement, conventional arms sales or the late-1970s export share, and no Israeli government statement on those subjects appears in the sources cited here.

The record is therefore two parties' accounts of the same meetings. Neither has been tested against the other by an official inquiry in the sources cited here.

Did the 1977 UN arms embargo end the military trade?

Security Council resolution 418, adopted unanimously on **4 November 1977** under Chapter VII, decided that "all States shall cease forthwith any provision to South Africa of arms and related matériel of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts" (United Nations Security Council, 1977).

The resolution reached existing deals as well. Paragraph 3 called on all states to review "all existing contractual arrangements with and licences granted to South Africa relating to the manufacture and maintenance of arms... with a view to terminating them." Paragraph 4

decided that all states “shall refrain from any co-operation with South Africa in the manufacture and development of nuclear weapons.” Its preamble recorded that the Council was “Gravely concerned that South Africa is at the threshold of producing nuclear weapons.”

Salman (2026) reads the period as one in which embargoes “had only limited effectiveness in constraining Israeli arms sales to South Africa,” and his title frames the relationship as continuing beyond the embargo. He draws on Israeli telegrams from 1977 and 1987. In one, sent on 8 January 1987 by a senior Foreign Ministry official to the prime minister, the official proposes “to impose in about a month a series of sanctions that have little economic impact, but are meant to keep our word and ease the criticism we may receive on April 1.”

The measured trade and the embargo sit in the same window. The 35% share is a single figure for “the late 1970s” and is not split into the years before and after November 1977, so on its own it cannot show whether trade rose, fell or held steady across the embargo date. The 1975 agreement predates the embargo by two years, and paragraph 3 addresses exactly such arrangements. Whether deliveries after November 1977 fell under earlier contracts is not resolved by any document in the sources cited here. A year-by-year series showing the embargo’s measured effect on Israeli exports is not published in them.

Why do historians disagree about what drove the relationship?

Three peer-reviewed accounts dated 2013 to 2026 explain the same documented ties in different ways. The disagreement concerns motive and structure; the core documents are not in dispute among them.

Salman (2026), working from Israeli archives and nine elite interviews, finds three drivers: “the need to establish an independent military industry following the 1973 war” as “a central strategic consideration,” Israel’s diplomatic isolation in Africa after 1973, and the South African Jewish community, whose role he describes as “primarily only for Israel’s national benefit rather than the community’s own welfare.” He calls his study largely “a reinforcement of the existing research.”

Alsheh (2013) places the ties within United States strategy. On his reading, the concept of the “pariah state” was an ideological construct that let Washington keep supporting

embarrassing client regimes, and “Both states were effectively forced into this damning relationship, so that other, more powerful, states could maintain a better wholesome façade. In this sense, both states were dirty scapegoats.” He finds the industrial-military explanation plausible in part but says it is “hardly possible to determine” that the arms complexes forced the relationship on their states.

Gillian Hart, in a 2026 essay in the Wiley journal *Antipode*, “Apartheid South Africa and Israel: Cold War Outposts of US Empire,” argues that both states “operated as outposts of US imperialism during the Cold War” (Hart, 2026). Her abstract states the essay’s purpose as contributing to “practices and processes of left solidarity” and calls the comparison “directly relevant to the imperative of solidarity with Palestine”; the framing is the author’s own.

Two of the three readings, Alsheh’s and Hart’s, locate the relationship inside United States Cold War strategy; Salman locates it in Israel’s own economic and diplomatic interests. None of the three disputes that the 1975 agreement and the payload discussions took place. They disagree about what drove them.

Did Israel and South Africa test a nuclear device together?

No official investigation named in the sources cited here has established a **joint** Israeli-South African nuclear test. The 2010 reporting records that South Africa “eventually built its own nuclear bombs, albeit possibly with Israeli assistance,” a newspaper characterisation that stops short of a joint test (McGreal, 2010).

One of the sources carries a testimony that goes further. Among the reasons for the relationship, Salman (2026) reports that Naomi Chazan, a former member of the Knesset he interviewed, mentioned the “vast test spaces that South Africa offered to Israel’s defence industries, including ‘a nuclear test as part of the nuclear cooperation between the two countries’.” That is one former legislator’s statement in an interview, reported by a scholar, not a documentary record or an official finding, and Salman does not develop it further in the passages read for this report.

This rung marks where the documented evidence thins. The earlier sections establish an arms trade measured at 35% of Israel’s security exports, a secret ministerial agreement in

1975, and a ministerial discussion of a Jericho payload at Zurich on 4 June 1975. Each of those rests on a dated record. A joint nuclear test rests on no record of that kind among the sources cited here, only on the recollection quoted above.

What would settle the question is identifiable. It would take an official determination by a government investigation, or a declassified government finding, from either state or from a third government that monitored the period. South Africa's post-apartheid government released the 1975 minutes; no comparable release establishing or refuting a joint test appears in the sources cited here, and Israel's 2010 statement addresses negotiation over nuclear weapons, not testing.

The absence is the finding for this rung. The documented relationship was extensive and partly nuclear in its discussions; the claim that it extended to a joint test remains unestablished by any official body named in the record.

Methodology and limitations

This report draws on four kinds of source, each labelled by type where it is used.

Peer-reviewed research supplies the measured trade figure and the three historical readings. The 35% share comes from Salman (2026), which also draws on Israeli archival telegrams and interviews with nine former officials; interview testimony is the interviewees' recollection. The interpretive readings come from Salman, from Alsheh (2013) and from Hart (2026), whose essay states a solidarity purpose. Only Hart's abstract was read.

Official records of a party supply the 1975 agreement and the Zurich minutes. These are South African government documents, released by the post-apartheid government, and they reach the reader through The Guardian's publication of May 2010, so the newspaper is named as the relay. The meeting of 31 March 1975 is carried as described in Polakow-Suransky's book and quoted by the newspaper. The two reports disagree on when the agreement was signed, and both versions are given.

A party's own published position supplies Israel's 2010 denial, as reported by The Guardian on 24 May 2010. It is attributed as the Israeli government's own account and is not presented

as verified.

The official instrument is Security Council resolution 418, quoted from its adopted text.

Several limits bind the findings. The 35% share is a share of value in Israel's exports, is not split by year across the 1977 embargo, and does not measure South Africa's import dependence. The nuclear evidence consists of one party's minutes and the other party's denial, with no official inquiry reconciling them. The reading of "correct payload" as nuclear warheads is the newspaper's and Polakow-Suransky's, not a word in the minutes.

Conclusion

So did Israel support apartheid South Africa's regime? On the documented record, yes, in the material sense the question asks. South Africa became Israel's largest arms customer, taking 35% of its security exports in the late 1970s, according to Salman (2026).

The portrait the record draws has four parts. The relationship was formal: two defence ministers signed an agreement in 1975. It was secret by design: that agreement required that its own existence stay confidential. It reached nuclear subjects: at Zurich on 4 June 1975 the ministers discussed Jericho missiles and a "correct payload" in three sizes. And it stopped short of what the most dramatic accounts claim: South Africa did not buy warheads, and no joint test is established by any official record. It also continued past a unanimous Security Council embargo whose terms reached existing contracts, on Salman's reading of the Israeli telegrams.

The hardest thing the record raises is what a relationship of this kind means for the question as people now ask it. A trade conducted in secret half a century ago, documented largely from one government's archive and denied in part by the other, now circulates in arguments about the present. If the record is this specific about what happened and this silent about what did not, which version will people carry forward, and does it change once they learn that the export share measured Israel's dependence on South Africa rather than the reverse? A separate question, whether Israel's own rule meets the [treaty definition of apartheid](#), turns on different instruments entirely.

Frequently Asked Questions

Who released the South African documents about Israel?

South Africa's post-apartheid government declassified the records at the request of the researcher Sasha Polakow-Suransky, and The Guardian published the key 1975 minutes and agreement in May 2010 (McGreal, 2010). The newspaper reports that Israeli authorities tried to stop the declassification. The documents are records of one party to the relationship.

Where was the 35% export figure published?

The figure appears in Yaron Salman's "Beyond embargo: Israel–South Africa relations during the apartheid era," a peer-reviewed study in the journal *Israel Affairs*, published in July 2026 (Salman, 2026). It is a share of Israel's total security exports in the late 1970s, not a share of South Africa's arms imports.

What did resolution 418 say about nuclear cooperation?

Paragraph 4 decided that all states "shall refrain from any co-operation with South Africa in the manufacture and development of nuclear weapons" (United Nations Security Council, 1977). The resolution was adopted unanimously on 4 November 1977.

What did apartheid South Africa's statute book contain?

South Africa's Truth and Reconciliation Commission listed the country's discriminatory legislation in Volume One, Chapter 13 of its 1998 report (Truth and Reconciliation Commission of South Africa, 1998). Part I contains 120 entries naming Acts of Parliament, a count of the list rather than a total the Commission prints, beginning with statutes such as the Population Registration Act No 30 of 1950.

How does this history relate to claims that Israel itself practises apartheid?

It is a separate question with separate evidence. John Dugard and John Reynolds argued in 2013 that "there are indeed strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory," and Yaffa Zilbershats published a peer-reviewed reply in the same issue (Dugard and Reynolds, 2013; Zilbershats, 2013). For how the two systems are compared statute by statute, see [the comparison of the two statute books](#).

Does Israel's 2010 denial cover the conventional arms trade?

No. The statement from Peres's office on 24 May 2010 addresses negotiation over the exchange of nuclear weapons (McGreal, McCarthy and Smith, 2010). It does not address the 1975 cooperation agreement or conventional arms exports, and no Israeli government statement on those subjects appears in the sources cited here.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Is Israel Preventing Palestinians From Leaving Gaza for Medical Treatment? Reading the Permit Instrument, the Exit Counts and the Court Orders

WHO counts 7,841 Gaza medical evacuations to September 2025, most before May 2024. Israel reports approving 98% of submitted requests.

Gaza

Medical Evacuation

COGAT

Rafah Crossing

Humanitarian Access



Every current exit from Gaza for medical treatment runs through an Israeli approval, and on World Health Organization figures relayed in a 2026 peer-reviewed brief report, 7,841 patients had been evacuated between October 2023 and 29 September 2025. Nearly two-thirds of them left before Israeli forces took the Rafah crossing on 7 May 2024. Israel's coordinating body, COGAT, reports on its

own count approving over 98% of the evacuation requests submitted to it. The two figures measure different stages: completed exits at one end, approvals of submitted requests at the other. Between them sit the criteria Israel has published, receiving states, Egypt's side of Rafah and the fighting itself.

Key Findings

- **7,841** patients were medically evacuated from Gaza between October 2023 and 29 September 2025, on World Health Organization figures relayed by Ismail and colleagues (2026) in a peer-reviewed brief report.
- About **63.8%** of those exits took place before 7 May 2024, when Israeli forces took the Rafah crossing, and a further 21.7% during the ceasefire of 19 January to 17 March 2025 (Ismail and colleagues, 2026).
- COGAT's June 2026 FAQ states it has approved **over 98%** of submitted medical evacuation requests, a share of requests that reached COGAT and Israel's own figure, not of patients who needed care or who left (COGAT, 2026).
- Israel's published evacuation mechanism sets **four** criteria: written consent of a destination state, security screening of patients and escorts, a three-part test of medical necessity, and adult accompaniment for children (COGAT, 2024).
- COGAT's permit instrument, updated to 8 February 2022, states that Gaza residents are as a rule not granted departure through Ben Gurion Airport, with a humanitarian "monthly quota of 20" (COGAT, 2022).

How many patients have left Gaza for treatment since October 2023?

7,841 patients had been allowed medical evacuation and referral from Gaza between the start of the war in October 2023 and 29 September 2025, according to statistics published by the World Health Organization's office for the occupied Palestinian territory. The count reaches this report through a peer-reviewed brief report by Anas Ismail, Muhammed Abu Salmiya, Motasem Salah and Craig Jones, published on 19 March 2026 (Ismail and colleagues, 2026).

The figure is a count of completed exits. It is not a count of requests, of patients assessed as needing care abroad, or of refusals, and the brief report does not publish those denominators. It is also WHO's count on WHO's definitions, relayed rather than measured by the authors, so it carries the agency's scope: patients evacuated and referred, not the relatives who travelled with them.

Israel's own counts use other units. COGAT's Gaza Aid Data portal states that "close to 5000 ill and wounded individuals, along with escorts" have exited Gaza for treatment abroad, and Israel's Ministry of Foreign Affairs reported in December 2023 that "over 750 patients" had left for care overseas by 16 December 2023 (COGAT, 2026; Israel Ministry of Foreign Affairs, 2023). The COGAT figure folds escorts into patients and carries no date. The Ministry figure is a floor at an early point in the war.

The three counts therefore cannot be summed or subtracted. The WHO figure counts patients only to a stated date, COGAT's counts patients and escorts together with no date, and the Ministry's is an early cumulative floor. That COGAT's total including escorts is lower than WHO's total of patients alone is not reconciled by either publisher. The broader permit system behind the exits is covered in the Institute's report on [Palestinian freedom of movement and the permit instrument](#).

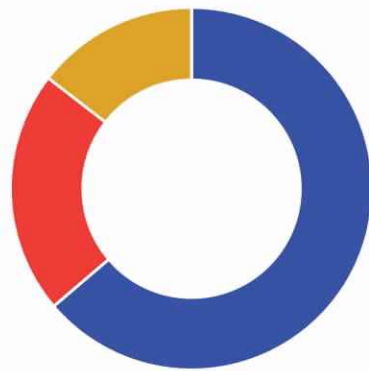
When did most medical exits take place?

About **63.8%** of the 7,841 evacuations, some 5,000 patients, took place before Israeli forces took the Rafah crossing on 7 May 2024, on the WHO figures that Ismail and colleagues (2026) report. The count runs from the start of the war to that date, a span of seven months.

The second concentration came later. A further 1,702 patients, 21.7% of the total, left between 19 January and 17 March 2025, during the ceasefire agreement of that year, a window of eight weeks. The two periods together account for 85.5% of the total. Subtracting them leaves about 1,139 patients, roughly 14.5%, for the rest of the period to 29 September 2025: the months from May 2024 to mid-January 2025 and from mid-March to the end of September 2025. That remainder is the Institute's arithmetic on the report's published counts, not a figure the report states.

When Gaza's medical evacuations took place

7,841 PATIENTS, OCTOBER 2023 TO 29 SEPTEMBER 2025



■ Before 7 May 2024 ■ Ceasefire, Jan to Mar 2025 ■ All other periods

Source: Ismail and colleagues, 2026, relaying WHO occupied Palestinian territory figures; the third part is the Institute's arithmetic.

The pattern is a record of timing, and the timing coincides with changes in route and in fighting. Before May 2024, exits ran through Rafah into Egypt, as COGAT's own medical response page states; from August 2024, the same page says, "patient exits were conducted via the Kerem Shalom Crossing" (COGAT, 2026). The brief report's authors read the low volume outside the two periods as the product of Israeli policy. That is their characterisation, taken up in a later section. The counts show when patients left; they do not by themselves

assign the gaps to a single cause. They also record completed exits only, so a quiet month in the series may reflect fewer requests, fewer approvals, fewer receiving places or a closed route, and the published figures cannot distinguish among them.

Is it often said that Israel blocks medical evacuations?

It is often said that Israel blocks medical evacuations from Gaza, and the claim has named holders in the peer-reviewed literature. Ismail and colleagues (2026) title their brief report “The weaponization of medical referrals and evacuations during the genocide in Gaza: a brief report and call to action,” and write that “a clear Israeli policy emerged since occupying the Rafah border crossing, which weaponized healthcare by preventing patients from Gaza from being medically evacuated.”

The report is explicit about its register. Its title calls itself a call to action, and its conclusion asks host countries to “put more pressure on Israel to facilitate the safe evacuation process.” The characterisations, including the word genocide in the title, are the authors’ own. Its figures are WHO’s, which the authors relay.

Israel’s account runs the other way. COGAT’s June 2026 FAQ states that it approves “over 98% of all submitted medical evacuation requests,” and ties the outcome of an approved request to a third country agreeing to receive the patient and, for Rafah exits, to Egyptian scheduling (COGAT, 2026). That is a party describing its own process; no independent body has published an audit of it.

What the combined record shows is narrower than either framing. Exits were concentrated in two periods, and far fewer left in between. Every exit under the current mechanism requires COGAT’s approval. COGAT’s approval share is a share of requests that reached it, so it cannot speak to requests stalled before submission, such as those without a receiving state. The absolute form of the claim, that no evacuations took place, does not match any of the counts: WHO records 7,841 patients and COGAT, on its own count, close to 5,000 people with escorts. The dispute is over why so few left outside the two periods, and no published source separates the causes.

What does Israel require before a patient may leave Gaza?

Four criteria must be met under COGAT’s “Medical Evacuation Mechanism of Gaza Residents to Third Countries Through Israel,” a procedure document created in December 2024 that states it “may be subject to updates or modifications” (COGAT, 2024). All requests, it says, “are subject to COGAT approval.”

The criteria, in the document’s own terms:

Criterion	What the text requires	Source
Destination state	Patients and companions “will not be allowed to exit without the written approval of the destination country”	COGAT’s own mechanism, 3(a)
Security evaluation	All patients and escorts screened; exit refused where “security reasons” prevent passage, save exceptional cases	COGAT mechanism, 3(b)

Criterion	What the text requires	Source
Medical necessity	Three conditions together: a complex condition, no treatment available in Gaza, travel medically feasible	COGAT mechanism, 3(c)
Children	Evacuation only with an adult family member, or another approved adult	COGAT mechanism, 3(d)

The request itself cannot come from a patient. It must be sent “by a country/known international organization working in the Gaza Strip,” with a written commitment on the route: an official approval from Egypt or Jordan for a land exit, or a dedicated aircraft for an exit through Israel’s Ramon airport. The Hebrew text adds a step the English omits: each patient’s original medical documents go to Israel’s Ministry of Health, through COGAT, for the assessment of medical necessity.

The document states the criteria but publishes no count of applicants who failed any one of them. The ladder is checkable; the attrition at each rung is not.

How long does Israel’s procedure take to run?

Two weeks before the planned evacuation date is the deadline COGAT’s mechanism sets for submitting the lists of patients and companions, with “additional time” possible for large groups “based on the need for comprehensive security and administrative checks” (COGAT, 2024). The procedure then sets further lead times for each leg of the journey.

On COGAT’s own procedure, coordination inside Gaza, with the Gaza Coordination and Liaison Administration, must take place at least 48 hours before movement. All patients and companions gather at a medical facility the day before, and the convoy’s movement is “logged in the IDF’s operational systems to protect the convoy.” Coordination of the crossing and of traffic inside Israel, with COGAT’s Civil Department, must take place at least 72 hours before movement. At the crossing, “a security check will be carried out and the people who have left the Gaza Strip will be registered.”

The exit points named are the Nitsana crossing and the Allenby Bridge, each requiring approval and coordination with Egypt or Jordan by the requesting organisation, and Ramon airport, where patients and companions “will undergo an additional security check.” Baggage is limited to one small soft bag per person; liquids, including water, and food are not allowed.

The procedure is a sequence of dependent steps, several of them held by parties other than Israel: the requesting state or organisation, the destination state, and Egypt or Jordan for a land exit. The document sets the order and the minimum lead times. It publishes no figure for how long requests actually took from submission to exit, or how many were overtaken by the patient’s condition while pending.

What did Israel’s rules for Gaza patients say before the war?

20 a month is the humanitarian quota COGAT’s own permit instrument, updated to 8 February 2022, set for Gaza residents departing through Ben Gurion Airport. The rule it

carves out of is stated plainly: “As a rule, Palestinians are not granted departure through Ben Gurion Airport, with the exception of BMC permit holders and extremely exceptional unique humanitarian cases (monthly quota of 20)” (COGAT, 2022).

The same Gaza section of the instrument routes departure abroad “through the Allenby Bridge Crossing, solely in escorted groups (shuttles).” The instrument opens on the legal premise behind every permit, for the West Bank: under a 1967 order, the area “is a closed military area and not to be entered or exited without a permit issued on behalf of the military commander.”

These are pre-war rules, written into a document whose latest located edition is dated February 2022. It records what COGAT authorised itself to issue, not what happened to any applicant, and it carries no count of Gaza patients who applied or left. The permit quotas it sets are ceilings, not counts of permits issued.

The wartime mechanism replaced the pre-war routes rather than extending them. The 2022 instrument routes Gaza departures abroad through Allenby and caps Ben Gurion at a humanitarian quota; the December 2024 mechanism routes them through Nitsana, Allenby or Ramon, each dependent on a third country. What stayed constant across both documents is the gate. On each, departure from Gaza is an exception that COGAT approves, and on neither does COGAT publish the number of applications it refused.

What did the World Court order about Rafah and medical care?

13 votes to 2, of a bench of 15, was the margin by which the International Court of Justice indicated on 24 May 2024 that Israel shall “Maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance.” The measure was provisional, indicated in *South Africa v. Israel* under the Genocide Convention. It is not a merits ruling.

The Court’s order of 28 March 2024 is the one that names medical care. Unanimously, on a bench of 16, it indicated that Israel shall ensure “the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary.” The first order, of 26 January 2024, had already required measures to enable humanitarian assistance, by 16 votes to 1.

The operative clauses concern the flow of care and supplies into and throughout Gaza. None of the measures in the three dispositifs names medical evacuation of patients out of Gaza. Whether keeping crossings open for assistance reaches patient exits is a question of interpretation, and the orders do not settle it in their text.

Two limits travel with the orders. The Court stated in March that it may indicate measures “to be taken by the parties, but not by third States or other entities.” Egypt, which controls the other side of Rafah, is not a party to the case. The later orders are also expressly without

prejudice to any finding on whether Israel complied with the earlier ones. The orders set a standard. They are not evidence about any individual patient's exit.

Which parties besides Israel decide whether a patient leaves?

51% of the patients evacuated to 29 September 2025, 3,995 people, were received by Egypt, the largest single destination on the WHO figures reported by Ismail and colleagues (2026). Under Israel's own mechanism, no patient may leave without the written approval of a destination country, so every receiving state holds a decision of its own.

COGAT's published criteria make the dependence explicit. A request must come from a state or a recognised international organisation, not from the patient. A land exit needs an approval from Egypt or Jordan "indicating its consent to evacuate the patients through its territory," and the coordination with those authorities is left to the requesting organisation (COGAT, 2024). COGAT's June 2026 FAQ ties an approved request's outcome to a third country agreeing to receive the patient and, for Rafah exits, to Egyptian scheduling (COGAT, 2026). On Israel's own account, its approval is necessary but not sufficient.

Egypt held a second gate until May 2024. Patient exits ran through Rafah into Egypt, and the Egyptian side of that crossing is under Egyptian control; both decisions had to align for a Rafah exit. The brief report's authors, for their part, call on host countries "to step up their efforts to receive more patients," which records their view that receiving capacity was also a constraint.

The record documents that these other gatekeepers exist. It does not measure their share. No published source counts requests that Israel approved but that failed for lack of a receiving country, or exits held up on the Egyptian side. The destination breakdown records where patients went, not where requests stalled. The Institute's report on [aid access and the enacted standard](#) documents a similar multi-party chain for goods entering Gaza.

What does Israel's own record count of patient departures?

Close to 5,000 "ill and wounded individuals, along with escorts" exited Gaza for treatment abroad, according to COGAT's Gaza Aid Data portal, which names Egypt, the United Arab Emirates, Jordan and "various other countries" as destinations (COGAT, 2026). The figure is Israel's own count, and it mixes patients and companions into a single number that COGAT does not split.

The page carries two further limits. It gives no date, and it contradicts itself on route. One paragraph says all of these people "exited Gaza via the Kerem Shalom Crossing." A later paragraph on the same page says patients left through Rafah until early May 2024 and through Kerem Shalom from August 2024. Both statements cannot apply to the whole total.

Israel's own earlier count is narrower and dated. The Ministry of Foreign Affairs reported that over 750 patients had exited Gaza for care overseas by 16 December 2023, and that approximately 9,500 foreign nationals and dual citizens had been evacuated with Israeli assistance by the same date (Israel Ministry of Foreign Affairs, 2023). Both are floors, as the

Ministry wrote them, and the second covers a different population from the medical evacuations.

COGAT's June 2026 FAQ adds its own approval figure: over 98% of submitted medical evacuation requests approved. Its denominator is requests that reached COGAT. Requests stalled before submission, such as those without a receiving hospital, fall outside it. None of COGAT's publications gives a count of requests refused, by reason or in total, and that absence is the number the next section turns on.

Where do the two accounts of the controls diverge?

Zero published records separate evacuation requests refused on security grounds from those lost to crossing closures, receiving-state limits or active hostilities. That missing breakdown is where the dispute over characterisation rests, and neither Israel's publications nor the peer-reviewed literature supplies it.

One side is Ismail and colleagues (2026), who read the concentration of exits into two periods as evidence of a policy that "weaponized healthcare," and conclude that it "has resulted in excess mortality that merits further research and quantification, as patients succumbed to their medical conditions or injuries while waiting to exit Gaza." That conclusion names a consequence the report does not itself count: it calls for the quantification rather than supplying it.

The other side is Israel's stated procedure. Its mechanism makes security screening one of four criteria and places two others, destination consent and route consent, with third states; COGAT presents its own approval rate above 98% for requests that reach it (COGAT, 2024; COGAT, 2026). On Israel's account, the security step rarely ends in refusal and much of the attrition lies with others.

Both positions describe the same exits. What would test them is a count of refusals by stated reason, of pending cases by age, and of approved cases that never crossed. COGAT publishes approvals and a combined exit figure. WHO, through the brief report, publishes completed exits by period and destination. The steps in between are not published by any body, so the record can place the exits in time but cannot apportion the gap between need and exit among the parties that hold a gate.

Methodology and limitations

This report assembles three kinds of evidence. The first is Israel's own published instruments and counts: COGAT's 2022 permit instrument, its December 2024 medical evacuation mechanism, its Gaza Aid Data portal and June 2026 FAQ, and the Ministry of Foreign Affairs' 2023 humanitarian efforts page. Each is attributed as a party's own account, and none has been independently verified.

The second is a peer-reviewed brief report, Ismail and colleagues (2026), in the Journal of the Egyptian Public Health Association. Its figures are relayed from the World Health Organization's office for the occupied Palestinian territory and are cited as WHO's count; its

characterisations, including the title's, are the authors' own, and the report describes itself as a call to action. Only its published abstract was read for this report.

The third is the court record: the International Court of Justice's three provisional-measures orders of 2024, quoted for their operative text and recorded votes. They are not merits findings, and each later order is without prejudice to compliance with the earlier ones.

The counts use incompatible units, patients alone, patients with escorts, and approved requests, and close on different dates or none. None of them sums with another. The share of exits outside the two named periods is the Institute's arithmetic on the brief report's counts. No published source attributes the gap between need and completed evacuation to specific causes, and nothing in this report assigns one.

Conclusion

Is Israel preventing Palestinians from leaving Gaza for medical treatment? On the record, Israel holds a required gate on every current exit, and most patients who left did so in two windows: before Rafah was taken in May 2024, and during the ceasefire of early 2025. Israel's own count describes that gate as approving almost every request it receives.

The portrait holds across each measure the record carries. WHO counts 7,841 patients evacuated to September 2025, 63.8% of them before 7 May 2024 and 21.7% in the eight weeks of the 2025 ceasefire. COGAT approves over 98% of what reaches it, counts close to 5,000 people with escorts, and requires four criteria, two of which it does not control. Egypt received about half of all patients. The pre-war rule made departure an exception, capped at 20 a month through Ben Gurion; the wartime rule makes it an exception contingent on a third country.

The number that would settle the dispute is the one no body publishes. The approvals are counted and the exits are counted; the refusals, the requests still pending and the approved cases that never crossed are not. If that middle column were published, would it show a gate that rarely closes, or one that closed more often than an approval rate of 98% implies?

Frequently Asked Questions

Which crossing do patients leaving Gaza use now?

COGAT's medical response page states that patient exits have run through the Kerem Shalom Crossing since August 2024, after exits through Rafah into Egypt ended in early May 2024. Its December 2024 mechanism names Nitsana, the Allenby Bridge and Ramon airport as exit points (COGAT, 2024). The page elsewhere says all exits went through Kerem Shalom, so its route statements are not fully consistent.

Do companions count in the evacuation totals?

It depends on the publisher. COGAT's portal figure of close to 5,000 covers "ill and wounded individuals, along with escorts" in one number (COGAT, 2026). The WHO figure of 7,841 relayed by Ismail and colleagues (2026) counts patients.

Can a patient apply for evacuation directly?

No. Under COGAT's mechanism the request must be sent "by a country/known international organization working in the Gaza Strip," with a written commitment on the exit route (COGAT, 2024). The requesting party also coordinates the movement inside Gaza and with Egypt or Jordan.

Can a child be evacuated alone?

No. The mechanism allows the evacuation of children "only when they are accompanied by an adult family member," with another adult approved in exceptional cases, and lets the requesting party propose an alternative adult if one is refused (COGAT, 2024).

How many foreign nationals left Gaza with Israeli help early in the war?

Israel's Ministry of Foreign Affairs reported approximately 9,500 foreign nationals and dual citizens evacuated from Gaza with Israeli assistance by 16 December 2023 (Israel Ministry of Foreign Affairs, 2023). This is Israel's own cumulative count, stated as an approximation, and it covers a different population from the medical evacuations.

Does Israel publish how many medical evacuation requests it refused?

No refusal count appears in COGAT's publications. Its June 2026 FAQ gives an approval share of over 98% of submitted requests (COGAT, 2026). Requests never submitted, such as those lacking a receiving country, fall outside that denominator.

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Official record (a party's own count).

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Which Countries Recognize Israel's Actions in Gaza as Genocide? Reading the Court Filing, the Recorded Votes and the Dated Statements

One state has filed a genocide claim against Israel at the World Court. Others used the word in speeches and motions; no register counts recognitions.

Genocide Convention

South Africa v. Israel

Gaza

International Law

Security Council



One country, South Africa, has formally accused Israel of genocide before a court: its application under the 1948 Genocide Convention was filed on 29 December 2023 (Republic of South Africa, 2023). Officeholders and parliaments elsewhere have applied the word to Gaza in dated speeches and motions, among them Brazil's president in June 2025 and Ireland's lower house in November 2024. Those are political statements, not legal findings. No treaty depositary, court or United Nations register keeps a list of such recognitions, and the International Court of Justice has issued no judgment on whether genocide occurred.

Key Findings

- **1 state application** accuses Israel of genocide: South Africa's, filed 29 December 2023 and pleading jurisdiction under Article IX of the Genocide Convention alone (Republic of South Africa, 2023).
- Israel deposited its ratification of the Genocide Convention on **9 March 1950**, and neither Israel nor South Africa entered any reservation to Article IX, the clause that gives the Court jurisdiction (Republic of South Africa, 2023).
- Security Council Resolution 2803, endorsing the Comprehensive Plan to End the Gaza Conflict on 17 November 2025, passed by a recorded vote of **13 to none, with 2 abstentions**, and its text does not use the word genocide (United Nations Security Council, 2025).
- The Trump Declaration of 13 October 2025 carries **4 signatures**, those of the United States, Egypt, Qatar and Türkiye; neither Israel nor any Palestinian body signed it (United States, Egypt, Qatar and Türkiye, 2025).
- **Six** Western states argued in a 2023 intervention in a different genocide case that the Court should assess intent "in a more holistic way" than the "only reasonable inference" test, a reading one scholar applies to Gaza (Sultany, 2024).

Which countries have formally accused Israel of genocide?

One state has. South Africa filed its application instituting proceedings in South Africa v. Israel on 29 December 2023, General List No. 192, and it is the only state application naming Israel as respondent under the Genocide Convention (Republic of South Africa, 2023). Its jurisdictional basis is a single treaty clause, Article IX.

The Application states its basis at paragraph 17: “pursuant to Article 36 (1) of the Court’s Statute and Article IX of the Genocide Convention, the Court has jurisdiction to hear the claims submitted in the present Application by South Africa against Israel.” Paragraph 9 dates each party’s entry into the treaty: Israel’s ratification was deposited on 9 March 1950 and South Africa’s accession on 10 December 1998. Paragraph 11 records that “Neither South Africa nor Israel has entered any reservation to Article IX.”

Article IX of the Convention, adopted by General Assembly resolution 260 A (III), provides that disputes between the parties “relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide,” shall be submitted to the Court “at the request of any of the parties to the dispute.” That clause is what turns a government’s use of the word into a justiciable claim. A speech has no equivalent route.

The Application requested nine provisional measures at paragraph 144, and at paragraph 148 it “reserves the right to revise, supplement or amend the terms of this Application, as well as the grounds invoked.” It is a pleading. It records what one state alleged and on which treaty, and its characterisations of events are South Africa’s own.

Other states have since filed declarations of intervention under Article 63 of the Court’s Statute. Those declarations sit on the International Court of Justice’s own docket, and as the third section below sets out, a filing under Article 63 asks the Court to construe the Convention rather than accusing the respondent in its own name. The count of declarants is held on that docket and is not reproduced here as an established total.

Is it often said that dozens of governments call it genocide?

It is often said that dozens of governments call Israel’s conduct in Gaza a genocide. The dated record shows the word used in more than one register, but **one** state, South Africa, carried it

into a court filing (Republic of South Africa, 2023). No official body publishes a count of the rest, so any number attached to “dozens” is a compiler’s tally, not a register’s.

Two dated instances show the range of acts involved. On 7 November 2024, Ireland’s lower house, Dáil Éireann, passed a non-binding motion agreeing that “genocide is being perpetrated before our eyes by Israel in Gaza,” as the Press Association reported that day (BreakingNews.ie, 2024). On 5 June 2025, beside France’s president in Paris, Brazil’s president called the war in Gaza “um genocídio premeditado,” a premeditated genocide, as the Brazilian news site Poder360 reported (Poder360, 2025).

These are three different kinds of act. An executive remark is a statement by an officeholder; it creates no legal obligation and can be withdrawn by the next speech. A parliamentary motion records the view of a chamber on a date; the Dáil’s was expressly non-binding, and the same report records the Irish government’s statement that it does not impose unilateral sanctions. A court filing under Article IX is a claim the respondent must answer and the Court must decide.

The base rate that gives such statements their scale is the Convention itself. It is a treaty of general participation, and every one of its states parties holds the same right South Africa used: to take a dispute over the Convention to the Court. As of the record assembled here, one state party has exercised it against Israel.

Circulating lists of “recognizing” countries are compilations, most prominently on open-web encyclopedias, that place executive remarks, parliamentary motions and support for South Africa’s case in one column. Support for a case, a declaration of intervention and an executive statement are separate acts, and a list that places them together counts different things as one.

Is joining the ICJ case the same as recognizing genocide?

No, on the text of the instrument. Article 63 of the Court’s Statute, a 1945 treaty text, gives a state the right to intervene “whenever the construction of a convention to which states other than those concerned in the case are parties is in question,” and the intervener is then bound

by “the construction given by the judgment.” The subject of an Article 63 intervention is the meaning of the treaty, not the facts of the case.

Article 63 has two paragraphs. The first obliges the Registrar to notify every state party to the convention in question. The second gives each notified state “the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.” An intervener does not become a party, does not plead the respondent’s responsibility, and accepts in advance whatever reading of the Convention the Court adopts.

What interveners argue about is illustrated by a genocide case that predates Gaza. In *The Gambia v. Myanmar*, Canada, Denmark, France, Germany, the Netherlands and the United Kingdom filed a Joint Declaration of Intervention on 15 November 2023. Nimer Sultany of SOAS University of London, in a peer-reviewed article in the *Journal of Genocide Research* published online on 9 May 2024, describes their position as “the arguments by six western states that the Court should lower this high legal requirement of ‘only reasonable inference’ from the materials and instead assess genocidal acts and intentions in a more holistic way” (Sultany, 2024). Those six states were arguing about the standard of proof, a question of construction, not accusing Myanmar in their own name.

Sultany then applies that reading to Gaza: “If this interpretation is applied consistently, without double standards, the conclusion should be that the threshold of intent is met, and Israel violated the Genocide Convention.” That is his own conclusion, and he reaches it by adopting a standard the six states argued for in another case, not by reporting a position those states took on Gaza.

Marko Milanovic, writing on *EJIL:Talk!*, the blog of the *European Journal of International Law*, on 18 September 2025, in a post that is editorially curated and not peer-reviewed, locates the origin of the test: “The notion of an ‘only reasonable inference’ comes to international law from the jurisprudence of the first modern ad hoc criminal tribunals” (Milanovic, 2025). An intervening state’s arguments about that test are arguments about how the Court should reason, which the Court may accept or reject in its judgment.

Has the World Court itself recognized a genocide in Gaza?

No judgment on the merits exists. In its order of 26 January 2024, the International Court of Justice indicated provisional measures by majorities of 15 votes to 2 and 16 to 1, and stated at paragraph 30 that it “is not required to ascertain whether any violations of Israel’s obligations under the Genocide Convention have occurred. Such a finding could be made by the Court only at the stage of the examination of the merits.”

The Court issued three orders in 2024, on 26 January, 28 March and 24 May, each by a differently sized bench of 17, 16 and 15 judges. In January it indicated six measures, every one addressed to the State of Israel. The measure to “take all measures within its power to prevent the commission of all acts within the scope of Article II” of the Convention carried 15 to 2; the measures on incitement and on humanitarian assistance carried 16 to 1, with Israel’s own judge ad hoc voting in favour of both.

What the Court found plausible, at paragraph 54, was a set of rights: “the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts,” and “the right of South Africa to seek Israel’s compliance.” That is a finding about the rights at stake in the case, reached at an interim stage, not a finding that genocide was occurring.

On 28 March 2024 the Court indicated, unanimously, a measure requiring Israel to ensure “the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance.” On 24 May 2024, by 13 votes to 2, it required Israel to “Immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part.” The scope of that relative clause is disputed.

The Court explained in its March order, at paragraph 44, that it could indicate measures only to the parties before it, “but not by third States or other entities,” which is why no measure is addressed to any Palestinian party. In all three orders it called for the “immediate and unconditional release” of the hostages “held since then by Hamas and other armed groups.”

These orders are the Court’s position on provisional relief, recorded by vote. They are the nearest thing to a judicial act on the question, and they state in terms that the question itself remains for the merits.

What does Israel's government state in answer to these recognitions?

Israel's Ministry of Foreign Affairs, in a legal paper updated to 2 November 2023, states that **"compliance is conduct-oriented, not result-oriented,"** and that the Israel Defense Forces target only "members of organized armed groups or civilians directly participating in the hostilities." That is the party's own published legal position, attributed as such (Israel Ministry of Foreign Affairs, November 2023).

The paper, " Hamas-Israel Conflict 2023: Key Legal Aspects," rests Israel's answer on the conduct of hostilities rather than on the word itself. It states that "Estimating expected civilian harm can be very challenging, especially when operating in a complex and dense urban environment where civilian presence is dynamic and often hard to ascertain," and that "If the attack results in more collateral damage than expected, this does not necessarily indicate a violation." It adds that "the IDF does not assume that there are no civilians in areas or sites where advance warnings had been given."

The Ministry's question-and-answer document, updated to 8 December 2023, sets out the proportionality test it applies: one "to be applied to each and every attack independently," adding that "one attack causing 500 casualties should logically, and legally, be seen differently than 500 attacks against military objectives resulting overall in the same number of casualties" (Israel Ministry of Foreign Affairs, December 2023). The same document reports, as Israel's own cumulative count to that date, "over 15 million text messages" and "over 4.5 million leaflets" among its warning measures.

The Jerusalem Center for Security and Foreign Affairs, an Israeli research institute, published an essay contesting the genocide charge by comparing death counts and population shares against other wars and historical genocides (Jerusalem Center for Security and Foreign Affairs, 2025). It puts a ceiling of "at most 41,000" on civilians in Gaza who died of war-related causes through October 2025, derived by subtracting estimated natural deaths and Israel's own count of Hamas fighters killed from the Gaza Ministry of Health total. The essay states that neither input "has been independently confirmed," so the 41,000 is the institute's arithmetic on two parties' figures, and a ceiling rather than a count.

One formal fact sits beneath both positions. Israel has been a party to the Genocide Convention since 1950 and entered no reservation to Article IX, so it is answering South Africa's claim in the forum the treaty names (Republic of South Africa, 2023). For a fuller reading of how the treaty text meets the Gaza record, see [the Institute's report on the Genocide Convention and the situation in Gaza](#).

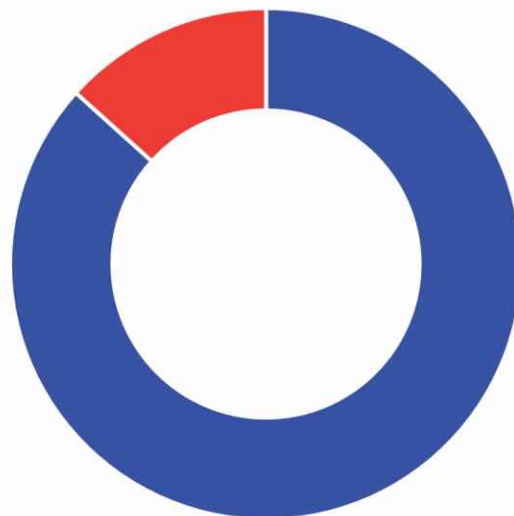
Does the Security Council's endorsed Gaza plan use the word genocide?

No. Resolution 2803, adopted on 17 November 2025 by 13 votes to none with 2 abstentions, endorses a Comprehensive Plan whose twenty points speak of the war ending, military operations "suspended" and battle lines "frozen"; its operative paragraphs set up a transitional Board of Peace and a stabilization force (United Nations Security Council, 2025). Neither text characterises the war's conduct in legal terms.

Operative paragraph 1 "Endorses the Comprehensive Plan, acknowledges the parties have accepted it, and calls on all parties to implement it in its entirety, including maintenance of the ceasefire." The annexed plan's cessation clause, point 3, reads: "If both sides agree to this proposal, the war will immediately end." The recorded vote at the 10046th meeting lists Algeria, Denmark, France, Greece, Guyana, Pakistan, Panama, the Republic of Korea, Sierra Leone, Slovenia, Somalia, the United Kingdom and the United States in favour, and China and the Russian Federation abstaining.

Recorded vote on Security Council Resolution 2803

17 NOVEMBER 2025, 15 MEMBERS; NO MEMBER VOTED AGAINST



■ In favour ■ Abstaining

Source: United Nations Security Council, S/PV.10046, 17 November 2025, recorded vote on resolution 2803.

The preamble of the same resolution welcomes “the historic Trump Declaration for Enduring Peace and Prosperity of 13 October 2025.” That declaration was signed by the United States, Egypt, Qatar and Türkiye, and its nearest operative clause commits the signatories “to the resolution of future disputes through diplomatic engagement and negotiation rather than through force or protracted conflict” (United States, Egypt, Qatar and Türkiye, 2025). Neither Israel nor any Palestinian body signed it.

A vote on one text records assent to that text on that day. It says nothing about a state’s other statements, which is why the Council’s record and a list of speeches cannot be read against each other. The two records answer different questions: one what fifteen members agreed to on a date, the other what individual officeholders have said.

Does the duty to prevent genocide require states to take positions?

Sultany (2024) argues it can, at a threshold he names: “States are under a positive obligation to prevent when there is a ‘serious danger’ of genocide, whereas complicity

consists in assisting the perpetrator with the knowledge that the perpetrator is engaged in genocide.” On that reading, a third state’s obligations begin at serious danger, well before any court determination (Sultany, 2024).

Sultany’s article draws the duty to prevent from the Convention’s Article I and from the Court’s own case law, and he argues that the threshold for Gaza has been crossed. The duty he describes is a duty to act, by prevention and by not assisting. It is not a duty to adopt a particular word. A state could, on his account, meet or breach its obligation without ever saying “genocide,” and a state that says the word has not thereby discharged anything.

Milanovic (2025) addresses the standard of proof that separates a state’s view from a court’s. His argument is that the “only reasonable inference” test follows from the criminal standard of proof beyond reasonable doubt, and that it binds only bodies applying that standard: “Other fact-finders are not bound to apply a high standard of proof or ORI, for genocide or other international crimes alike. This includes formal fact-finding bodies, like a UN CoI, but also governments, NGOs, academics, or ordinary people.” He adds that one “can, for example, rationally choose to believe that Israel is committing genocide or crimes against humanity in Gaza without requiring proof beyond a reasonable doubt and without applying ORI.” That is his position on a contested question, stated in a blog post that was not peer-reviewed.

The Jerusalem Center (2025) contests the underlying charge on the numbers, as the fifth section sets out, and Israel’s Ministry of Foreign Affairs (November 2023) rests its answer on a conduct-based reading of the law of armed conflict. The dispute among these named sources is therefore not only over what happened in Gaza. It is over what a government is doing when it uses the word: meeting a treaty duty, stating a political view held to a lower standard of proof, or neither.

Does any official register record which states recognize genocide?

No. No treaty depositary, court or United Nations body keeps a register of states that “recognize” a genocide in Gaza. The one primary list of states that have taken a formal legal

step is the Court's General List entry for case No. 192: one applicant, South Africa, plus the states that filed declarations under Article 63 (Republic of South Africa, 2023).

The records that do exist each count something narrower. The depositary of the Genocide Convention registers which states are parties and what reservations they entered; it records nothing about their views of any conflict. The Court's docket records who filed what, and on which article. The Security Council and General Assembly records hold votes on texts, which, as Resolution 2803 shows, can pass with the support of states whose officials use the word elsewhere.

Lists of recognizing countries that circulate combine three kinds of act into one column: executive remarks, parliamentary motions and support for South Africa's case. Each entry is checkable only against its own source, a transcript, a chamber record or a court filing, and the three do not carry the same weight. The observation that there is no single official list is accurate, and it is the finding of this section: the only list a reader can check against a primary register is the court docket, and it contains one accusing state.

Methodology and limitations

This report draws on five source types. Primary and official records: South Africa's Application of 29 December 2023, the Genocide Convention and the Statute of the International Court of Justice as treaty texts, Security Council Resolution 2803 with its recorded vote, and the Trump Declaration as published in the United States Daily Compilation of Presidential Documents, whose Office of the Federal Register notes that "An original was not available for verification." Party records: two Israeli Ministry of Foreign Affairs papers of November and December 2023, attributed throughout as Israel's own position. Scholarship: Sultany (2024), peer-reviewed, and Milanovic (2025), an academic blog post that was not peer-reviewed. An Israeli research institute: the Jerusalem Center (2025), whose figures are its own arithmetic on parties' inputs. Press: two dated news reports, used only to date and quote the two statements in the second section.

The three Court orders of 2024 are reported by date, operative wording and recorded vote only. The two statements in the second section are carried from dated press reports, the Press Association for the Dáil motion and Poder360 for the Brazilian president's remark, and are

illustrations, not a count; the chamber record and the presidential transcript were not read. The count of states parties to the Convention and the list of Article 63 declarants are held on the depositary's and the Court's registers and are not reproduced here as totals.

The central limitation is definitional. "Recognition" has no legal meaning in this context, so any count of recognizing states depends on which acts are counted. The Court's merits judgment, when it comes, will be the first determination by the forum the Convention names.

Conclusion

So which countries recognize Israel's actions in Gaza as genocide? On the record that can be checked, one state has put the accusation into a court filing, South Africa in December 2023, and officeholders and at least one national parliament elsewhere have used the word in speeches and a motion. No register records more than that, because no register records recognitions at all.

The portrait across the record is consistent. The formal accusation rests on a single treaty clause. The Court has voted on interim measures by majorities from 13 to 16 and has said in terms that it has not yet asked whether genocide occurred. Israel answers with a conduct-based reading of the law of armed conflict. And the one text the Security Council adopted on the war endorses its end without naming its conduct.

The word is doing different work in each of these places: a claim to be proven in one, a political judgment held to a lower standard in another, absent from the text that states voted for in a third. When a single word carries a court's standard and a speech's register at once, which of its meanings travels, and who decides what a reader takes it to have established?

Frequently Asked Questions

What acts does the Genocide Convention define as genocide?

Article II of the 1948 Convention lists five acts committed "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such," including killing members of the group and deliberately inflicting conditions of life calculated to bring about its physical

destruction. The intent element is what separates genocide from other international crimes, and it is the element the “only reasonable inference” debate concerns.

When did Israel become bound by the Genocide Convention?

Israel deposited its instrument of ratification on 9 March 1950, as South Africa’s Application records at paragraph 9 (Republic of South Africa, 2023). South Africa acceded on 10 December 1998.

Did Israel or South Africa limit the Court’s jurisdiction over this case?

No. Paragraph 11 of the Application records that neither state entered a reservation to Article IX, the clause giving the Court jurisdiction over disputes about the Convention (Republic of South Africa, 2023). Some other states have entered such reservations, which is why the point is recorded.

Is the Trump Declaration of 13 October 2025 a ceasefire agreement?

No. It is a joint statement signed by four third states, the United States, Egypt, Qatar and Türkiye, and it contains no ceasefire term, monitoring mechanism or definition of a violation (United States, Egypt, Qatar and Türkiye, 2025). Neither Israel nor any Palestinian body is a signatory.

How long does Resolution 2803 authorize the Board of Peace?

Operative paragraph 8 authorizes the Board of Peace and the international presences it creates “until Dec. 31, 2027, subject to further action by the Council” (United Nations Security Council, 2025). The resolution requests a written progress report from the Board every six months.

Where does the “only reasonable inference” test come from?

Milanovic (2025) traces it to “the jurisprudence of the first modern ad hoc criminal tribunals,” and argues that it follows from the criminal standard of proof beyond reasonable doubt. On his account it binds bodies applying that standard, not governments forming a view.

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YouGov moved the yes share 8 points by changing one noun.



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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

How Is Jewish Identity Tied to the Land of Israel? Reading the Founding Texts, the Dissenting Platforms, the Statutes and the Population Record

Israel's founding text, statutes and census tie Jewish identity to the land; 45% of US Jews call caring about Israel essential to being Jewish.

Jewish Identity

Zionism

Law of Return

Nation-State Law

Jewish Demography



In a Pew Research Center survey fielded from November 2019 to June 2020, 45% of US Jewish adults said caring about Israel is “essential” to what being Jewish means to them, and a further 37% called it important. The tie those shares measure is also written into law. Israel’s 1948 founding declaration, its 1950 Law of Return and its 2018 Basic Law all state it, and Israel’s Central Bureau of Statistics counts about 45% of the world’s Jews living in the country. The tie has not always been held this way. An 1885 conference of American Reform rabbis declared that its members expected “neither a return to Palestine,” and the Jewish Labour Bund defined Jewish nationhood around autonomy in Eastern Europe. The Reform movement reversed its position in 1937.

Key Findings

- **45%** of US Jewish adults called caring about Israel “essential” to being Jewish, and 82% gave it at least some importance (Pew Research Center, 2021, survey fielded November 2019 to June 2020).
- An 1885 rabbinical conference declared that American Reform Jews expected “neither a return to Palestine” nor a restored Jewish state (Pittsburgh Rabbinical Conference, 1885). The movement reversed that stand 52 years later (Central Conference of American Rabbis, 1937).
- Since 1970, section 4A of the Law of Return has extended a Jew’s rights under the Law to a child, a grandchild and their spouses. Section 4B defines “Jew” by birth to a Jewish mother or conversion (Knesset, 1970).
- On 8 July 2021, an eleven-justice panel of Israel’s Supreme Court dismissed fifteen petitions against the Basic Law that names the Land of Israel as the Jewish people’s historical homeland (HCJ 5555/18 Hasson v. Knesset, 2021).
- Israel’s Central Bureau of Statistics counted 7.1 million of an estimated 15.7 million Jews living in Israel at the beginning of 2024, about 45%. In 1939 the share was 3% (Israel Central Bureau of Statistics, 2025).

How does Israel's founding document describe the Jewish tie to the land?

Israel's Declaration of the Establishment of the State was read on 14 May 1948 and signed by 37 members of the People's Council. It opens by naming Eretz-Israel, the Land of Israel, as the place where the Jewish people began: it "was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped" (Provisional Government of Israel, 1948).

The Declaration is the founding instrument of one party to the conflict. It records what that state asserts about its own origins, and its historical recitals are the text's own narrative, not independent findings. That narrative runs as a chain of dated steps: the First Zionist Congress of 1897, convened by Theodor Herzl; the Balfour Declaration of 2 November 1917; the League of Nations Mandate; and the UN General Assembly resolution of 29 November 1947. The Declaration calls the recognition in that last resolution one that "is irrevocable." The operative sentence then declares "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL."

The same text makes commitments to people who are not Jewish. In the Knesset's published English text, the state "will ensure complete equality of social and political rights to all its citizens irrespective of religion, race or sex." The Ministry of Foreign Affairs publishes the same sentence with "all its inhabitants" in place of "all its citizens." Both are Israeli government translations of the Hebrew original. The Declaration also appeals "to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation."

The founding text therefore does three things in sequence. It places the formation of Jewish identity in the land. It traces a political chain from 1897 to 1947. It pledges equal rights inside the state it establishes. Later sections of this report show how each strand was taken up in enacted law.

Do most Jews say Israel matters to being Jewish?

The Pew Research Center published its survey in 2021, from fieldwork between November 2019 and June 2020. In it, 45% of US Jewish adults said caring about Israel is “essential” to what being Jewish means to them. That share is the measured base rate for the familiar description of Jewish identity as intertwined with homeland.

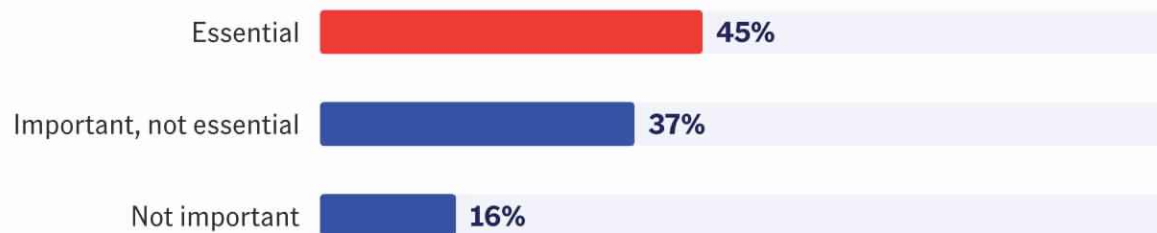
It is often said that for Jews, peoplehood, faith and homeland are deeply intertwined. The survey supports that description for most respondents. Another 37% called caring about Israel important but not essential, and 16% said it was not important, so **82%** assigned Israel at least some importance to their Jewish identity (Pew Research Center, 2021). The share who called it essential, however, is below half.

The same survey measured attachment directly. 58% of US Jewish adults said they were very or somewhat emotionally attached to Israel: 25% very and 32% somewhat, as Pew rounds the components. 45% had been to Israel, including 26% who had visited more than once or had lived there. Orthodox Jews were, in Pew’s words, “the only subgroup among whom a majority (60%) say they are very attached to the Jewish state.”

These are shares of US Jewish adults, the population Pew sampled. They are not figures for Israeli Jews or for world Jewry. They also measure how respondents describe their own identity, not the content of Jewish religious texts or practice.

How important is caring about Israel to being Jewish?

US JEWISH ADULTS, SURVEY FIELDDED NOVEMBER 2019 TO JUNE 2020



Source: Pew Research Center, 2021. Shares as published; the remainder is non-response.

When did the religious tie become a political program?

The organized political program dates to 1897. That year the First Zionist Congress met under Theodor Herzl, the congress Israel's 1948 Declaration names first in its recitals of the movement that led to statehood (Provisional Government of Israel, 1948). The movement's ideological emergence is commonly traced across the 35 years before that congress.

Tyler Weisman's undergraduate paper at Randolph-Macon College, published in the 2014 proceedings of the National Conference on Undergraduate Research, surveys that span, 1862 to 1897. It reads the essays, memoirs and letters of the period. It describes the first-wave colonists as secular Jews who came "with hopes of establishing independent, utopian communities." According to the paper, "most of them ended up working on colonies controlled by the wealthy British Jew, Baron de Rothschild" (Weisman, 2014).

Gershon Shafir's university-press history uses a periodization that overlaps the settlement years, 1882 to 1914 (Shafir, 1989). Shafir locates the origins of the conflict in a struggle over "the land and labor markets on the frontier of Zionist settlement in Palestine," as MERIP's 1990 review summarizes the argument. He reads the First Aliyah of 1882 to 1903 as a settlement drive that became a plantation economy employing Palestinian Arab labour. On this record, organized settlement and the organized political congress are two distinct dates, fifteen years apart.

Once Britain held the Mandate, the political program met a competing claim. The Palestine Royal Commission's report, presented to Parliament in July 1937, concluded: "we cannot, in Palestine as it now is, both concede the Arab claim to self-government and secure the establishment of the Jewish National Home" (Palestine Royal Commission, 1937). The Commission then recommended partition, which was never enacted.

The religious attachment expressed in prayer and liturgy is older than any of these dates. Its conversion into a territorial and diplomatic program is datable to the late nineteenth century. The instruments that recorded the connection before 1948 are examined in the report on the [population record behind the foreign-occupiers claim](#).

Did the 1885 Reform platform reject a return to Palestine?

Yes. In November 1885, a rabbinical conference at Allegheny City, outside Pittsburgh, adopted article five of its Declaration of Principles: “We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state” (Pittsburgh Rabbinical Conference, 1885).

The phrase “the Jewish state” in that sentence belongs to the register of ancient Temple restoration, as its middle clause about the sons of Aaron shows. The platform predates the First Zionist Congress by nearly twelve years. The text survives as published by the Central Conference of American Rabbis, a body founded on 9 July 1889 as the successor that publishes it, not the body that adopted it.

The position persisted into the period of the Balfour Declaration. On 23 August 1917, Secretary of State for India Edwin Montagu circulated War Cabinet paper G.T. 1868, writing “as the one Jewish Minister in the Government.” In it he argued that “Zionism has always seemed to me to be a mischievous political creed, untenable by any patriotic citizen of the United Kingdom” (Montagu, 1917). The paper answered a draft, ten weeks before the Declaration was issued.

On 4 March 1919, Representative Julius Kahn of California presented “A Statement to the Peace Conference” to President Woodrow Wilson. Two wire reports of that month put its signers at 300 (Douglas Daily International, 1919; Wisconsin Weekly Blade, 1919). Its fifth objection held that “it is an error to assume that the bond uniting them is of a national character,” and it closed: “We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State” (Berkowitz and colleagues, 1919, as reproduced by Levitas, 1962).

In 1937 the Reform rabbinate reversed course. Its Columbus Platform affirmed “the obligation of all Jewry to aid in its upbuilding as a Jewish homeland” (Central Conference of American Rabbis, 1937). The movement’s 1997 Miami Platform records the change in its own words: “By 1937 the CCAR had reversed its stand on Jewish peoplehood” (Central Conference of American Rabbis, 1997).

Organized Jewish positions on return, 1885 to 1997

DATED TEXTS, AMERICAN REFORM AND BRITISH ANGLO-JEWISH



Source: *Pittsburgh Rabbinical Conference, 1885; Montagu, 1917; Berkowitz and colleagues, 1919; Central Conference of American Rabbis, 1937 and 1997.*

How did the Bund define Jewish nationhood without the land?

In April 1901, the Fourth Congress of the General Jewish Labour Bund held that the state must become “a federation of nationalities, with full autonomy for each of them in all questions relating to nationality (language, education, art, etc.).” That position, recorded in the Bund Central Committee’s own report on the congress, defined Jewish nationhood where Jews lived rather than by territory (Bund, 1898 to 1901).

The English renderings in this section are the Institute’s working translations from the Russian documentary edition published by ROSSPEN in 2010.

The position was not present at the Bund’s founding. Arkadi Kremer, who convened the first congress in 1897, wrote in 1922 that “questions of programme and tactics were not discussed.” At its Third Congress, in December 1899, the Bund resolved to demand “only civil, and not national, equality of rights,” and opened a signed discussion column on the national question.

The 1901 report states that the congress debated the national question for more than 12 hours. It records the Central Committee’s account that “we see the only guarantee of national equality of rights in national autonomy, and not in territorial independence.” The territorial model rejected there was the Polish Socialist Party’s reconstruction of historic provinces,

which the report identifies in a footnote; it was not Zionism. The compound term “national-cultural autonomy” does not appear in the 1901 text.

Zionism was the subject of a separate resolution at the same congress, which reads in full: “The congress considers Zionism a reaction of the bourgeois classes against antisemitism and the abnormal legal position of the Jewish people. The congress finds the ultimate goal of political Zionism, securing a territory for the Jewish people, insofar as it would hold a small part of that people, a matter of no great importance that does not resolve the ‘Jewish question,’ and insofar as it claims to concentrate the whole Jewish people or even a significant part of it, utopian and unrealisable. The congress considers that Zionist agitation inflames national feeling and may hinder the development of class consciousness. As for the cultural activity of certain Zionist groups, the congress treats it as it treats any legal activity.” In a separate decision, the congress barred Zionists from the party’s economic and political organizations.

The Bund thus held that Jews formed a nationality, a point the congress affirmed unanimously. It rejected the idea that this nationality required the land.

Who does the Law of Return allow to settle in Israel?

Section 4A of Israel’s Law of Return, inserted by the Knesset in 1970, extends a Jew’s rights under the Law to “a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew.” It excludes “a person who has been a Jew and has voluntarily changed his religion” (Knesset, 1970).

The 1950 Law states the core right in its first section: “Every Jew has the right to come to this country as an *oleh*.” The translator’s note defines an *oleh* as “a Jew immigrating” into Israel (Knesset, 1950). The translator’s note gives the Law’s word for that immigration as *aliya*.

The 1970 amendment made two changes that work in opposite directions. Section 4B supplied the Law’s definition: “‘Jew’ means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion.” Section 4A reached beyond that definition to named relatives who are not Jewish under it. It adds that “it shall be immaterial whether or not a Jew by whose right a right under subsection (a) is

claimed is still alive and whether or not he has immigrated to Israel.” The same amendment imported the 4B definition into the Population Registry Law through a new section 3A(b).

The provision has operated at scale. William Berthomière’s peer-reviewed study records more than 500,000 migrants arriving in Israel from the former Soviet Union from 1989 onward (Berthomière, 1995). Israel’s Central Bureau of Statistics counts over 3.5 million immigrants since 1948. Of those, about 1.68 million, 47.8%, arrived since 1990 (Israel Central Bureau of Statistics, 2026).

The 1950 page carries the text as originally enacted. The Law was also amended in 1954, and what that amendment changed was not established for this report, so the grounds for refusal in section 2(b) are not quoted here as current law. The wording that the report on the [population record behind the foreign-occupiers claim](#) examines is the same “return” vocabulary the statute enacts.

Did Israel’s Supreme Court uphold the homeland clause in 2021?

Yes. On 8 July 2021, Israel’s Supreme Court, sitting as an eleven-justice panel of the High Court of Justice, dismissed the petitions against Basic Law: Israel as the Nation-State of the Jewish People. That left in force a statute whose first clause names the Land of Israel as the historical homeland of the Jewish people (HCJ 5555/18 Hasson v. Knesset, 2021).

The Knesset adopted the law in 2018 and publishes an English translation it labels unofficial. Clause 1(b) reads: “The State of Israel is the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination.” Clause 1(c) adds: “The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People” (Knesset, 2018). Clause 7 states that the State “views the development of Jewish settlement as a national value.” The text contains no equality clause and no individual-rights clause.

Fifteen petitions challenged the law’s constitutionality. The Court dismissed them. Clause 1(a) of the law reads: “The Land of Israel is the historical homeland of the Jewish People, in which the State of Israel was established” (Knesset, 2018). In dismissing the petitions, it held

that the Knesset acting as constituent authority is “not all powerful,” and that even by Basic Law it may not deny the core character of the state as Jewish and democratic. It derived that limit from the Declaration of Independence, the Basic Laws, Knesset legislation and its own case law. The ruling therefore upheld the law and set a constitutional ceiling in the same judgment.

Before it passed, a jurist commissioned by the government had advised against legislating at that stage. Ruth Gavison was appointed by the Minister of Justice on 12 August 2013 to review the question and submitted her recommendations on 19 November 2014. She recommended refraining “at this stage” from additional constitutional anchoring of the state’s core vision through legislation (Gavison, 2015). Her recommendations were not adopted, and the Knesset passed the Basic Law on 19 July 2018. The dispute over what the text means for equality is examined in the report on [whether the Nation-State Law enshrines Jewish supremacy](#).

What share of the world’s Jews now live in Israel?

Israel’s Central Bureau of Statistics counted 7.1 million Jews living in Israel at the beginning of 2024, **45%** of an estimated world Jewish population of 15.7 million, in its 2025 Holocaust Day release (Israel Central Bureau of Statistics, 2025). This is the official statistic of the state concerned.

The United States holds the second-largest population in the same release, 6.3 million, or 40%. Other large communities are much smaller. They include France (438,000), Canada (400,000) and the United Kingdom (313,000).

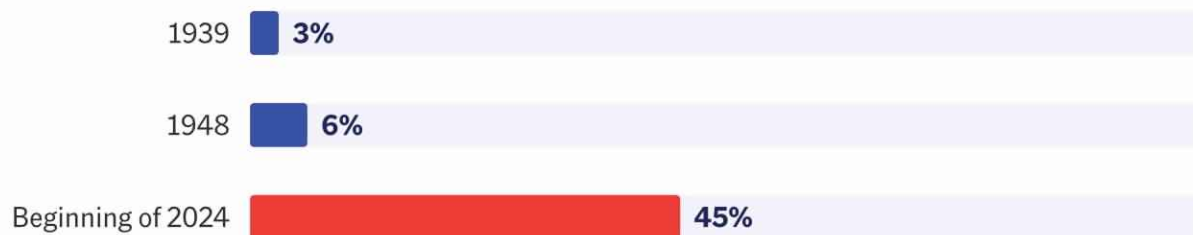
The present share is recent. The same release gives a world Jewish population of 16.6 million on the eve of World War II in 1939, of whom 449,000, or 3%, lived in the Land of Israel. On the eve of statehood in 1948, the world population was 11.5 million, of whom 650,000, or 6%, lived there. Of the 7.1 million Jews in Israel at the beginning of 2024, the Bureau counts 5.7 million as born in Israel.

The totals depend on definition. For every country except Israel, the Bureau uses a “core” Jewish population drawn from the Hebrew University demographer Sergio DellaPergola, a

narrower definition than the one it applies inside Israel. DellaPergola's own estimate for 1 January 2024 is 15,736,800 core Jews worldwide, including 7,153,000 in Israel (DellaPergola, 2025). His US figure of 6.3 million is his reading of Pew's 2020 study, against Pew's own net estimate of 7.5 million. A broader definition of the US population would lower Israel's share of the world total.

Share of world Jews living in the Land of Israel

OFFICIAL ESTIMATES AT THREE DATES; OUTSIDE ISRAEL, CORE DEFINITION



Source: Israel Central Bureau of Statistics, 2025, On the Occasion of Holocaust Day.

Which American Jews rank Israel as essential to their identity?

In the Pew Research Center's survey fielded from 19 November 2019 to 3 June 2020, 35% of US Jewish adults aged 18 to 29 called caring about Israel essential to being Jewish, against 52% of those aged 65 and older (Pew Research Center, 2021).

The composite figure conceals that spread and a wider one. By religious identity the share was 52% among Jews by religion and 27% among Jews of no religion. Across all US Jewish adults, 45% called caring about Israel essential. By denomination, the share was 66% among Conservative Jews, 53% among Orthodox Jews, 49% among Reform Jews and 28% among Jews with no particular branch. Among the youngest adults, 27% said caring about Israel was not important to their Jewish identity, against 8% of those 65 and older.

Emotional attachment follows the same gradient. 48% of adults aged 18 to 29 said they were very or somewhat attached to Israel, against 67% of those 65 and older; the split by religion runs from 67% of Jews by religion to 33% of Jews of no religion. Pew reports that among those

who had been to Israel more than once or lived there, 90% felt at least somewhat attached, against 41% of those who had never been.

Two measures should be kept apart. “Essential to being Jewish” records how a respondent defines their own identity. “Emotionally attached” records a feeling toward a country. A respondent can hold one without the other. A single portrait of Israel as a core reference point for Jewish identity describes the older and more religiously affiliated cohorts more closely than the younger and unaffiliated ones.

The survey’s fieldwork ended in June 2020, more than three years before October 2023, so none of these shares measures opinion during the Gaza war. Pew also states that its change of survey mode means it cannot say whether attachment has changed since its 2013 study. It covers US Jews only; the Israeli Jewish population, which the Central Bureau of Statistics counts at 7.1 million, is not in this sample.

Methodology and limitations

This report draws on four types of evidence, each labelled in the text. The first is primary and official records: the 1948 Declaration, the Law of Return and its 1970 amendment, the 2018 Basic Law, the 2021 Supreme Court judgment, a 1917 British Cabinet paper, the 1937 Royal Commission report, and releases of Israel’s Central Bureau of Statistics. The second is survey research from the Pew Research Center. The third is scholarly work: Shafir (1989), a university-press history; Berthomière (1995), a peer-reviewed migration study; and DellaPergola (2025), a demographic yearbook chapter. The fourth is primary historical texts from organizations of the period: the Pittsburgh platform, the Bund’s congress documents and the 1919 Statement.

Weisman (2014) is an undergraduate paper, not peer-reviewed, and is cited for its survey of the founding-period literature only.

Translations vary, and the variation is stated where it matters. The Declaration exists in two Israeli government English texts that differ on “citizens” and “inhabitants.” The Knesset labels its Basic Law translation unofficial. The Bund quotations are the Institute’s working translations from Russian. The Bund’s statement on national autonomy comes from the

Central Committee's report on the 1901 congress, not from the resolution's operative text. The 1919 Statement states no signatory count of its own; the figure of 300 comes from two contemporaneous wire reports.

Survey figures are self-descriptions by a sample of US Jewish adults and carry sampling error. The world population figures depend on the definition of Jewish population, which differs inside and outside Israel. No single dated document publishes the widely repeated figure of an uninterrupted 3,000-year political claim to the land. The textual, liturgical and historical claims that figure compresses are distinct from one another.

Conclusion

How, then, is Jewish identity tied to the land of Israel? It is tied in writing, in law, in population and in the self-description of a majority of American Jews. It has also changed over time.

Israel's founding text calls the land the birthplace of the Jewish people. The Law of Return extends a right of settlement to a Jew's grandchildren and their spouses. An eleven-justice court left the homeland clause standing. About 45% of the world's Jews now live in Israel, against 3% in 1939. Among US Jewish adults, 45% call caring about Israel essential, and the young are less attached than the old. The record also contains organized Jewish dissent. In 1885 Reform rabbis expected no return. In 1901 the Bund defined a nationhood without territory. In 1919 some 300 signers opposed a Jewish state. Reform Judaism reversed its own position in 1937. On this record, the tie has been widely held but never uniformly held.

The 1919 signers had a specific fear. They wrote that Jews "repudiate every suspicion of a double allegiance," and they worried that a Jewish state would invite exactly that suspicion. A century later, most American Jews describe the tie as important to who they are. When outsiders read that attachment as allegiance to a foreign government, is that reading one of the inputs that turns a tie of identity into the old charge of divided loyalty? It is a question for the reader, and for anyone who repeats the charge.

Frequently Asked Questions

Does the Law of Return's definition of "Jew" apply outside immigration?

The 1970 amendment inserted section 3A into the Population Registry Law. Section 3A(b) gives "Jew" the same meaning as section 4B of the Law of Return for registry purposes (Knesset, 1970). The definition therefore reaches Israel's population register, but section 4B itself opens with "For the purposes of this Law."

How are marriages of Jews in Israel governed?

Section 2 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953 states: "Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law" (Knesset, 1953). Section 1 gives rabbinical courts exclusive jurisdiction over such matters for Jews in Israel. The statute does not define who is a Jew.

What share of Jews in Israel were born there?

Israel's Central Bureau of Statistics counts 5.7 million of the 7.1 million Jews in Israel at the beginning of 2024 as born in the country, about 80%, and 1.4 million as born abroad (Israel Central Bureau of Statistics, 2025).

Is Israel's share of world Jewry still growing?

On Sergio DellaPergola's estimates for 2023 to 2024, Israel's core Jewish population rose by 92,100, or 1.30%, while the diaspora population fell by 13,300, or 0.15% (DellaPergola, 2025). Both movements are the author's own estimates, not an official count.

Why did the 1937 Royal Commission recommend partition?

The Palestine Royal Commission concluded that Britain's obligations to Arabs and Jews "have proved irreconcilable" and described partition as "the only method we are able to propose for dealing with the root of the trouble" (Palestine Royal Commission, 1937). The partition plan was a recommendation and was never enacted.

Did Montagu oppose all Jewish settlement in Palestine?

No. His 23 August 1917 paper asked that the government work to obtain "for Jews in Palestine complete liberty of settlement and life on an equality with the inhabitants of that country

who profess other religious beliefs” and “go no further” (Montagu, 1917). His objection was to recognizing the Jews as a nation with a claim to the land.

When did Israel's population reach its current size?

Israel's Central Bureau of Statistics counted 806,000 residents at the establishment of the state in 1948 and 10.244 million on the eve of its 78th Independence Day in 2026, more than 12.5 times as many (Israel Central Bureau of Statistics, 2026). These are preliminary estimates based on the 2022 census.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Why Is Israel's Occupation Called the Longest in Modern History? Reading the 1967 Orders, the Interim Agreement and Israel's Own Court Record

The occupation dates to June 1967, 59 years by 2026. What the military orders, Oslo II and Israel's own court record show about its length.

Occupation

West Bank

Gaza

Oslo Accords

Israeli Supreme Court

International Law



The Israeli occupation is described as the longest in modern history because it has run for 59 years, from June 1967 to 2026, a span dated both by Israel's own first military orders and by the International Court of Justice's advisory opinion of July 2024. A child born in the West Bank the summer those orders took effect turns 59 this year, and on the Palestinian Central Bureau of Statistics' own projections,

1,346,888 West Bank residents outside East Jerusalem had not yet turned 18 at mid-2023. The duration is documented. The superlative is not, because no body publishes a ranking of occupations against which it can be checked. The sharper tension sits inside Israel's own record: a 1979 Supreme Court judgment treats the occupation as temporary, and a 2012 government-appointed commission holds the classical law of occupation inapplicable.

Key Findings

- Commander of IDF Forces in the West Bank Area (1967): Military Order 59 fixes its “determining day” as 7 June 1967; June 1967 to 2026 is 59 years, the Institute’s arithmetic on that date.
- Palestinian Central Bureau of Statistics (2023): 1,346,888 West Bank residents outside East Jerusalem were under 18 at mid-2023 on the Bureau’s own projections, every one born after mid-2005; a further 1,046,400 were under 18 in Gaza.
- Israel and the PLO (1995): the Interim Agreement set permanent-status negotiations to begin “not later than May 4, 1996,” 30 years before 2026, and kept authority over areas outside the Palestinian Council’s jurisdiction with Israel “through its military government.”
- Israeli Supreme Court (1979): in HCJ 390/79, decided 5 to 0 on 22 October 1979, the Court held that a military administration cannot create facts on the ground “intended to exist past the end of the military rule.”
- Levy, Shapira and Baker (2012): a commission appointed by the Prime Minister and the Minister of Justice concluded that the classical laws of occupation “cannot be considered applicable” to Israel’s presence in Judea and Samaria.

How long has the occupation lasted, by the Court’s own dating?

Fifty-nine years, on the Institute’s arithmetic. The International Court of Justice’s advisory opinion of 19 July 2024 dates Israel’s occupation of the West Bank, East Jerusalem and Gaza to June 1967, and June 1967 to 2026 is **59 years**. No body publishes that duration as a statistic; it is derived from the Court’s date.

The Court’s date matches the first instruments of the military government. Military Order 59, the Order Concerning Government Property, was signed on 31 July 1967 by the Commander of IDF Forces in the West Bank Area and published in booklet 5 of the Collection of Proclamations, Orders and Appointments (Commander of IDF Forces in the West Bank Area, 1967). Its Article 1 defines “the determining day” as 28 Iyar 5727, 7 June 1967, and treats as government property whatever belonged to the Hashemite Kingdom of Jordan or any other enemy state on that day. Article 7 brings the order into force on 7 July 1967, 24 days before the date it was signed.

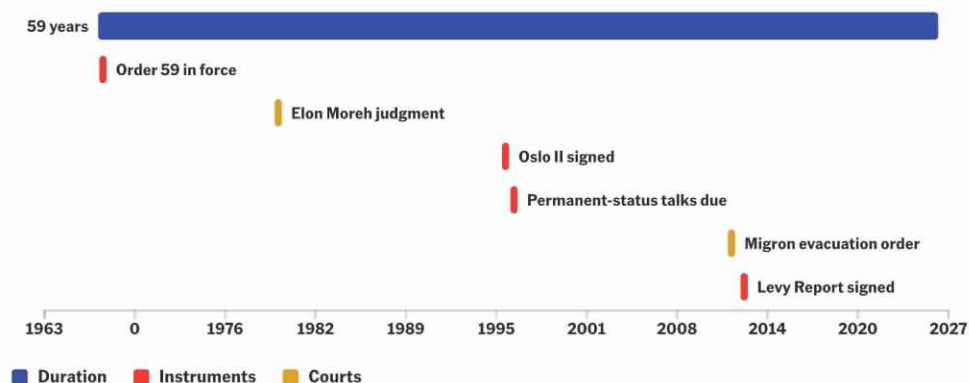
Article 2 is one sentence: “הממונה רשאי ליטול את החזקה ברכוש ממשלתי ולנקוט כל צעד הנראה לו דרוש לכך.” In the Institute’s working rendering, the Custodian “may take possession of government

property and take any step that seems to him necessary for that.” The order exists in Hebrew and Arabic only; no official English text was published. Article 8 names the order for the “West Bank Area” (אזור הגדה המערבית), the name in use before the area was renamed later in 1967.

The instrument did not stop in 1967. The Military Advocate General’s own index lists nine amending orders, the last of them Order 1508, so the 1967 text is the starting point of a legal regime that the issuing authority still maintains.

Dated instruments in the record of the occupation

SIGNATURE, JUDGMENT AND DEADLINE DATES, JUNE 1967 TO 2026



Source: Military Order 59 (1967); HCJ 390/79 (1979); Israel and the PLO, Interim Agreement (1995); HCJ 8887/06 (2011); Levy Report (2012). Duration is the Institute’s arithmetic on the 7 June 1967 determining day.

Is it often said no modern occupation has lasted longer?

Yes. It is often said that no military occupation in modern history has lasted longer than Israel’s, and the duration behind the claim is documented: **59 years** from June 1967, on the dating in the International Court of Justice’s 2024 opinion. The ranking is not documented. The Court calls the occupation prolonged and sets it against no other occupation.

The superlative has named, dated holders. AlJazeera’s feature on the 1967 war, first posted in June 2017 and republished on 4 June 2018 as “The Naksa: How Israel occupied the whole of Palestine in 1967,” states in its own voice: “The occupation is the longest in modern history.” In June 2017 the European Council on Foreign Relations published Valentina Azarova’s report “Israel’s unlawfully prolonged occupation: consequences under an integrated legal framework.” On 23 October 2019 Anadolu Agency, Turkey’s state news agency, quoted Michael Lynk, then UN Special Rapporteur on the Palestinian territories: “Israel has occupied the Palestinian territory for more than 52 years, the longest belligerent occupation in the modern world.”

Each of the three states the characterisation. None publishes a list of occupations with start and end dates against which “longest” can be tested, and the Special Rapporteur’s phrase is a mandate holder’s characterisation rather than a finding of any UN organ.

That leaves the base rate absent. No published ranking of military occupations by duration was located, so the word “longest” has no measured denominator. What the record supports is the concession: an occupation dated by the occupying state’s own orders to June 1967, still described as continuing by the Court in 2024. The superlative is a characterisation of that documented 59 years, repeated widely since at least its fiftieth year, and not a ranked finding by any body that publishes its comparison.

Which 1967 territories still count toward that duration?

Three of the territories Israel took in 1967 carry the duration: the International Court of Justice’s 2024 opinion defines the Occupied Palestinian Territory as the West Bank, East Jerusalem and Gaza. Sinai and the Golan Heights, taken in the same war, sit outside that definition, and Gaza’s inclusion after 2005 turns on a separate test of control.

The wider set of 1967 territories is laid out in the Max Planck Encyclopedia of Public International Law. Rubin (2009), in an entry last updated in October 2009, covers the West Bank including East Jerusalem, the Gaza Strip, the Golan Heights, Sinai and Lebanon, and the operation of Israeli law in them. His entry treats Sinai, returned to Egypt in 1982, and the Golan Heights, placed under Israeli law by the Knesset in 1981, as cases distinct from the Palestinian territories. The entry predates everything after 2009 and speaks only to the doctrine as it then stood.

Israel’s own signed text binds the two Palestinian territories together. Article XXXI(8) of the 1995 Interim Agreement records that the two sides “view the West Bank and the Gaza Strip as a single territorial unit” (Israel and the PLO, 1995). That clause is a joint undertaking of the parties, not a finding by any court.

Gaza is where the counting diverges. The Court’s 2024 opinion records that Israel withdrew its settlements and ground forces from Gaza in 2005, and holds that Israel’s obligations under the law of occupation there continue in proportion to the effective control it retains. The duration claim therefore runs undisputed for the West Bank and East Jerusalem and depends, for Gaza after 2005, on that test, which the Institute examines in its report on the [effective-control test for Gaza](#). A figure for “how long Gaza has been occupied” is a figure about which test the writer applied.

How many Palestinians have lived their entire lives under it?

At least **1,346,888** in the West Bank, on the Palestinian Central Bureau of Statistics’ own projections: that is the Bureau’s count of West Bank residents under 18 at mid-2023, every one of them born after mid-2005, excluding “those parts of Jerusalem which were annexed by Israeli Occupation in 1967,” in the Bureau’s own wording. The Bureau publishes no count of residents born after June 1967, so the figure is a lower bound.

The count is the sum of the Bureau’s two published bands, 688,510 males and 658,378 females (Palestinian Central Bureau of Statistics, 2023). Everyone in it was born into a West Bank that the occupying state’s own orders, the 1995 Interim Agreement and the Court’s 2024

opinion all treat as under military government, so its inclusion does not depend on any contested test.

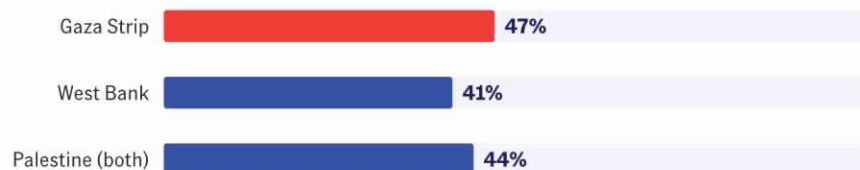
Gaza is counted separately, because it does depend on one. The Bureau puts Gaza's under-18 population at 1,046,400 at mid-2023. Those children were born after Israel completed its withdrawal from Gaza in 2005, so whether they have lived their whole lives under occupation turns on the effective-control test set out in the previous section, and the two figures are not added here.

The shares show the age structure. Children under 18 were 47% of Gaza's population, 41% of the West Bank's and about 44% of the Palestinian total at mid-2023. At the other end, persons 65 and over, all born before mid-1958 and so before the occupation began, were 4% of the Palestinian total.

Every figure here is a projection, not a count. The last measured base is the 2017 census, which enumerated 4,780,978 residents, 2,881,687 in the West Bank and 1,899,291 in Gaza (Palestinian Central Bureau of Statistics, 2018). The mid-2023 figures predate October 2023. The Bureau is a Palestinian official body reporting its own estimates.

Share of residents under 18, mid-2023

PROJECTIONS OFF THE 2017 CENSUS, BEFORE OCTOBER 2023



Source: Palestinian Central Bureau of Statistics, Palestinian Child Day release, 5 April 2023. West Bank figures exclude the parts of Jerusalem annexed in 1967.

Why did the Oslo arrangements not end the military government?

Because the 1995 Interim Agreement between Israel and the PLO transferred specified powers and deferred the rest to permanent-status talks due to begin **not later than 4 May 1996**. Meanwhile, under Article XVII(4)(a), "Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council" (Israel and the PLO, 1995).

The signed text sorts the West Bank into three areas. Article XI(3) defines Areas A and B by lines and shading on a map, and Area C residually as "areas of the West Bank outside Areas A and B." In A and B, Article XI(2) transfers to the Council "All civil powers and responsibilities, including planning and zoning"; in C, Israel transfers only "civil powers and responsibilities not relating to territory." Article XVII(1) carves out of the Council's jurisdiction altogether "Jerusalem, settlements, specified military locations, Palestinian

refugees, borders, foreign relations and Israelis.” The detail of that jurisdiction is set out in the Institute’s report on [the interim agreement’s jurisdiction clauses](#).

The same instrument anticipated its own end. Annex I, Article I(5) states that after the Council’s inauguration “the Israeli Civil Administration will be dissolved and the Israeli military government will be withdrawn,” and three further redeployments were to be completed within 18 months of that inauguration. Article XXXI(5) set the talks date, and Article XXXI(6) provided that nothing in the agreement “shall prejudice or preempt the outcome of the negotiations on the permanent status.”

The text therefore carries both clauses: a withdrawal of the military government, and the military government’s retained authority pending permanent status. The 18-month schedule and the 1996 date are what the text promised, not what happened. The later record shows the outcome: 30 years after the talks date, the International Court of Justice in 2024 still treated the territory as occupied. The interim period that was to bridge occupation and settlement has become most of the occupation’s length.

What did Israel’s High Court say about permanence in 1979?

By **5 votes to 0**, on 22 October 1979, Israel’s Supreme Court held in HCJ 390/79 that “a military administration cannot create within its territory ‘facts on the ground’ for the purposes of its military needs that were in advance intended to exist past the end of the military rule in that area,” and annulled a requisition of private land for the Elon Moreh settlement (Israeli Supreme Court, 1979).

The judgment rested on two grounds. The first was factual: Deputy President Landau found that “the military consideration was subordinate to the primary, political decision to build the settlement,” so the requisition failed a dominant-purpose test. The second, which he said “stands independently,” was the permanence point quoted above: a temporary requisition cannot support a settlement intended to outlast military rule. The Court treated the Hague Regulations “as customary international law” that “do indeed bind the military administration in Judea and Samaria.”

The ruling had limits of its own. Landau accepted that requisitioning private land for a civilian settlement “is potentially justified under Article 52 of the Hague Regulations” where military needs genuinely drove it, and the Court declined to decide the case under Article 49(6) of the Fourth Geneva Convention, which it held not justiciable in an Israeli court. The order annulled covered the petitioners’ roughly 125 dunams of an approximately 700-dunam seizure. The English text is an unofficial translation published by the Cardozo Israeli Supreme Court Project.

The principle recurred. In HCJ 8887/06, on 2 August 2011, the Court issued a final order requiring the State to evacuate the Migron outpost by 31 March 2012, after the State conceded that the land was registered Palestinian private property “and that the Outpost, Migron, is illegal” (Israeli Supreme Court, 2011, 2014). The Institute’s report on [the occupation-law standard for settlements](#) follows that line of cases.

Does Israel's government accept that the West Bank is occupied?

Not on its own commission's reading. The Levy Report, signed on **21 June 2012** by a three-member commission appointed by the Prime Minister and the Minister of Justice, concluded that "the classical laws of 'occupation' as set out in the relevant international conventions cannot be considered applicable" to Israel's presence in Judea and Samaria (Levy, Shapira and Baker, 2012).

The full sentence at paragraph 65 grounds the conclusion in time and history: the laws cannot be applied "to the unique and sui generis historic and legal circumstances of Israel's presence in Judea and Samaria spanning over decades," and "therefore the establishment of settlements cannot in and of itself be considered to be illegal." The duration that others cite as evidence of an unlawfully prolonged occupation is cited here as part of the reason the occupation framework does not fit.

The commission was not uncritical of the state. At paragraph 65 it wrote that the picture of settlement activity before it "does not befit the behavior of a state that prides itself on, and is committed to the rule of law." Its closing paragraph left the next step to the cabinet: "Should the government decide to adopt our recommendations, it will be necessary to implement those principles in detail." Its Conclusions section, paragraph 65, is the government's own English translation; the rest of the report circulates in a translation by Regavim, an organisation that made submissions to the commission.

Set beside the record in the previous sections, Israel's official documents speak in two voices. The 1967 order names a "West Bank Area" and issues under a military commander's authority. The 1979 Court applied the Hague Regulations as binding on "the military administration in Judea and Samaria." The 2012 commission, appointed by the government that answers as respondent before that Court, held the classical law of occupation inapplicable. The report's view is a party's own commissioned legal position on a contested question, and it is stated here as that.

Does length alone make an occupation unlawful?

No, on the International Court of Justice's own reasoning. Its 2024 opinion states that "The fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law," and rests its finding that Israel's continued presence is unlawful, adopted by **11 votes to 4**, on obligations it calls erga omnes: the prohibition on acquiring territory by force and the Palestinian right to self-determination.

The Court named the obligations at paragraph 274: "Among the obligations erga omnes violated by Israel are the obligation to respect the right of the Palestinian people to self-determination and the obligation arising from the prohibition of the use of force to acquire territory as well as certain of its obligations under international humanitarian law and international human rights law." The finding rests on policies the Court treated as annexation and on self-determination, not on the calendar.

The margin matters. The unlawfulness finding in paragraph 285(3) and the obligation to end the presence in 285(4) are the narrowest in the opinion. Vice-President Sebutinde voted against every substantive subparagraph and appended a dissenting opinion; Judges Tomka, Abraham and Aurescu voted against subparagraphs (3) and (4). The opinion is advisory, rendered on a General Assembly request, and binds no state.

The Court adds that “the passage of time does not release the occupying Power from the obligations that it bears.” That separation undoes the common phrase “unlawfully prolonged,” which the European Council on Foreign Relations used in the title of its 2017 report. On the Court’s reasoning, the two words describe different things: the prolongation is a fact about duration, and the unlawfulness is a finding about annexation and self-determination. Israel’s own record draws a parallel line. The 1979 Court held that temporariness limits what the military may build, and the 2012 commission held that length helps place the territory outside the occupation framework. Neither treats 59 years, on its own, as the legal question.

What does the Court say must happen, and how fast?

End the unlawful presence “as rapidly as possible,” the obligation in paragraph 285(4) of the International Court of Justice’s advisory opinion of 19 July 2024, carried by **11 votes to 4**. The phrase sets no calendar date. The only obligation the Court framed as immediate is the halt to new settlement activity.

The remaining operative subparagraphs each carry their own recorded vote. Subparagraph (5) requires Israel “to cease immediately all new settlement activities, and to evacuate all settlers,” by 14 votes to 1. Subparagraph (6) requires Israel “to make reparation for the damage caused,” by 14 votes to 1. Subparagraph (7) places all states “under an obligation not to recognize as legal the situation arising from the unlawful presence” and “not to render aid or assistance in maintaining” it, by 12 votes to 3, and subparagraph (8) extends that duty to international organizations by the same margin. Subparagraph (9) asks the General Assembly and the Security Council to “consider the precise modalities and further action required,” again 12 to 3.

The votes come from the dispositif at paragraph 285 of the opinion as printed in the ICJ Reports. The Court’s own press release on the opinion reproduces the conclusions but omits every tally.

The contrast with the other end dates in the record is exact. The only fixed dates for ending the interim arrangements were set by the parties themselves in 1995: redeployments within 18 months of the Council’s inauguration and permanent-status talks by 4 May 1996. Those dates have passed. The Court, three decades on, replaced them with a standard of speed and assigned the working-out of the modalities to two political organs. At 59 years, the occupation has outlived both its signed deadlines, and the one timetable now on record is expressed as “as rapidly as possible.”

Methodology and limitations

The evidence falls into six types, each labelled where it is used. The primary instrument is Military Order 59 of 1967, read in the Hebrew as published by the Military Advocate General; no official English text exists, and the English above is the Institute's working rendering. The signed treaty text is the 1995 Interim Agreement in the English published by the Israeli Ministry of Foreign Affairs, a party to it. The domestic court records are HCJ 390/79 (1979) and HCJ 8887/06 (2011), read in the Cardozo project's unofficial English translations; the Hebrew governs. The government-commissioned review is the Levy Report (2012), quoted from its Conclusions section in the government's own translation. The official statistics are the Palestinian Central Bureau of Statistics' mid-2023 projections, built off the 2017 census, and its end-2025 brief; they are a party's own estimates, and the West Bank figures exclude the parts of Jerusalem annexed in 1967. The reference work is Rubin's 2009 encyclopedia entry, current only to October 2009.

The International Court of Justice's 2024 advisory opinion is named for its dating, its reasoning and its recorded votes, which are records; its conclusions are attributed to the Court and are not the Institute's evidence.

Three figures are the Institute's own arithmetic: 59 years (June 1967 to 2026), 1,346,888 (the sum of the Bureau's two West Bank under-18 bands) and 30 years (4 May 1996 to 2026). No published ranking of military occupations by duration was located, so the superlative has no measured comparison group. The status of Gaza after 2005 depends on the effective-control test and is contested. Israel's own court and commission records diverge on whether occupation law applies. The holders of the superlative named in the text, Al Jazeera, the European Council on Foreign Relations and the UN Special Rapporteur quoted by Anadolu Agency, are named as holders of a characterisation and are not used as evidence.

Conclusion

So why is it called the longest occupation in modern history? Because the clock is documented and the comparison is not. The occupying state's own order fixes 7 June 1967 as its determining day, the Court dated the occupation the same way in 2024, and 59 years separate that day from this one. No body publishes the list that would make "longest" a ranked fact.

What the record does establish is sharper than the superlative. The 1967 order is still in the issuing authority's index, amended nine times. The 1995 agreement promised a withdrawal of the military government and permanent-status talks by 1996, and both dates are 30 years gone. Israel's Supreme Court, unanimously in 1979, treated the occupation as temporary; Israel's own commission, in 2012, treated the law of occupation as inapplicable. At least 1,346,888 West Bank residents in mid-2023, and 1,046,400 more in Gaza, were under 18 and so born almost four decades after the first order was signed. And the Court, asked what must happen, answered with a speed rather than a date.

Every instrument in this record that named an end point has passed it. If an occupation is lawful only as a temporary state, and the only dated deadlines ever set for it have expired, which body now measures how long temporary is allowed to last?

Frequently Asked Questions

Does Israel's official population count include East Jerusalem?

Yes. Israel's Central Bureau of Statistics counts Jerusalem, including the East Jerusalem neighbourhoods annexed after 1967, as a single municipal population, which passed one million at the end of 2023 with Arabs at 39.5% of residents (Israel Central Bureau of Statistics, 2024). The Palestinian bureau's West Bank figures exclude the same annexed areas, so the two series count East Jerusalem on opposite sides.

Do Israel's national population totals include West Bank settlers?

Yes. The Central Bureau of Statistics put Israel's population at about 10.148 million in September 2025 and counts both East Jerusalem residents and West Bank settlers inside that total (Israel Central Bureau of Statistics, 2025). That scope choice differs from the international convention of reporting the territories separately.

How many military orders has the military government issued since 1967?

About 1,800, according to the Military Advocate General's Corps, which states that all of them are published in the Collection of Proclamations, Orders and Appointments. Order 59, on government property, is one of the earliest and is still listed with its nine amendments (Commander of IDF Forces in the West Bank Area, 1967).

Does the 1995 agreement say how much of the West Bank is Area C?

No. The Interim Agreement defines Areas A and B by lines and shading on a map and Area C as whatever lies outside them, and it contains no territorial percentage (Israel and the PLO, 1995). Any share of the West Bank attributed to Area C comes from a later measurement by some other body.

How many unauthorized outposts did Israel's own 2005 review count?

The opinion prepared for the Prime Minister's Office by Talya Sason counted 105 unauthorized outposts in March 2005, a figure she wrote "probably does not reflect the true number" (Prime Minister's Office of Israel, 2005). She found state bodies had financed construction "without a resolution by the political echelon."

Has Israel's Supreme Court ordered a whole outpost removed?

Yes. On 25 December 2014, in HCJ 9949/08, the Court ordered the removal of the Amona outpost, built on privately owned Palestinian land, within two years, and on 14 November 2016 it refused the government's request for further delay (Israeli Supreme Court, 2011, 2014).

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How Does Israel Control the Palestinian Economy Under Occupation? Reading the Signed Protocol, the Revenue Deductions and the Permit Registers

Israel collects the customs and VAT the World Bank calls the Palestinian Authority's primary revenue source. What the signed texts and registers record.

Paris Protocol

Clearance Revenue

West Bank Economy

Gaza

Area C

Work Permits



Israel controls the largest revenue channel of the Palestinian economy through the 1994 Protocol on Economic Relations. Under it, Israel collects the customs duties and import VAT that the World Bank calls the Palestinian Authority's "primary revenue source." The signed text contains no power to withhold those transfers.

Even so, the World Bank puts Israeli deductions in 2025 at over NIS450 million a month, roughly double the pre-conflict average, and records no transfers at all for May to August 2025.

Put plainly, the question is who holds the switch on each flow of money, goods, labour and land. The signed record answers it one clause at a time.

Key Findings

- The 1995 Supplement to the Paris Protocol lets Israel keep **3%** of each transfer of import and indirect taxes it collects for the Palestinian side. That fee is not in the 1994 Protocol itself (Israel and the PLO, 1995).
- Israeli deductions from clearance revenue rose to over **NIS450 million** a month in 2025, about \$128 million, roughly double the pre-conflict average (World Bank, 2025).
- No clearance revenue transfers were received for **May, June, July and August 2025**, on the World Bank's count as of 31 August 2025 (World Bank, 2025).
- Israel's Civil Administration recorded **87,000** valid permits for Palestinians working inside Israel as of 1 March 2020 (Israel Civil Administration, 2020). The Protocol transfers 75% of the income tax collected from them to the Palestinian side (Government of the State of Israel and the P.L.O., 1994).
- Gaza's recovery and reconstruction needs over the next decade stand at **\$71.4 billion**, on an assessment covering October 2023 to October 2025 (World Bank, European Union and United Nations, 2026).

Which channels of control does the signed economic agreement create?

The 1995 Supplement to the Paris Protocol lets Israel deduct **3%** "from each transfer to the Palestinian side of import taxes and other indirect taxes," to cover "Israel's administrative costs in collecting these taxes." The fee is not in the 1994 Protocol. It was added seventeen months later, in Annex V to the Interim Agreement of 28 September 1995 (Israel and the PLO, 1995).

The base instrument was signed in Paris on 29 April 1994 and incorporated as Annex IV to the Gaza-Jericho Agreement. It has eleven articles and states that it "will cover the West Bank and the Gaza Strip during the interim period" (Government of the State of Israel and the P.L.O., 1994). Three of those articles do most of the work.

The first is the customs envelope. Article III, paragraph 10 provides that, apart from goods on Lists A1 and A2, "both sides will maintain the same import policy," with classification, valuation, licensing and standards "all as applied by Israel with respect to its importation." The same paragraph adds that "Israel may from time to time introduce changes in any of the above," subject to prior notice.

The second is collection. Article III, paragraph 15 allocates import-tax revenue “based on the principle of the place of final destination.” It sets the transfer “within six working days from the day of collection.” The earlier report on who owns [the import taxes](#) sets out the ownership question behind these clauses.

The third is money. Article IV leaves the new Israeli shekel circulating in the Palestinian areas as a means of payment. Section four below takes that up.

Channel	What the text provides	Source
Import policy	Israel's regime is the common envelope; exceptions only for Lists A1, A2, B	Paris Protocol, Art. III(10), 1994
Clearance	Revenue allocated by final destination, transferred within six working days	Paris Protocol, Art. III(15), 1994
Handling fee	Israel deducts 3% of each transfer	1995 Supplement, para. 4
VAT	Palestinian rate not lower than 2% below Israel's	1995 Supplement, Appendix 2

The Supplement also replaced Articles V and VI of the Protocol outright. A clause cited from “the Paris Protocol” can therefore belong to either of two documents, seventeen months apart.

Is it often said the Palestinian economy depends on Israel's?

It is often said that the Palestinian economy depends on Israel's, and on the fiscal measure the World Bank's September 2025 update agrees. It calls clearance revenue, “mostly VAT and import duties” that Israel collects under the Paris Protocol, the Palestinian Authority's “primary revenue source,” and reports that the shortfall forced salary payments down to an average of **70%** of full wages since October 2023 (World Bank, 2025).

The same starting point runs through the Bank's earlier reports to the donor coordination committee. Its September 2023 report describes Gaza as “under a near-blockade and effectively cut off from the West Bank since 2007” (World Bank, 2023).

The premise needs one reframe, and it concerns what is being measured. “Primary revenue source” describes the government budget, not Palestinian output or employment. It measures how exposed the Authority is to a single transfer, and it says less about the private economy.

The two territories also differ sharply. In the third quarter of 2023, the Palestinian Central Bureau of Statistics put Gaza's output at USD 672 million at constant 2015 prices, against USD 3,346 million for the West Bank (Palestinian Central Bureau of Statistics, 2023).

Unemployment followed the same split. The World Bank, relaying the Bureau's survey, gives 46.4% in Gaza and 13.4% in the West Bank for the second quarter of 2023 (World Bank, 2023). By 2025 the Bank puts Gaza's share of Palestinian GDP at below 3%, against 17% before the conflict (World Bank, 2025).

The Bureau is a Palestinian official statistics office, a party to the events it reports, so its counts are its own. The World Bank measured none of these labour figures itself.

On the fiscal channel, then, dependence is large and the Bank says so in terms. Across the rest of the economy, its size varies by territory, and the territorial gap is itself a finding.

How much Palestinian revenue has Israel deducted or withheld since 2023?

Israeli deductions from Palestinian clearance revenue rose to over **NIS450 million** a month in 2025, about \$128 million, “roughly doubling the pre-conflict average,” on the World Bank’s September 2025 Economic Update. The Paris Protocol sets a six-working-day transfer and contains no clause allowing either side to withhold or suspend it (World Bank, 2025; Government of the State of Israel and the P.L.O., 1994).

The Bank reports that the deductions produced “a more than 50 percent decline in the PA’s primary source of income.” It then records a further step: “the Government of Israel has halted clearance revenue transfers entirely, with no disbursements received by the PA for May, June, July and August 2025, as of writing.” These are the World Bank’s figures. Israel’s Finance Ministry does not publish a matching monthly series among the records assembled here, as section ten sets out.

Because the Protocol has no withholding clause, any deduction rests on a decision or instrument outside Article III. The text supplies the standard, six working days, against which each month’s transfer can be measured. It does not supply the deduction.

The Bank traces the effect to salaries. The Authority paid an average of 70% of full wages from October 2023; the May 2025 payment was made at 60%, protecting those earning NIS3,000 a month or less, and the June payment at 50%, protecting those earning NIS2,000 or less.

Share of public salaries the Authority paid

PERCENT OF FULL WAGES; LOWER EARNERS WERE PAID IN FULL IN MAY AND JUNE 2025



Source: World Bank, 2025, *Economic Update*, September 2025.

The scale matters because of what the transfer funds. When the budget’s primary source shrinks by more than half, salaries and services absorb the difference. The Bank adds that the

latest payments were financed by domestic borrowing that pushed public debt beyond the prudential limits of the Palestine Monetary Authority.

Why must Palestinian banks clear shekels through Israeli banks?

Article IV of the **1994** Paris Protocol provides that “The New Israeli Sheqel (NIS) will be one of the circulating currencies in the Areas and will legally serve there as means of payment for all purposes including official transactions.” It leaves a Palestinian currency to future talks: the sides “will continue to discuss, through the JEC, the possibility of introducing mutually agreed Palestinian currency” (Government of the State of Israel and the P.L.O., 1994).

The banking dependence follows from that clause rather than from a separate rule. The same article provides that “Both sides will allow correspondential relations between each others’ banks,” and lets the Palestinian Monetary Authority convert excess shekels into foreign currency at the Bank of Israel, up to amounts set by a formula and agreed at annual meetings.

The article creates the Monetary Authority and gives it banking supervision, the role of lender of last resort and control of foreign exchange dealing. It gives it no currency of its own to issue. The Monetary Authority can supervise the banks. It cannot replace the shekel as their settlement unit.

The operational channel is the correspondent relationship, and the World Bank’s September 2025 update describes how it is kept open. Transactions are processed through the Bank of Israel and private Israeli banks, and “the Israeli Government has long provided time-bound ‘letters of indemnity and immunity’ to shield Israeli banks from potential legal exposure.” The Bank records that the letters were renewed three times in 2024, in March, June and October, and then extended by the Security Cabinet for one year, through 30 November 2025 (World Bank, 2025).

The Bank lists the resulting strain: Palestinian banks hold excess physical shekel cash they cannot repatriate while digital shekel balances in correspondent accounts run short. What the text and the record show together is the direction of the dependence and its source. The Joint Economic Committee is the only mechanism the Protocol offers for changing it.

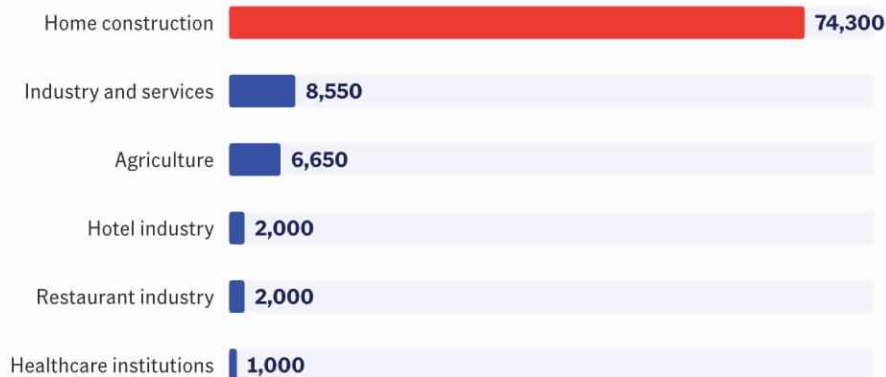
How much Palestinian wage income runs through Israeli work permits?

Israel’s Civil Administration recorded **87,000** valid work permits for Palestinians employed inside Israel as of 1 March 2020, plus 35,000 for Palestinians working in the West Bank itself (Israel Civil Administration, 2020). The Paris Protocol ties that income to the Palestinian budget: Israel transfers 75% of the income tax it collects from Palestinians employed in Israel, and the full amount from those employed in settlements.

Every permit rests on one legal premise, which COGAT states in the opening clause of its 2022 register. Under a 1967 order, the West Bank “is a closed military area and not to be entered or exited without a permit issued on behalf of the military commander” (COGAT, 2022). The same register sets standing quotas by sector.

Standing employment quotas, West Bank permits

QUOTA CEILINGS, NOT PERMITS ISSUED; REGISTER UPDATED TO 8 FEBRUARY 2022



Source: COGAT, 2022, *Status of Authorizations*; Israel's own published instrument.

A quota is a ceiling, not a count of workers. The ten standing rows in the 2022 register add to 95,870. That total is arithmetic on the register, which prints no total of its own. COGAT, a unit of Israel's Ministry of Defense, is the restricting authority, so these are its own published figures. Employment inside the West Bank's industrial zones and Israeli communities is listed “with no quota.”

The income-tax link comes from the Protocol's Article V, paragraph 4, and its 1995 replacement. The replacement widened both transfer rates to Palestinians “from the West Bank and the Gaza Strip” (Israel and the PLO, 1995). Wages earned under Israeli permits therefore feed the Palestinian budget through the same collect-and-transfer mechanism that carries the import taxes.

The Protocol itself leaves the door with the receiving side. Article VII subjects the movement of labour to “each side's right to determine from time to time the extent and conditions of the labor movement into its area,” and requires only that a side suspending it give “immediate notification.” No published register in these records states the total wages the permits carried. The detailed quota mechanics are set out in the report on [the permit instrument](#).

Who issues the permits for building and farming in Area C?

The 1995 Interim Agreement transferred planning and zoning in Areas A and B to the Palestinian Council. For Area C, it promised gradual transfer through three further redeployments, to be completed within **18 months** of the Council's inauguration. In the meantime, Article XI(2) hands over in Area C only “civil powers and responsibilities not

relating to territory,” so building and farming permits there stay with the Israeli side (Israel and the PLO, 1995).

The agreement defines Area C by what is left over: “areas of the West Bank outside Areas A and B.” Areas A and B are defined by red lines and shading on an attached map. No area percentage appears anywhere in the Agreement. Any share of the West Bank attributed to Area C is therefore a later measurement by some other body.

Article XVII(4)(a) names the authority that holds the rest: “Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council.” Article XII(5) ties the settlements to Area C by definition. Article XXXI(5) set permanent status negotiations to begin “not later than May 4, 1996.” The 18-month schedule and that date are what the text promises. They are not a record of what followed.

Beneath the 1995 layer sits Military Order 59, signed on 31 July 1967 by the commander of Israeli forces in the West Bank. It defines government property by who owned it on 7 June 1967, principally the Jordanian state. Article 2 empowers a Custodian, in a working English rendering of the Hebrew, to take possession of that property and any step he deems necessary for it (Commander of IDF Forces in the West Bank Area, 1967). The order has no official English text. Its issuing authority lists nine later amendments to it.

Registration shapes what a farmer can prove. Fayyad and Al-Sinnawi (2023), in a peer-reviewed study, report that a large majority of West Bank land remains unregistered. They also find that the Palestinian Authority has not settled a registration strategy, relying on regulations they describe as contradictory.

Title, planning and zoning thus run through separate instruments. How registration interacts with Israeli control is traced in the report on [the registration record](#).

What economic damage has Gaza recorded under closure and war?

Gaza’s recovery and reconstruction needs stand at **\$71.4 billion** over the next decade. That figure comes from the April 2026 Rapid Damage and Needs Assessment co-published by the World Bank, the European Union and the United Nations, which covers October 2023 to October 2025. The assessment measures the war period and does not separate the effects of the closure in place since 2007 from those of the war (World Bank, European Union and United Nations, 2026).

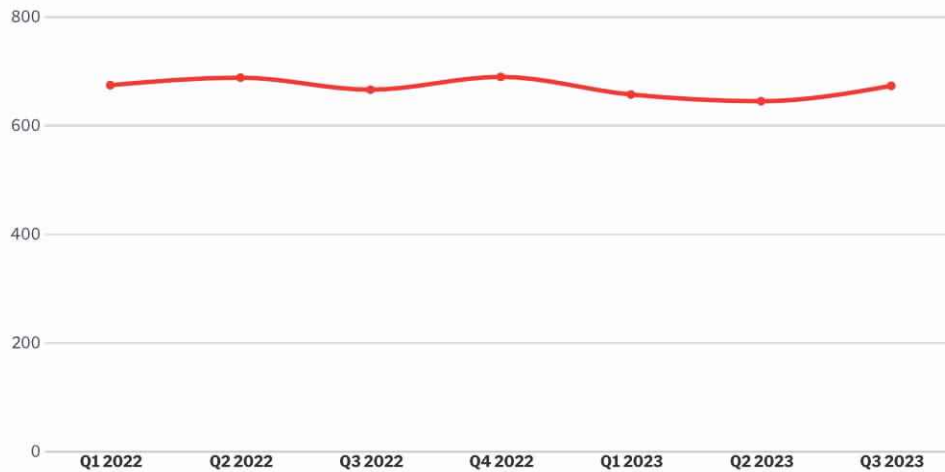
The same assessment puts physical damage at \$35.2 billion and economic and social losses at \$22.7 billion. It records the economy contracting by 84%. The needs figure looks forward and the damage figure looks back, so the two are not added together.

The assessment’s energy chapter records a pre-war dependence directly. Gaza’s demand was about 700 MW. Imports from the Israel Electric Corporation averaged 120 MW and the Gaza Power Plant averaged 70 MW of a nominal 140. Supply met under 35% of demand.

The pre-war economy was already small. The Palestinian Central Bureau of Statistics put Gaza's unemployment at 45.3% in 2022. Its output per person in the third quarter of 2023 was USD 300.7, against USD 1,129.1 in the West Bank. On the Bureau's own figures, that is about 26.6% of the West Bank's level (Palestinian Central Bureau of Statistics, 2023).

Gaza quarterly GDP before October 2023

CONSTANT 2015 PRICES, USD MILLION; THE LATEST QUARTERS ARE PRELIMINARY



Source: Palestinian Central Bureau of Statistics, 2023, quarterly national accounts.

The entry of goods during the war is recorded by COGAT, the Israeli body controlling the crossings. Its truck-level workbook counts 32,946 trucks between 21 October 2023 and 31 May 2024. Its live dashboard states: "According to the directive from the political echelon, no aid entered the Gaza Strip between March 2 to May 19 2025" (COGAT, 2026). Both are Israel's own operational records at its own crossings.

Who controls West Bank water under the 1995 agreement?

Article 40 of Annex III to the 1995 Interim Agreement makes **28.6 mcm** a year available to the Palestinians during the interim period, against "future needs" it estimates at between 70 and 80 mcm a year. It opens: "Israel recognizes the Palestinian water rights in the West Bank. These will be negotiated in the permanent status negotiations and settled in the Permanent Status Agreement relating to the various water resources" (Israel and the PLO, 1995).

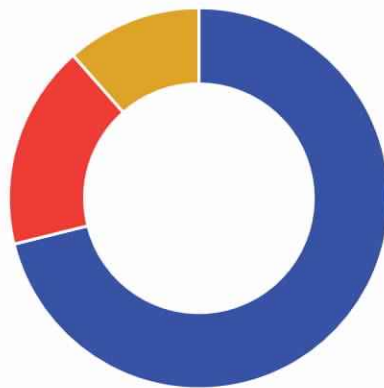
The recognition and its deferral sit in the same paragraph, and paragraph 5 defers the ownership of water and sewage infrastructure the same way. The 28.6 mcm is itemised: part is an Israeli commitment to supply named towns, part a Palestinian responsibility to develop from the Eastern Aquifer, with the balance of the estimated needs left for the Palestinians to develop from "the Eastern Aquifer and other agreed sources."

The Agreement's Schedule 10, headed "Data Concerning Aquifers," lists average annual extractions across three West Bank aquifers and a total recharge of 679 mcm. Adding its

Palestinian lines gives 118 mcm, its Israeli lines 483 mcm, and a remaining 78 mcm in the Eastern Aquifer still to be developed. Those three totals are arithmetic on the schedule, which prints only the aquifer totals and calls its own figures “average annual estimates.”

West Bank aquifer figures in the 1995 schedule

MILLION CUBIC METRES A YEAR; PARTS SUM TO THE STATED 679 MCM RECHARGE; DATA, NOT QUOTAS



■ Listed Israeli use ■ Listed Palestinian use ■ Remaining to be developed

Source: Israel and the PLO, 1995, Interim Agreement, Annex III, Schedule 10.

Control runs through a joint body. New wells, increased extraction and new water systems by either side require prior approval of a Joint Water Committee, which has an equal number of members from each side and decides “by consensus, including the agenda.” The text sets that rule; it does not record how the committee has used it.

Do economists attribute Palestinian stagnation to controls alone?

The World Bank ties specific movements to specific controls rather than to controls in general. Its September 2023 report attributes Gaza’s 2.6% year-on-year contraction in the first quarter of 2023 chiefly to agriculture and fishing. It links that fall to Israel’s restriction on sales of Gazan fish in the West Bank in August 2022 (World Bank, 2023).

In the report’s words, the sector “shrank by almost 30 percent after the GoI restricted the sale of Gazan fish in the West Bank in August 2022.” In the same quarter, the West Bank grew 4.3%, under the same customs envelope and the same currency. The divergence shows how much weight falls on one control in one territory.

The September 2025 update assigns weight to both sides of the ledger. It links Gaza’s collapse in production to “ongoing hostilities and the near-total blockade,” and it separately calls on Palestinian decision-makers to commit to “reforms that prioritize efficiency, transparency, good governance, and fiscal sustainability” (World Bank, 2025). The records assembled here

carry no World Bank measurement dividing growth between Israeli restrictions and Palestinian Authority policy, so no share can be assigned to either.

The growth record itself is volatile. For the combined economy, the World Bank reports real growth of 1.4% in 2019, a contraction of 11.3% in 2020, then 7.0% in 2021 and 3.9% in 2022. Its modelled poverty rate peaked at 26.5% in 2020 and fell to an estimated 24.3% in 2022 (World Bank, 2023).

The signed text provides a joint forum for disputes over its own terms. Article II of the Paris Protocol establishes a Joint Economic Committee of the two sides to follow up the Protocol's implementation. Article III, paragraph 10 lets Israel change the shared import regime on prior notice. Changes to the envelope can therefore come from one side, while revision of the whole runs through the joint committee.

Which parts of economic control does no published register measure?

The last edition of COGAT's published permit register is dated 8 **February 2022**. No later edition was located on the Israeli government's site as of September 2026 (COGAT, 2022). The permit regime after the suspension of Palestinian work permits that followed 7 October 2023 therefore has no published Israeli quota record.

The other gaps are specific and can each be dated.

The deductions have no official Israeli series. The World Bank's monthly averages are its own compilation, and no reconciled month-by-month series published by Israel's Finance Ministry appears among the records assembled here.

The Joint Economic Committee has no published meeting record among these records. The committee is the one body the Protocol names for revising the arrangements.

Gaza has no World Bank economy. On a query of the World Bank's economy list, 295 economies are returned, and one of them covers this territory: "West Bank and Gaza." There is no Gaza-only GDP, unemployment or poverty series from the Bank (World Bank, 2026). The Palestinian Central Bureau of Statistics' own table shows its last annual Gaza unemployment rate for 2022. It carries a dash in the Gaza column for 2023, 2024 and 2025 (Palestinian Central Bureau of Statistics, 2023).

The customs lists are not reproduced. Lists A1, A2 and B, which define the goods the Palestinian side may import on its own terms, are referenced throughout Article III but not reproduced in the Israeli Foreign Ministry's posted text.

The correspondent banking relationship between Israeli and Palestinian banks has no published governing text among these records.

Each gap sits on a channel the signed texts create. The instrument that grants the control is published in every case. The record of how the control has been exercised month to month is

thinner.

Methodology and limitations

This report draws on primary treaty texts, official statistics and peer-reviewed research, each labelled by type.

Treaty texts. The Protocol on Economic Relations of 29 April 1994 and the 1995 Interim Agreement, including Annexes I, III and V, were read in the English text published by Israel's Ministry of Foreign Affairs. Israel is a party to both agreements, so where the exact wording matters, the text is named as that party's posting. Military Order 59 of 1967 was read in the Hebrew text published by the Military Advocate General. English renderings of it are working translations, since no official English text exists.

Official statistics. Economic figures come from the World Bank's September 2023 report to the donor coordination committee and its September 2025 Economic Update. Pre-war Gaza baselines come from the Palestinian Central Bureau of Statistics. Every Gaza-specific labour figure in the World Bank's 2023 report is relayed from the Bureau. The Bureau reports for a party to the events, and its population figures after 2017 are projections from the 2017 census.

Damage and aid. Damage and needs estimates come from the April 2026 assessment co-published by the World Bank, the European Union and the United Nations. They are forward-looking estimates, not enumerations. Aid-entry counts come from COGAT, the Israeli Ministry of Defense unit that controls the crossings, and are its own records. Its truck counts are physical tallies at inspection, while its tonnages rest on shippers' declarations.

Permits. Permit quotas come from COGAT's register of 8 February 2022, a party's own instrument. Permit holdings come from the Civil Administration's Employment Unit page, which reports figures as of 1 March 2020.

Land registration. Evidence on registration comes from a peer-reviewed study by Fayyad and Al-Sinnawi (2023).

Disagreements and limits. The World Bank's 2025 update ties Gaza's contraction to hostilities and the blockade and also calls for Palestinian fiscal and governance reform. No measurement in the record apportioned growth between Israeli restrictions and Palestinian policy.

Conclusion

So who holds the switch on each flow? On revenue, Israel does. It collects the taxes the World Bank calls the Palestinian Authority's primary revenue source and keeps 3% for doing so. On the Bank's count, it deducted over NIS450 million a month in 2025 and transferred nothing from May to August, under a text that provides for transfer within six working days and contains no withholding power.

On money, the Protocol's monetary article leaves the shekel as a legal currency of the Palestinian areas and creates no Palestinian one, so settlement runs through Israeli banks kept open by time-bound Israeli indemnity letters. On labour, a 1967 order makes every entry a permitted exception: 87,000 valid permits in 2020, against quota ceilings that the 2022 register sets at 74,300 in home construction alone. On land, the 1995 Agreement kept planning and zoning in Area C with the Israeli side under an 18-month transfer schedule, and no registration strategy has taken its place on the Palestinian side.

The portrait the record draws is consistent across every axis it measures. The instruments are signed, published and precise about who collects, who issues and who approves. Gaza, where the controls were tightest, entered the war with a quarterly economy one-quarter the size per person of the West Bank's, and now carries \$71.4 billion in recovery needs. The documents granting each power are on the page. The monthly record of how each power was used is mostly not.

That leaves a question the numbers sharpen and cannot settle. An arrangement written in 1994 and 1995 for an interim period is still the frame through which a budget, a currency, a labour market and a map are run, three decades on. When the channels that were meant to be temporary become the permanent structure of a people's economy, and one party can change them on notice while the joint committee that could revise them leaves no published trace, what does "interim" come to mean, and for whom?

Frequently Asked Questions

What VAT rate must the Palestinian side charge under the agreements?

The 1995 Supplement requires that the Palestinian VAT rate "shall not be lower than 2% below the Israeli VAT rate" (Israel and the PLO, 1995). It replaced the 1994 text, which had set a Palestinian band of 15% to 16% against an Israeli rate of 17%.

Who inspects goods at the Palestinian customs points?

Article III, paragraph 14 of the 1994 Protocol gives the Palestinian Authority "full responsibility and powers" at its customs points on the Jordan River and Gaza crossings, with Israeli customs officials present and entitled to ask for inspection (Government of the State of Israel and the P.L.O., 1994). A disputed shipment can be held for up to 48 hours pending a joint sub-committee decision.

Did the income-tax transfer originally cover West Bank workers?

No. The 1994 Protocol's Article V covered Palestinians "from the Gaza Strip and the Jericho Area" employed in Israel, at 75%, and in settlements, at 100% (Government of the State of Israel and the P.L.O., 1994). The 1995 replacement kept both rates and widened them to Palestinians from the West Bank and the Gaza Strip.

Does the 1995 water article apply to Gaza?

No. Paragraph 25 of Article 40 states that existing arrangements for Gaza's water "shall remain unchanged," and Schedule 11 keeps the water systems supplying the settlements then in Gaza with Mekoroth Water Co. (Israel and the PLO, 1995). Article 40's aquifer data and quotas are West Bank figures only.

How is the Joint Water Committee composed?

Paragraph 13 of Article 40 provides that the committee "shall be comprised of an equal number of representatives from each side," and paragraph 14 that all its decisions "shall be reached by consensus, including the agenda" (Israel and the PLO, 1995). Its prior approval is required for new wells and increased extraction by either side.

How many crossings carried goods into Gaza before October 2023?

COGAT's December 2025 document on aid to Gaza states that "Prior to October 7th, only two crossings operated for transferring goods into the Gaza Strip" (COGAT, 2026). It lists five inspection points and three transfer points in operation by late 2025, as Israel's own account of its own crossings.

Why do the World Bank's Gaza figures come from the Palestinian bureau?

The World Bank publishes one economy for the territory, "West Bank and Gaza," and no Gaza-only series (World Bank, 2026). Its 2023 report sources every Gaza labour figure to the Palestinian Central Bureau of Statistics, which is the only body publishing Gaza separately.

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What Does UN General Assembly Resolution 3236 Say About the Palestinian Right of Return? Reading the Text, the 1974 Vote and the Instruments Around It

Resolution 3236 of 1974 calls return an inalienable right. It passed 89 to 8 with 37 abstentions and restates a 1948 paragraph without its compensation clause.

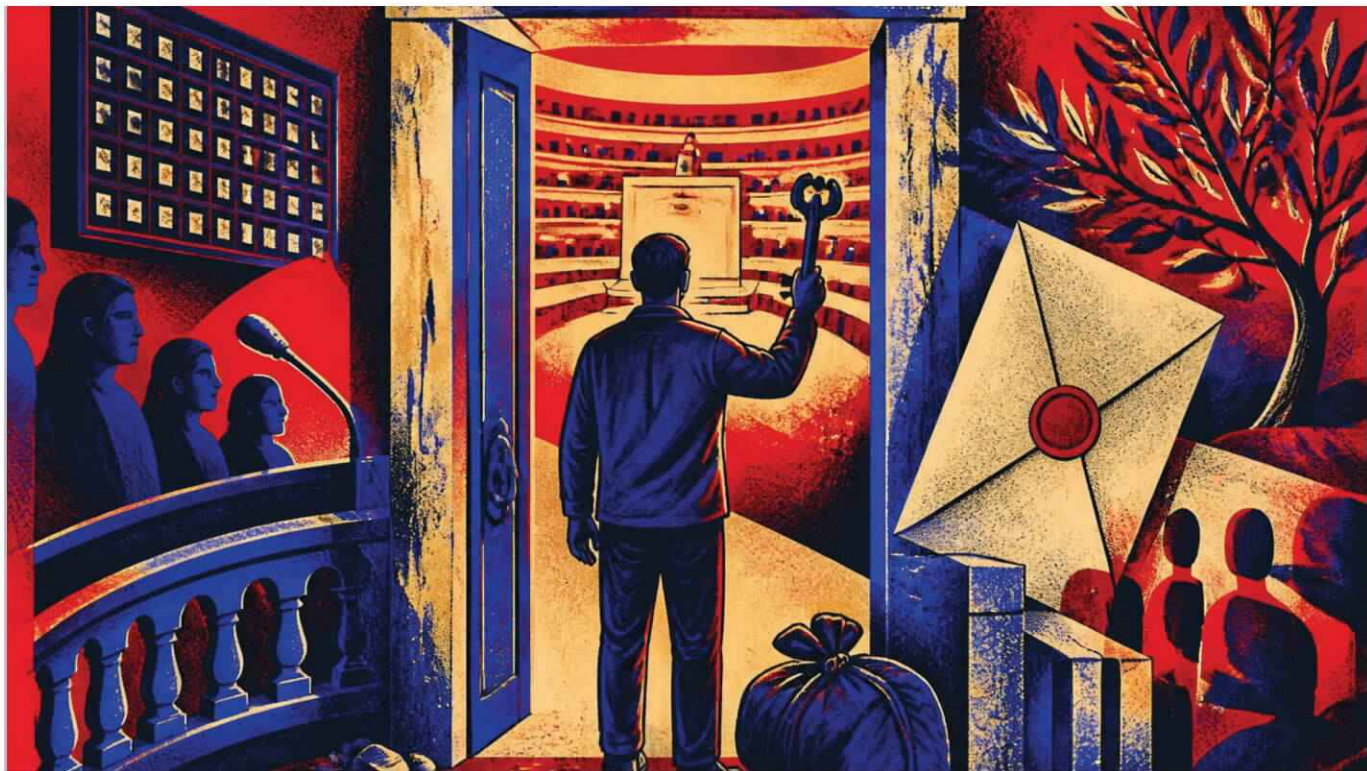
Right of Return

Resolution 3236

UN General Assembly

Palestinian Refugees

International Law



UN General Assembly Resolution 3236, adopted on 22 November 1974 by 89 votes to 8 with 37 abstentions, supports the Palestinian right of return in one operative sentence. Its paragraph 2 “reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return.” The verb “reaffirms” points back 26 years, to Resolution 194 of 1948, which said refugees “should be permitted” to return and offered compensation to those choosing not to. Resolution 3236 raises that wording to an “inalienable right” and drops the compensation alternative. It carries the force the UN Charter gives the Assembly, which under Article 10 “may make recommendations.” The one instrument Israel and the PLO have both signed on the subject, the 1995 Interim Agreement, lists refugees among the issues left for permanent status negotiations.

Key Findings

- Resolution 3236 paragraph 2 (UN General Assembly, 1974) calls return an “inalienable right” and “calls for their return.” It was adopted on a roll call by **89 votes to 8, with 37**

abstentions; the 8 against were Bolivia, Chile, Costa Rica, Iceland, Israel, Nicaragua, Norway and the United States.

- Resolution 194 paragraph 11 (UN General Assembly, 1948) set return beside a remedy: “compensation should be paid for the property of those choosing not to return.” Resolution 3236 carries no compensation clause.
- Resolution 3376 (UN General Assembly, 1975) created a 20-member committee to recommend a programme for implementing Resolution 3236. It did not create a body that administers return.
- Article XXXI(5) of the Interim Agreement (Israel and the PLO, 1995), signed 21 years after Resolution 3236, lists “refugees” among the “remaining issues” for permanent status negotiations.
- Resolution 3236 contains no population figure. The earliest UN estimate is about 711,000 “refugees from Israel-controlled territory” (United Nations Conciliation Commission for Palestine, 1950), dated 7 September 1949.

What does Resolution 3236 actually say about return?

On **22 November 1974**, at its twenty-ninth session, the General Assembly adopted Resolution 3236. Its paragraph 2 “reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return” (UN General Assembly, 1974). Every later description of the resolution’s support for return traces to that sentence.

The sentence makes three separate moves. It calls the right “inalienable,” a word the resolution applies throughout to the rights it lists. It names a destination, “their homes and property,” rather than a territory. It then goes beyond recognition with an operative request: the Assembly “calls for their return.”

Paragraph 1 sets the frame. It “reaffirms the inalienable rights of the Palestinian people in Palestine,” including “the right to self-determination without external interference” and “the right to national independence and sovereignty.” The word “also” in paragraph 2 ties return to that list. The subject shifts between the two paragraphs. Paragraph 1 speaks of “the

Palestinian people,” a collective. Paragraph 2 speaks of “the Palestinians,” the individuals who were displaced. Paragraph 3 then “emphasizes that full respect for and the realization of these inalienable rights of the Palestinian people are indispensable for the solution of the question of Palestine.”

Several things are absent from the text. Paragraph 2 names no territory, no date of displacement, no eligibility rule, no procedure, no administering body and no number of people. The sections below take each of those in turn, because each was supplied, or left unsupplied, by an instrument other than Resolution 3236.

Did Resolution 3236 create the right or restate it?

Resolution 3236 restated a right the General Assembly had first addressed **26 years** earlier. Its paragraph 2 opens with “reaffirms.” The 1948 text it reaffirms, Resolution 194 paragraph 11, resolved that refugees “wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date” (UN General Assembly, 1948).

The common reading holds up on the text. Resolution 3236 is the strongest General Assembly statement of return, and its wording goes further than the 1948 paragraph. What it did was recast that paragraph rather than originate it. Set side by side, the two texts differ on five points:

Element	Resolution 194, paragraph 11 (1948)	Resolution 3236, paragraph 2 (1974)
Status of return	“should be permitted ”	“ inalienable right”
Condition	“wishing to return... and live at peace with their neighbours”	none stated
Timing	“at the earliest practicable date”	none stated
Alternatives named	repatriation, resettlement , rehabilitation, compensation	return only
Addressee	the Conciliation Commission, instructed to facilitate	none named; “calls for their return”

Source: UN General Assembly Resolution 194 (III), 11 December 1948, and Resolution 3236 (XXIX), 22 November 1974, adopted texts.

The 1948 paragraph was framed as a set of options. Its second clause “instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation.” Resolution 3236 keeps only the first of those, repatriation, and drops both the condition of living at peace and the reference to practicability.

The years between the two texts are documented by the Conciliation Commission itself. Its Secretariat’s 1961 working paper, “Historical Survey of Efforts to Secure the Implementation of Paragraph 11 of General Assembly Resolution 194 (III),” records the implementation file from 1948 to 1961 (United Nations Conciliation Commission for Palestine, 1961). That is the record Resolution 3236 inherited. The adoption of the 1948 paragraph, including its vote, is covered in the Institute’s report on [the legal instruments behind the right of return](#).

Does 3236 keep Resolution 194’s compensation alternative?

Resolution 3236 drops the compensation alternative that Resolution 194 paragraph 11 set beside return in 1948. The only UN valuation of what that alternative would have priced, the Conciliation Commission Refugee Office’s estimate of September 1951, put the abandoned land at **£P100 million** (United Nations Conciliation Commission for Palestine, 1961).

The 1948 text provided that “compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.” That gave a refugee two remedies, return or payment. Resolution 3236 mentions property only as the place of return, “their homes and property,” and contains no clause for anyone who does not return. On the 1974 text, the remedy is restitution alone.

The Commission’s valuation sets out the scale of what the dropped clause covered. Annex V of the 1961 working paper gives the extent of “abandoned land which has passed to Jewish hands” as 16,324 square kilometres, of which 4,574 were cultivable. The exact total of the valuation is £P100,383,784, made up of £P69,525,144 in rural land, £P21,608,640 in urban

land and £P9,250,000 in Jerusalem. The Refugee Office warned that its estimates “must inevitably be regarded as approximate ones.” It also declined to rely on the records of Israel’s Custodian of Absentee Property, because “it would be inappropriate to assess compensation entirely on the basis of information furnished by an interested party,” and built its estimate from the Mandatory government’s Village Statistics of 1945.

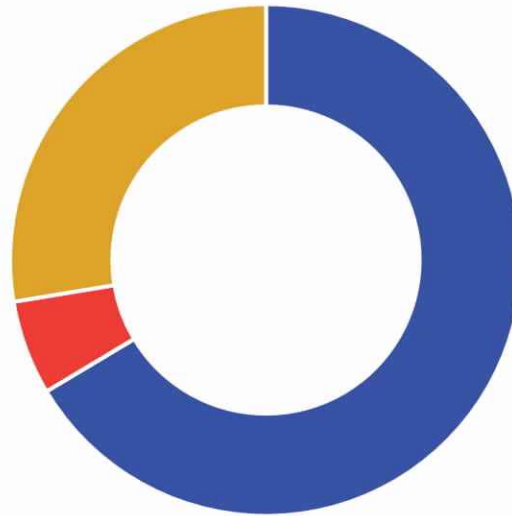
The fullest archival account of that file is Michael Fischbach’s 2003 history, “Records of Dispossession,” published by Columbia University Press. It is built largely on the Conciliation Commission’s own archives and follows the refugee property question from 1948 to the collapse of Camp David II (Fischbach, 2003). The statutes that governed [the property those refugees left](#) are the subject of a separate Institute report. The textual point here is narrower: whatever the property file came to, Resolution 3236 addresses it only through return.

How did the General Assembly vote on Resolution 3236?

The General Assembly adopted Resolution 3236 by **89 votes to 8, with 37 abstentions**, on a roll call at its 2296th plenary meeting on 22 November 1974, according to the meeting’s verbatim record (UN General Assembly, 1974). The eight votes against were Bolivia, Chile, Costa Rica, Iceland, Israel, Nicaragua, Norway and the United States. Israel’s position on the resolution therefore sits in the UN record as a roll-call vote against it.

How the General Assembly divided on Resolution 3236

RECORDED VOTES AND ABSTENTIONS, 22 NOVEMBER 1974, 134 IN TOTAL



■ In favour ■ Against ■ Abstaining

Source: UN General Assembly, verbatim record of the 2296th plenary meeting, A/PV.2296, 22 November 1974, paragraph 110.

Of the 134 delegations that voted or abstained, 89 (66.4%) voted in favour, 8 (6.0%) voted against and 37 (27.6%) abstained. Those three shares are of the 134 recorded positions, not of the full UN membership in 1974. Delegations that recorded no position are outside the count. Resolution 3237, put to the vote immediately afterwards at the same meeting, passed by 95 votes to 17 with 19 abstentions, so the text inviting the PLO as an observer drew more than twice as many votes against as the text on return.

The division matters to how the resolution is described. A “formal UN affirmation” is accurate, but the formality came from an Assembly majority. Just over a quarter of the recorded positions were abstentions, and one of the eight votes against came from Israel, the state inside whose post-1949 lines the Conciliation Commission’s 1951 survey located the property refugees claimed. The recorded vote is the most direct official evidence of how states received the text on the day it was adopted. Later sections cover what the Assembly did next and what the parties themselves signed.

Which homes and property does the resolution's wording cover?

The text of Resolution 3236 names no territory. The earliest UN survey of property claimed by refugees, the Conciliation Commission's 1951 sampling of refugee families in Jordan, recorded claims to **3,508,540 dunums** of land abandoned in Israel (United Nations Conciliation Commission for Palestine, 1951). That places the claimed homes and property inside Israel's post-1949 lines.

Paragraph 2 describes the property only by what happened to its owners: property "from which they have been displaced and uprooted." It contains no geographic noun, no boundary line and no date. Any statement about which homes the paragraph reaches is therefore an interpretation of the text. W. Thomas Mallison and Sally V. Mallison, in a 1979 study the United Nations published at the request of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, read the phrase as covering homes and property in the State of Israel and in the territories occupied since 1967. The study states that its views are those of its authors. That reading is theirs; it does not appear in the operative clause.

The 1951 survey records the claims for the first of those two categories. It worked from the relief agency's fact-sheets for the 84,000 heads of refugee families in Jordan, about 540,000 persons, one question of which asked for a general statement of property abandoned in Israel. Of those families, 66% (55,400) claimed buildings or land or both, and 34% claimed no property at all. The survey's text says 49,500 families claimed houses; its own summary table totals 49,000. The Secretariat noted that "the claims on which the survey is based were unchecked and not documented."

Two limits follow from the survey's design. It covers refugees in Jordan only, so it is not a figure for all refugees of 1948. It also predates 1967 by sixteen years, so it cannot speak to the second category in the Mallisons' reading. The 1974 text leaves both categories unstated.

What body did the Assembly create to implement it?

The General Assembly's implementing step came in Resolution 3376 of 10 November 1975. That resolution established a Committee on the Exercise of the Inalienable Rights of the

Palestinian People made up of **20** member states, and asked it to recommend a programme of implementation for the rights recognized in paragraphs 1 and 2 of Resolution 3236 (UN General Assembly, 1975).

The Committee's name repeats the vocabulary of Resolution 3236, and its mandate mirrors that resolution's limits. Resolution 3376 asked the Committee to consider and recommend. It did not give the Committee power to register claimants, adjudicate property, arrange transport or admit anyone to any territory. The Committee's product was to be a report and recommendations, returned to the General Assembly.

Resolution 3376 then pointed beyond the Assembly. It requested the Security Council to consider, after the Committee reported in 1976, the exercise by the Palestinian people of the rights recognized in paragraphs 1 and 2 of Resolution 3236. That referral is the resolution's own acknowledgement of where binding decisions sit in the Charter's structure, which the next section takes up.

Resolution 3236's phrase "calls for their return" was therefore followed, within a year, by a recommending body rather than an executing one. The path from the 1974 text to any return on the ground ran through three further steps: the Committee's recommendations, action by the Security Council, and the consent or agreement of the states concerned. Resolution 3376 supplied the first step. The other two were left to bodies and parties whose decisions no General Assembly resolution controls.

Does a General Assembly resolution bind any state?

Article 10 of the UN Charter, the treaty text that sets the General Assembly's powers, provides that the Assembly "may make recommendations" to members or to the Security Council. Resolution 3236 was adopted under that power, and it carries a recommendation's force (United Nations, 1945).

The Charter draws the contrast itself. Under **Article 25**, "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." No equivalent undertaking attaches to Assembly resolutions on matters of this kind. No Security Council resolution restates the language of Resolution 3236 paragraph

2, so the right as the 1974 text words it has not passed through the Charter's binding channel. The Security Council referral in Resolution 3376 shows that the Assembly itself saw that channel as the next step.

This is the precise sense in which the resolution "does not create an enforcement mechanism". The limit is set by the Charter's own allocation of powers, not by any gap in the 1974 drafting. A General Assembly text can reaffirm, recognize, call for and request. It cannot oblige a state to admit a person.

Andrew Kent, then an associate professor at Fordham Law School, examined this legal effect in a 2012 article in the University of Pennsylvania Journal of International Law, a student-edited law review that is not peer-reviewed (Kent, 2012). The article asks whether Israel violated international law during the 1947 to 1949 conflict by expelling civilians or by later refusing repatriation. It argues that the law then in force, together with General Assembly resolutions that recommend rather than decide, did not establish return as a binding obligation. Kent states that he assumes the factual premises about 1947 to 1949 for the sake of argument. His article is a doctrinal argument, and it is not evidence of what happened in those years.

What have Israel and the PLO since signed about refugees?

In 1995, **21 years** after Resolution 3236, Israel and the PLO signed the Interim Agreement on the West Bank and the Gaza Strip. Its Article XXXI(5) lists "refugees" among the "remaining issues" for permanent status negotiations, which were to begin "not later than May 4, 1996" (Israel and the PLO, 1995).

The clause reads in full: "Permanent status negotiations will commence as soon as possible, but not later than May 4, 1996, between the Parties. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest." The text was signed at Washington on 28 September 1995 and witnessed by the United States, the Russian Federation, Egypt, Jordan, Norway and the European Union.

Article XXXI(6) preserves each side's starting position: "Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions." The clause is symmetrical. It keeps any claim resting on Resolution 3236 intact for the PLO, and it keeps Israel's opposition, recorded in its 1974 vote, equally intact. Article XXXI(7) adds a mutual standstill: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations." On the refugee question, the signed text fixes procedure and leaves the substance open.

The instruments around Resolution 3236

ADOPTED TEXTS, ESTIMATES AND SIGNED AGREEMENTS, 1948 TO 1995



Source: UN General Assembly Resolutions 194 (III), 3236 (XXIX) and 3376 (XXX); UN Conciliation Commission for Palestine, A/1367/Rev.1; Israel and the PLO, Interim Agreement, 1995.

The Agreement is published in English by the Israeli Ministry of Foreign Affairs, a party to it. The citation runs to both signatories, because the instrument is bilateral.

Does repeated reaffirmation turn the resolution into law?

Andrew Kent, writing in the University of Pennsylvania Journal of International Law in **2012**, argues that General Assembly resolutions supply no binding legal basis for return. Victor Tadros, writing in Politics, Philosophy & Economics in 2017, argues that the right persists morally across generations but expressly declines to defend a duty on Israel to permit it (Kent, 2012; Tadros, 2017).

The two authors answer different questions. Kent's is doctrinal: what the law required of states in 1947 to 1949, and what legal effect a recommendation carries. On his account, reaffirming a recommendation many times does not change what kind of instrument it is. His article is a student-edited law review piece, not peer-reviewed.

Tadros, Professor of Criminal Law and Legal Theory at the University of Warwick, writes moral philosophy in a peer-reviewed journal. His article argues that Palestinians hold a right to return to territory governed by Israel. He argues that the current generation keeps a significant interest in return because the political struggle to return has been sustained across generations. His abstract then draws its own boundary: "However, it does not defend the duty on Israel to permit return. Whether there is such a duty depends on whether the economic, social and security costs override that right." It is an argument about moral rights. It is not a reading of what international law requires, and it makes no claim that repeated General Assembly votes create legal obligations.

The disagreement is therefore sharper than a single split over the resolution. On Kent's account, the legal status of return is unchanged by repetition. On Tadros's account, persistence matters, but through political struggle, not through Assembly voting, and a moral right still does not settle a state's duty. Neither author treats Resolution 3236 as having converted the 1948 recommendation into a treaty obligation. The separate question of customary-law status is covered in the Institute's report on [the legal instruments behind the right of return](#).

Whose count sets how many people the right covers?

Resolution 3236 contains no population figure. The earliest UN estimate of the people it concerns is the Conciliation Commission Technical Committee's figure of about **711,000** "refugees from Israel-controlled territory," dated 7 September 1949 and published in the Commission's 1950 report (United Nations Conciliation Commission for Palestine, 1950).

That figure is an estimate and was never a census. The Technical Committee considered a census, judged one inadvisable, and described its result as only as accurate as circumstances permitted. The Committee also recorded that the relief rolls carried a higher number than 711,000, and attributed the difference to duplicated ration cards, to people displaced from

areas other than Israel-held territory, and to people who were destitute without having been displaced. By construction, the estimate excludes people displaced inside Israel. It records where refugees came from. It does not record why they left.

Other bodies reach nearby totals by other methods. Michael Fischbach's "Records of Dispossession," published by Columbia University Press in 2003, gives more than 726,000 Palestinians uprooted from late 1947 through 1948, according to the publisher's description of the book (Fischbach, 2003). Benny Morris's archival history, published by Cambridge University Press in 2004, carries roughly 700,000 as its own estimate (Morris, 2004). The Israel Law Review's 2018 report of a Hebrew University workshop on the 1948 refugees records two historians side by side: Morris said the United Nations concluded in 1949 to 1950 that the figure was "just over 700,000," and Mahmoud Yazbak said about 400 Palestinian towns and villages were destroyed and about 80 per cent of the residents of the regions on which Israel was established were expelled or fled (Israel Law Review, 2018). The report is a summary of the speakers' presentations, not peer-reviewed research.

Later totals come from bodies that register people on their own definitions, and Resolution 3236 neither adopts nor names any of them. The number of people the right covers is supplied from outside the resolution by whichever body is counting, on that body's definitions. For the dispute over [what caused the 1948 displacement](#), Morris's locality-by-locality account is the archival starting point.

Methodology and limitations

This report draws on three types of evidence. The first is primary and official records: the adopted texts of General Assembly Resolutions 194 (III), 3236 (XXIX), 3237 (XXIX) and 3376 (XXX), the roll-call vote on Resolution 3236 in the verbatim record of the 2296th plenary meeting (A/PV.2296), the UN Charter, the Conciliation Commission documents A/1367/Rev.1 (1950), A/AC.25/W/60 (1951) and A/AC.25/W/81/Rev.2 (1961), the Interim Agreement of 1995, and Israel's Law of Return of 1950. The second is scholarly books from university presses (Fischbach, 2003; Morris, 2004). The third is journal scholarship (Kent, 2012; Tadros, 2017) and the Israel Law Review's 2018 report of a workshop on the 1948 refugees, which summarises its speakers' presentations.

Each type measures something different. The resolutions and the Agreement record what bodies adopted or signed, never what occurred. The recorded vote records positions on a date. The Conciliation Commission figures are estimates: the 711,000 is a 1949 statistical estimate, the 1951 property survey extrapolates from samples of 400 among refugee families in Jordan only and rests on undocumented claims, and the 1951 valuation is the Commission's own approximation made without the Custodian's records. Kent's article appears in a student-edited law review, is not peer-reviewed, and assumes its factual premises. Tadros's article is peer-reviewed moral philosophy and is cited here only for its moral argument. The 1979 study that reads paragraph 2 as reaching 1967 territory is named as its authors' interpretation, which the study itself says it is, not as operative text.

No Security Council resolution restating paragraph 2 of Resolution 3236 appears in the record. The Interim Agreement is quoted from the English text published by the Israeli Ministry of Foreign Affairs.

Conclusion

How does Resolution 3236 support the right of return? Through the strongest wording the General Assembly has used on the subject. The resolution calls return "inalienable," ties it to "homes and property," and "calls for their return," and it did so on a recorded vote of 89 to 8 with 37 abstentions.

The record around that sentence is equally clear. The resolution restates a 1948 paragraph rather than originating the right, and in restating it drops both the condition of living at peace and the compensation alternative that the Conciliation Commission later priced at £P100 million. The Assembly's follow-up was a 20-member committee to recommend a programme. The Charter it acted under makes Assembly texts recommendations and reserves binding decisions for a Council that has not restated the paragraph. The two parties, in the one agreement both signed, placed refugees on a list of issues to negotiate. The number of people the right concerns, from 711,000 upward, is counted by bodies outside the text. What Resolution 3236 contributes is language: it defines the right as inalienable without defining its territory, its beneficiaries or its mechanism.

That leaves a question the 1974 text raises and does not close. When a right is declared inalienable by one body and deferred to negotiation by the parties themselves, which of the two instruments governs whether any displaced family goes home? It is a question for readers, and for the states and negotiators who have held both texts since 1995.

Frequently Asked Questions

How does Resolution 3236 relate to Resolution 3237?

The General Assembly adopted both on 22 November 1974. Resolution 3237 invited the Palestine Liberation Organization to take part in the Assembly's sessions and work as an observer (UN General Assembly, 1974). Resolution 3236 set out the rights, and 3237 dealt with who would speak for them in the Assembly.

What else did Resolution 194 establish in 1948?

Paragraph 2 of Resolution 194 established a Conciliation Commission of three UN member states (UN General Assembly, 1948). Paragraph 11 of the same resolution instructed that Commission to facilitate repatriation, resettlement and compensation. The Commission later produced the 1949 refugee estimate and the 1951 property valuation.

Is the Palestinian right of return the same as Israel's Law of Return?

No. Section 1 of Israel's Law of Return of 1950 provides that "Every Jew has the right to come to this country as an *oleh*," a Jewish immigrant (Knesset, 1950). It is a domestic Israeli statute on Jewish immigration, while Resolution 3236 is a General Assembly recommendation concerning displaced Palestinians.

What date did the Conciliation Commission use to value abandoned property?

The Refugee Office valued property as at 29 November 1947 (United Nations Conciliation Commission for Palestine, 1961). It chose that date because it "was the last date before the exodus of refugees when land values in Palestine were reasonably stable." Buildings and trees were valued as part of the land they stood on.

Were refugee bank accounts part of the compensation question?

Separately from land, accounts that Arab refugees held in Israel were blocked. Release began in the summer of 1953, and by 31 August 1956 a total of £2,633,175 had been released (United Nations Conciliation Commission for Palestine, 1961). That figure is a released balance, not compensation for property.

How does Morris explain the causes of the 1948 exodus?

Benny Morris attributes the exodus to multiple causes that varied by locality and phase: military attack and fear of attack, expulsions in certain sectors, and flight (Morris, 2004). He rejects both a single master expulsion plan and the claim that departures were voluntary.

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Is the Destruction of Cultural Heritage by Israel a War Crime? Reading the Treaty Elements, the Verified Site Inventory and the Prosecution Record

UNESCO has verified damage to 164 heritage sites in Gaza as of March 2026. What the treaty elements require, and what has actually been charged and tried.

Cultural Heritage

War Crimes

Rome Statute

Gaza

International Humanitarian Law



A photograph of a flattened mosque or a burned archive settles nothing in law, and the question people actually ask is whether the loss has a name. It has one, and it requires three things at once: the Rome Statute of 1998 makes it a war crime to intentionally direct an attack against a building dedicated to religion, education, art, science or charitable purposes, or against a historic monument, provided it was not a military objective. On the counting side, UNESCO has verified damage to **164 cultural sites** in Gaza as of 24 March 2026, up from 75 as of 29 November 2024, and it attributes that damage to nobody. The distance between an inventory that records damage and a forum that assigns criminal responsibility is where this question lives: the only heritage-destruction case carried to conviction at the International Criminal Court concerned ten buildings in one city, and none of the counts charged so far in the Gaza situation concerns cultural property at all.

Key Findings

- The Rome Statute of the International Criminal Court, adopted on 17 July 1998, requires three cumulative elements at Article 8(2)(b)(ix): the attack was intentionally directed, the object was dedicated to religion, education, art, science or charitable purposes or was a historic monument, and it was not a military objective.
- UNESCO has verified damage to 164 cultural sites in Gaza since 7 October 2023, as of 24 March 2026, against 75 as of 29 November 2024. UNESCO's assessment verifies damage to named sites and makes no attribution of responsibility and no legal finding.
- Israel ratified the 1954 Hague Convention for the Protection of Cultural Property and its First Protocol in 1957, on the depositary record, and has not ratified the 1999 Second Protocol. It signed the Rome Statute in 2000 and communicated in 2002 that it did not intend to become a party.
- Article 4(2) of the 1954 Convention permits its protective obligations to be waived "only in cases where military necessity imperatively requires such a waiver," and supplies no threshold and no decision-maker. The 1999 Second Protocol narrows that waiver to property that has "by its function, been made into a military objective," and binds only its own parties.

- The Israel Defense Forces' Military Advocate General's Corps reported on 3 August 2024 that it had opened 74 criminal investigations arising from the war in Gaza, 3 of them concerning alleged destruction of civilian property without military necessity, against more than 1,000 incidents referred for factual assessment.

When does destroying cultural heritage become a war crime?

Three elements must hold at once. The Rome Statute of the International Criminal Court, adopted on 17 July 1998, makes it a war crime at Article 8(2)(b)(ix) to intentionally direct attacks against “buildings dedicated to religion, education, art, science or charitable purposes, historic monuments,” and adds the qualifier that decides most cases: **“provided they are not military objectives.”** Intent, protected character, and the absence of a military objective.

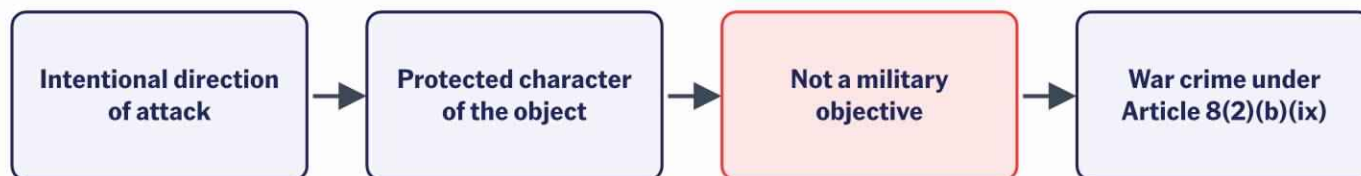
A second and older provision reaches destruction that was not an attack on a named building at all. Article 8(2)(a)(iv) of the same treaty lists as a grave breach “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.” One turns on what was aimed at, the other on scale and justification. Article 8(2)(e)(iv) repeats the first formula for armed conflicts not of an international character, which is the clause under which the Court's only completed heritage case was charged.

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict supplies the definition the criminal clauses assume. Article 1 covers “movable or immovable property of great importance to the cultural heritage of every people,” listing monuments of architecture, art or history, whether religious or secular, archaeological sites, groups of buildings of historical or artistic interest, manuscripts and books, and the museums and depositories that hold them.

Article 4(1) then imposes a duty that runs in both directions at once. Parties undertake to respect cultural property by “refraining from any act of hostility directed against such property,” and, in the same sentence, by “refraining from any use of the property and its immediate surroundings” for purposes likely to expose it to destruction or damage. The International Committee of the Red Cross records both limbs as customary rules binding in all armed conflicts, at Rules 38 and 39 of its 2005 study of customary international

humanitarian law. That reciprocity is the hinge of every contested case: a protected site used for military purposes engages the exception, and the use is itself a breach by whoever makes it.

The three elements the Rome Statute requires



Extensive destruction not justified by military necessity is charged separately, under Article 8(2)(a)(iv).

Source: Rome Statute of the International Criminal Court, 1998, Article 8.

Who has said Israel committed this war crime, and when?

It is often said that Israel's destruction of cultural heritage in Gaza has been found to be a war crime. That is a fair summary of what three bodies have published, and each is nameable and dateable.

The one closest to a finding is the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, which reported in **June 2025** that in the majority of demolition cases it investigated, in particular demolitions carried out with explosives and bulldozers, Israeli security forces had committed war crimes, among them intentionally attacking buildings dedicated to religion and historic monuments and causing extensive destruction not justified by military necessity.

The same commission stated in a June 2025 press release that Israel had "destroyed over half of all religious and cultural sites in the Gaza Strip." That sentence carries no site count and names no register.

PEN America, an organisation representing writers, published a report in September 2025 titled "All That Is Lost," examining 36 cultural, historical, religious and educational sites and stating that the destruction of Gaza's cultural sites, libraries, museums and universities

amounted to war crimes and crimes against humanity. Amnesty International, writing about southern Lebanon in August 2025, made a narrower claim in a different grammatical mood: that destruction of cultural property should be investigated as a war crime where it was carried out intentionally or recklessly. One body says the elements were met; another says the conduct warrants investigation. Collapsing those into a single position misstates both, and the difference between them recurs across the [published findings on Israel's conduct in Gaza](#).

The evidentiary standards also differ from those of a criminal court, and that is a matter of design rather than of rigour. Writing on the EJIL:Talk! blog of the European Journal of International Law on 18 September 2025, in a post that is editorially curated and not peer reviewed, Marko Milanovic set out the point directly: the “only reasonable inference” test comes from the jurisprudence of the international criminal tribunals and follows from the criminal standard of proof beyond reasonable doubt, and “other fact-finders are not bound to apply a high standard of proof,” a class in which he expressly includes a United Nations commission of inquiry.

How many heritage sites has UNESCO verified as damaged?

164 cultural sites in Gaza, as of 24 March 2026. That is the number UNESCO has verified as damaged since 7 October 2023 on its own impact assessment, across six categories of site, and UNESCO's verification records damage to individually identified locations without attributing it to anyone and without reaching any legal conclusion about it.

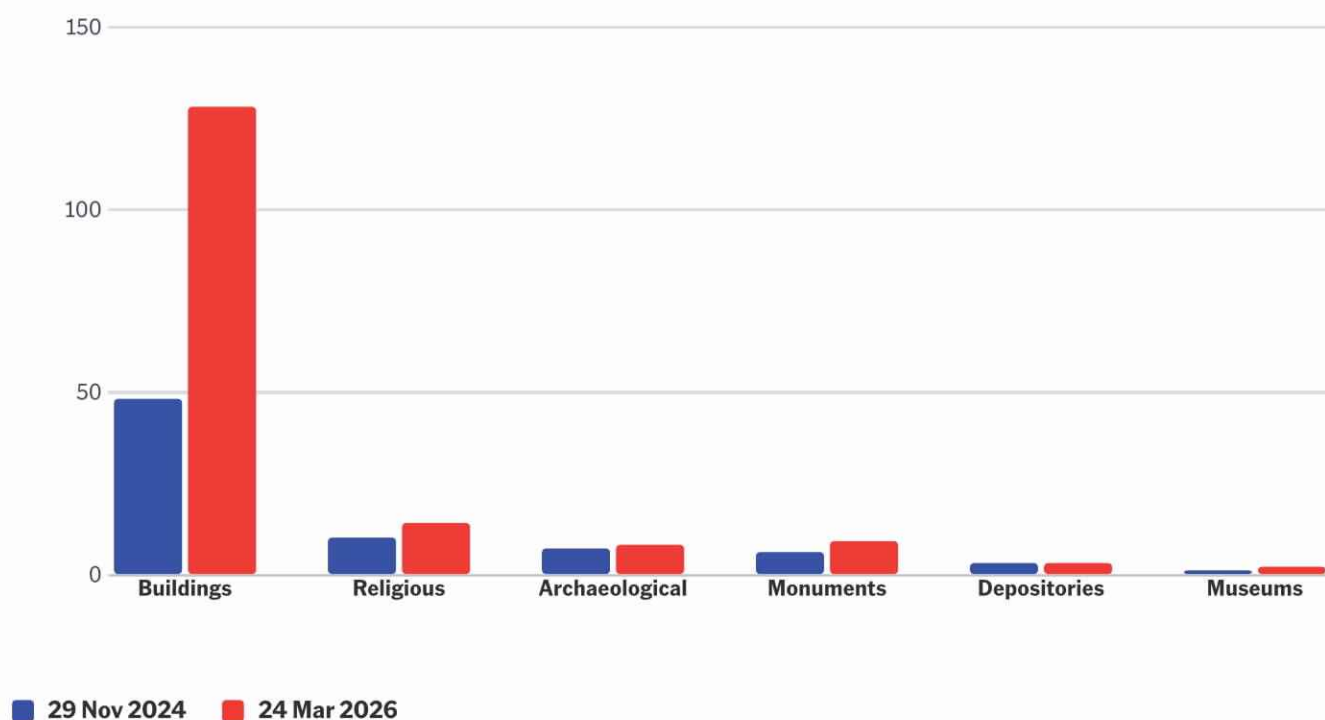
The earlier reading, as of 29 November 2024, was 75 sites: 48 buildings of historical or artistic interest, 10 religious sites, 7 archaeological sites, 6 monuments, 3 depositories of movable cultural property and 1 museum. The March 2026 reading is 128 buildings of historical or artistic interest, 14 religious sites, 8 archaeological sites, 9 monuments, 3 depositories and 2 museums. The categories sum exactly to the two published totals, and almost the whole of the increase sits in one of them: buildings of historical or artistic interest rose by 80 of the 89 additional sites.

UNESCO states that its assessment rests on remote monitoring of satellite imagery analysed by UNITAR/UNOSAT, complemented since the ceasefire of 10 October 2025 by rapid on-site assessments where access allows. Two properties of the inventory matter for anyone using it.

First, verification is a continuous process against a growing body of imagery and reporting, so a later total reflects both new damage and newly confirmed older damage, and the two cannot be separated from the published figures. Second, the categories are UNESCO's own, and the count is of sites rather than of buildings, objects or collections, so it is not a measure of what was lost inside them. A depository holding an archive counts once.

UNESCO-verified damage to cultural sites in Gaza, by category

SITES VERIFIED AS DAMAGED SINCE 7 OCTOBER 2023, AT TWO ASSESSMENT DATES; BUILDINGS ARE THOSE OF HISTORICAL OR ARTISTIC INTEREST



Source: UNESCO, *impact assessment of cultural sites in the Gaza Strip*; category totals 75 and 164.

Which cultural property treaties has Israel actually ratified?

Two of the four instruments in play bind Israel by ratification. On the depositary record held by UNESCO, Israel ratified the **1954 Hague Convention and its First Protocol in 1957**, and it has not ratified the 1999 Second Protocol. On the record of the United Nations Treaty Collection, Israel signed the Rome Statute in 2000 and communicated in 2002 that it did not intend to become a party to it.

That produces an uneven map, and the map is the reason a report can cite four instruments and still owe the reader a further sentence about each. The 1954 Convention's Article 4 obligations, including its waiver clause, apply to Israel as treaty law. The 1999 Second Protocol's narrower waiver, its enhanced-protection regime and its own list of serious violations do not, because a protocol binds its own parties. The Rome Statute's Article 8 is not binding on Israel as a treaty it has joined, and where the Statute's wording is used to assess Israeli conduct it is being used either as a statement of customary law or as the standard a reporting body has chosen to apply.

The State of Palestine sits on the other side of that map. It acceded to the 1954 Convention and to both its Protocols in 2012, and it acceded to the Rome Statute with effect from 2015, which is why the Court's jurisdiction over the territory is argued from Palestinian accession rather than from Israeli ratification.

Non-ratification is not the end of the analysis, and the customary route is what closes the gap. The International Committee of the Red Cross records the prohibition on attacks against cultural property and on its use for purposes likely to expose it to destruction as customary rules, at Rules 38 and 39 of its 2005 study, binding on all parties to an armed conflict irrespective of which treaties they have joined. What ratification decides is not whether any rule applies but which text's wording governs the exception, and that turns out to be the whole argument.

What does imperative military necessity permit under the 1954 Convention?

One word does the work. Article 4(2) of the 1954 Hague Convention permits the protective obligations in Article 4(1) to be waived **“only in cases where military necessity imperatively requires such a waiver,”** and the Convention then supplies no definition of imperative necessity, no threshold, no ranking of military advantage against cultural loss and no body to decide.

The 1999 Second Protocol was written to fill exactly that hole, and its Article 6 states the terms. A waiver may be invoked to direct an act of hostility against cultural property only when and for as long as that property has, by its function, been made into a military objective,

and there is no feasible alternative available to obtain a similar military advantage. The same article requires that the decision be taken by an officer commanding a force at least the equivalent of a battalion in size, and that effective advance warning be given whenever circumstances permit. Article 13 sets out how enhanced protection is lost, on a parallel test.

Those four conditions are cumulative, and they convert an open-textured excuse into a set of checkable facts: the function the property was serving, the alternatives available, the rank of the decision-maker, the warning given. That is the difference between the 1954 standard and the 1999 standard, and it is the difference that Israel's non-ratification of the Second Protocol leaves in place. Against a party bound only by the 1954 text, the test remains the bare phrase "military necessity imperatively requires," and the party asserting it is the party applying it.

The reciprocity in Article 4(1) survives the waiver clause intact. A protected site that has by its function been made into a military objective may lawfully be attacked under the 1999 standard, and the act of making it one is itself a violation of the same article by whoever did so. Both propositions are in the instrument, and each of them is a claim about facts that somebody has to establish.

Has any court convicted anyone of destroying cultural heritage?

One conviction, ten buildings. The International Criminal Court's only completed heritage-destruction case, decided on 27 September 2016, concerned attacks on **ten religious and historic buildings** in Timbuktu, Mali, in 2012, and ended in a nine-year sentence on a guilty plea.

The accused was a member of a morality brigade that had occupied the city. The charge was brought under Article 8(2)(e)(iv), the non-international-conflict version of the clause set out above. A reparations order in 2017 set the convicted person's liability at about 2.7 million euros.

The earlier record sits at the International Criminal Tribunal for the former Yugoslavia, and it concerns the shelling of the Old Town of Dubrovnik, itself a World Heritage site, in December 1991. A naval commander was sentenced in 2004 on a guilty plea, and a ground

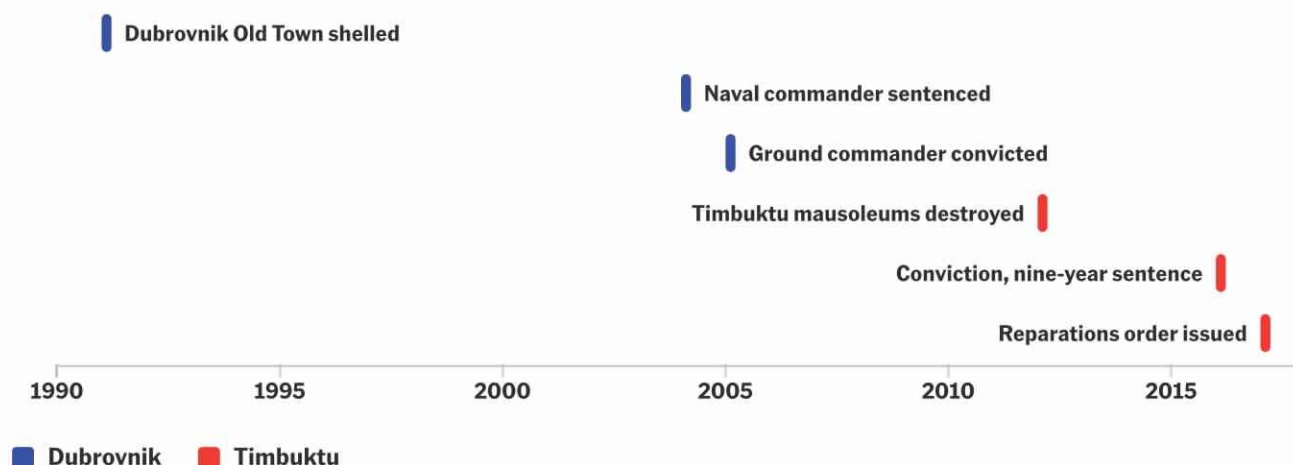
commander was convicted in 2005 on counts including destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, and to historic monuments, under Article 3(d) of the Tribunal's Statute. Joseph Powderly's chapter "Prosecuting Heritage Destruction," in the 2022 Getty Publications volume *Cultural Heritage and Mass Atrocities*, sets out that prosecution history and the doctrinal questions the cases left open.

Two things about that record bear on the question asked here. The first is how narrow it is: in more than three decades of international criminal practice, the completed heritage-destruction cases arise from two cities, and in two of the three the accused pleaded guilty, which removes the contested element of intent from the proceeding entirely. The second is scale. The Timbuktu case concerned ten identified buildings, each attributed to identified perpetrators on an identified date, with the property's non-military character effectively uncontested.

That is the shape of a heritage case that reaches judgment: a building, a date, an order, and an absence of military function that survives adversarial testing.

The completed heritage-destruction prosecutions

TWO SITUATIONS, FROM THE ATTACKS TO THE JUDGMENTS



Source: Powderly, 2022, in *Cultural Heritage and Mass Atrocities*, Getty Publications.

Which charges have prosecutors brought over Gaza so far?

Five counts are listed against Israeli office holders, and none concerns cultural property. The arrest warrants issued on **21 November 2024** for two Israeli office holders list starvation of civilians as a method of warfare and intentionally directing attacks against the civilian population as war crimes, and murder, persecution and other inhumane acts as crimes against humanity. The warrant issued the same day for a Hamas military commander concerns the attack of 7 October 2023.

The other proceedings on the record reach the same result by different routes. The International Court of Justice delivered an advisory opinion on 19 July 2024 on the legal consequences of Israeli policies and practices in the occupied Palestinian territory, answering two questions put to it by a General Assembly resolution; its operative paragraph has nine separately voted subparagraphs, with recorded margins running from unanimous to eleven votes to four, and none of the nine concerns cultural property. The three orders on provisional measures in the case brought by South Africa, dated 26 January, 28 March and 24 May 2024, indicated eleven measures in total, every one of them addressed to the State of Israel, covering acts within Article II of the Genocide Convention, incitement, humanitarian assistance, the preservation of evidence, the Rafah governorate and access for investigators. Cultural property appears in none of them.

An advisory opinion is not a judgment and binds nobody; a provisional measure is expressly without prejudice to the merits; and an arrest warrant is an allegation on which nothing has yet been tried. What the charging record does establish is a fact about priority and proof. Across the counts charged, the measures indicated and the questions answered in 2024, the destruction of heritage is not among the matters any forum has been asked to decide, and the [organisations that have published findings on it](#) are not the bodies that would decide it.

So the reader's underlying question, whether a forum has ruled that this destruction is a war crime, has a plain answer on the present record: no forum with jurisdiction has been asked to rule on it.

What does Israel's own record say about protected sites?

The Israel Defense Forces' Military Advocate General's Corps reported on 3 August 2024 that **3** of the 74 criminal investigations it had opened over the war in Gaza concerned alleged

destruction of civilian property without military necessity.

The other 71, in the same document, first published on 24 February 2024, concerned the deaths of detainees in IDF custody (44), alleged pillaging or stealing (13), alleged detainee mistreatment (8) and alleged illegal use of force (6).

These are the party's own counts of its own processes, not independently verified.

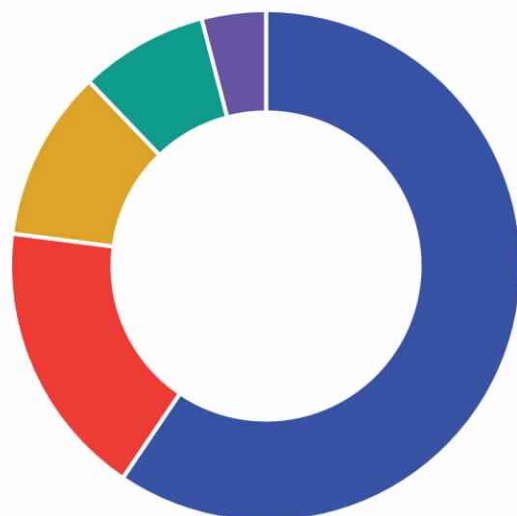
One sentence from the same document has to travel with those numbers, because the numbers are a function of it. The Corps states that in armed conflict "death or injury to a civilian or harm to civilian objects, while tragic and regrettable, in most cases do not by themselves indicate a reasonable suspicion of criminal conduct, as they can be explained as reasonable aftermath of lawful operational activity." On the same record, more than 1,000 incidents were referred to the General Staff's Fact-Finding and Assessment Mechanism for factual assessment, with hundreds still in assessment at the time of writing. The 74 are investigations opened, not findings, indictments or convictions.

On the substantive question the exception turns on, Israel's published record counts its warnings but not its targets. Israel's Foreign Ministry, in a FAQ updated to 8 December 2023, states that Hamas operates from civilian sites and reports warning Gaza residents through over 15 million text messages, over 12 million pre-recorded calls, over 4.5 million leaflets and over 45,000 individual calls, and that "countless attacks have been aborted or avoided completely." Those are the party's own counts, cumulative and stated as floors. The same record publishes no count of strikes aborted, and none of sites assessed as having been made into military objectives.

That absence is the load-bearing one. Under Article 4(2) of the 1954 Convention, the party invoking imperative military necessity is the party that holds the operational record, and no Israeli government body publishes a count of cultural or religious sites struck, assessed for protected status, or cleared as military objectives. The three property investigations are the only figures in Israel's own record that touch destruction of property at all, and the Corps' own published ethical code states the standard against which they were opened: an obligation not to use weapons or power "to harm uninvolved civilians and prisoners," which records the requirement rather than compliance with it.

What Israel's military prosecutors opened criminal investigations into

74 INVESTIGATIONS ARISING FROM THE WAR IN GAZA, AS REPORTED ON 3 AUGUST 2024



■ Deaths of detainees in IDF custody
 ■ Alleged pillaging or stealing
 ■ Alleged detainee mistreatment
■ Alleged illegal use of force
 ■ Property destroyed without necessity

Source: Israel Defense Forces, Military Advocate General's Corps, 2024, the Corps' own count of investigations opened.

Where do accounts of Gaza's heritage loss disagree?

Two enumerations, no shared denominator. UNESCO's **164 verified sites** as of 24 March 2026 is an inventory of individually checked locations, while the formulation published in June 2025 that over half of all religious and cultural sites in the Gaza Strip had been destroyed carries no site count and names no register holding the pre-war total that such a share would have to be taken of.

The two claims are therefore not two readings of one quantity, and neither can be converted into the other. A share requires a denominator: a count, at a stated date, of the religious and cultural sites in Gaza before October 2023, on stated inclusion criteria. No such register is named by the body making the proportional claim, and none was located in the published record for this report. Recorded plainly, that is the finding: the proportional statement and

the verified inventory measure different things, and the arithmetic between them cannot be done.

Three further choices move any count of this kind. Whether a site is counted once or by the buildings inside it. Whether partial damage counts alongside destruction; UNESCO's categories record damage rather than loss. And whether the unit is a heritage site at all, rather than an institution.

A third kind of document sits alongside both. Librarians and Archivists with Palestine published a February 2024 compilation of damage to archives, libraries and museums in Gaza between October 2023 and January 2024, assembled from reports rather than from site verification, and it is an advocacy compilation rather than an inventory or a legal finding. Its unit is the institution, which is neither UNESCO's unit nor the unit the Rome Statute uses. Those unit choices, the site, the institution and the building, make the published figures incommensurable.

Methodology and limitations

This report reads four kinds of record. Primary instruments supply the legal elements and the exception: the Rome Statute of 1998 at Article 8, the 1954 Hague Convention and its First Protocol, and the 1999 Second Protocol, each quoted from its own text. Depositary records supply which instruments bind which party, drawn from UNESCO for the 1954 Convention and its Protocols and from the United Nations Treaty Collection for the Rome Statute. An intergovernmental verification inventory supplies the site counts, from UNESCO's impact assessment of cultural sites in the Gaza Strip at its 29 November 2024 and 24 March 2026 readings. A party's own records supply the investigation counts and the military-objective assertion, from the Israel Defense Forces' Military Advocate General's Corps and the Israeli Foreign Ministry, labelled throughout as that party's own counts and not independently verified.

Three limits follow from those choices. UNESCO verifies damage at site level and attributes no responsibility, so the inventory cannot answer a question about who caused any part of it or why. The conclusions published by the United Nations commission of inquiry, by PEN America and by Amnesty International are findings issued by those bodies, named and dated

in the text, reached on standards of proof that are lower than the criminal standard by design, as Marko Milanovic set out on the EJIL:Talk! blog in September 2025. Israel's investigation counts are counts of investigations opened, produced by the party under a stated threshold that its own document publishes, and they are not counts of findings.

Where the record disagrees, the disagreement is named rather than resolved. The commission's proportional statement and UNESCO's verified inventory rest on different units and different bases, and no publisher reconciles them.

One gap is recorded as a gap. No count of cultural or religious sites in Gaza struck, assessed for protected status, or cleared as military objectives appears in any Israeli government publication consulted for this report, and the four conditions in Article 6 of the 1999 Second Protocol, which would make such assertions checkable, bind only that Protocol's parties.

Conclusion

So does the loss have a name in law? It has three, and they arrive together. The treaty texts are old, specific and unusually clear about what must be shown: that the attack was intentionally directed, that the object was of the protected kind, and that it was not a military objective. Everything else in this question is an argument about who establishes those three facts and on what standard.

Read across every axis measured here, the record is uneven in a way the shorthand hides. The inventory is dated, category-level and growing, from 75 sites at the end of November 2024 to 164 by March 2026, four fifths of the increase in a single category. The instrument that would narrow the necessity exception into four checkable conditions was written in 1999 and Israel has not ratified it, leaving a bare phrase from 1954 to govern, applied by the party invoking it. The bodies that have published war-crimes conclusions are three, they are dateable, and they differ from each other on whether the elements were met or the conduct warrants investigation. The prosecution record for heritage destruction anywhere in the world runs to two cities, ten buildings and three defendants, two of whom pleaded guilty. And across the warrants, the orders and the opinion issued in 2024 over Gaza, cultural property is named in no count and no measure, while the party's own file records three property investigations out of 74, against more than a thousand incidents referred for assessment.

Which leaves a question the documents raise and none of them answers. A heritage case that reaches judgment needs a building, a date, an order and an absence of military function that survives cross-examination, and the records now in existence are built for other purposes: an inventory that verifies damage without attributing it, an investigation file that opens on a threshold its own author states, an assertion of military use that counts warnings and not sites. What kind of record would have to exist, and who would have to keep it, before a count of 164 sites could become a charge about one of them?

Frequently Asked Questions

Which treaty first protected cultural property in war?

Article 27 of the 1907 Hague Regulations already required that in sieges and bombardments all necessary steps be taken to spare buildings devoted to religion, art and science, and historic monuments. The 1954 Hague Convention was the first instrument devoted entirely to the subject, and it supplied the definition of cultural property that later criminal clauses assume.

Why does it matter whether Israel ratified the 1999 Second Protocol?

Because the Protocol changes what the necessity exception requires. Under Article 4(2) of the 1954 Convention the test is the bare phrase “military necessity imperatively requires,” with no threshold and no decision-maker named, while Article 6 of the 1999 Second Protocol requires that the property have by its function been made into a military objective, that no feasible alternative exist, that the decision be taken by an officer commanding a force at least the size of a battalion, and that effective advance warning be given whenever circumstances permit. Those four conditions bind only the Protocol’s parties.

How does UNESCO verify that a site was damaged?

UNESCO’s assessment records damage to individually identified locations, grouped into six categories, and publishes the total as at a stated date. Its verification attributes the damage to nobody and reaches no legal conclusion about it, so the inventory records what has been confirmed rather than who caused it.

Why do a site count and a percentage of sites destroyed not add up?

A share requires a denominator, and the proportional statement published in June 2025 that over half of Gaza's religious and cultural sites had been destroyed names no register holding the pre-war total. UNESCO's 164 is a count of verified damaged sites at a date. The two measure different things on different units, and no publisher reconciles them.

Which conduct does the Rome Statute treat as a grave breach rather than an attack?

Article 8(2)(a)(iv) lists extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, as a grave breach. That clause turns on scale and justification rather than on what was aimed at, which is what Article 8(2)(b)(ix) addresses, and prosecutors have used the two for different fact patterns.

Does using a protected site for military purposes breach the same rule?

Yes, on the text. Article 4(1) of the 1954 Convention requires parties to refrain from acts of hostility against cultural property and, in the same sentence, to refrain from any use of the property or its immediate surroundings for purposes likely to expose it to destruction or damage. The International Committee of the Red Cross records both limbs as customary rules, at Rules 38 and 39 of its 2005 study.

How long did the only completed ICC heritage case take?

The attacks on ten religious and historic buildings in Timbuktu occurred in 2012, the conviction and nine-year sentence followed on 27 September 2016, and the reparations order setting liability at about 2.7 million euros came in 2017. The accused pleaded guilty, which removed the contested element of intent from the proceeding.

What do Israel's own investigation figures cover?

The Military Advocate General's Corps reported on 3 August 2024 that it had opened 74 criminal investigations arising from the war in Gaza, 3 of them concerning destruction of civilian property without military necessity. These are the party's own counts of investigations opened, not of findings, indictments or convictions, and the Corps' own

published threshold states that civilian harm in armed conflict in most cases does not by itself indicate a reasonable suspicion of criminal conduct.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

How Does Palestinian Indigeneity Relate to the Claim for Liberation and Sovereignty?

Three UN resolutions across 22 years attach self-determination and statehood to the Palestinian people. None uses the treaty category of indigeneity.

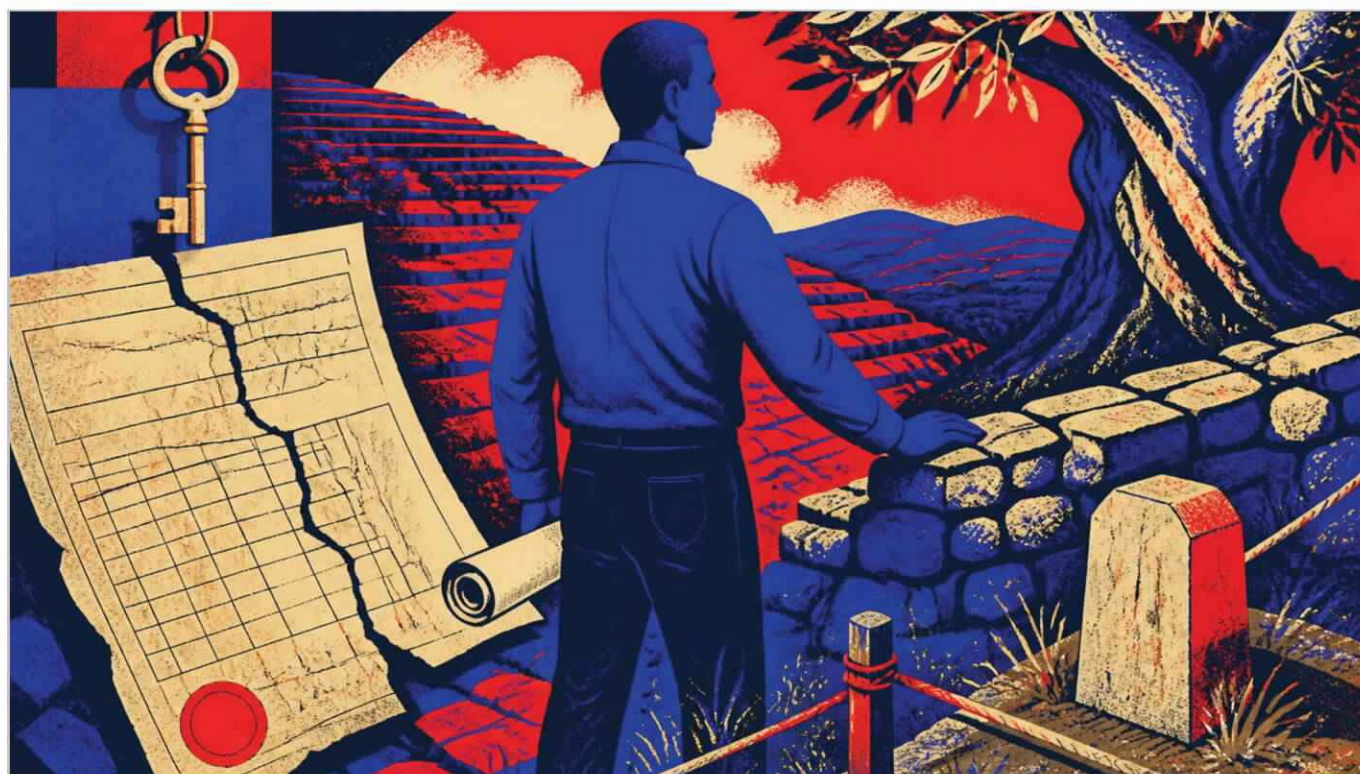
Palestinian Indigeneity

Self-Determination

Sovereignty

UNDRIP

Settler Colonialism



Ask where the Palestinian claim to land comes from, and one answer returns more often than any other: the people were there first. It is the answer a viewer carries out of a documentary, the one a student writes on a placard, and it feels like the sturdiest ground available, because prior presence sounds like something a map or a census could settle. So does the record match the intuition? The instruments that actually carry the operative right name something else. The General Assembly's resolution under the title "The right of the Palestinian people to self-determination" reaffirmed, on 18 December 2002 and again on 17 December 2024, "the right of the Palestinian people to self-determination, including the right to their independent State of Palestine," and neither text uses the word "indigenous." The scholarly argument that indigeneity grounds the claim is real, published and named, and it runs alongside the official record rather than through it.

Key Findings

- General Assembly resolutions 57/198, adopted 18 December 2002, and 79/163, adopted 17 December 2024, both reaffirm "the right of the Palestinian people to self-determination, including the right to their independent State of Palestine," and neither uses the word "indigenous."
- The UN Declaration on the Rights of Indigenous Peoples (2007) grants self-determination at Article 3 but specifies its mode at Article 4 as "autonomy or self-government in matters relating to their internal and local affairs," and Article 46(1) bars any reading that would "dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States."
- The PLO Negotiations Affairs Department's standing position on borders, last revised in 2019, defines the claim by a dated line: "A State of Palestine based on pre June 4th 1967 border with East Jerusalem as its Capital."
- The Palestinian Central Bureau of Statistics estimated 15.49 million Palestinians worldwide at the end of 2025, 5.56 million in the State of Palestine, 1.86 million in the 1948 territories and 8.82 million in the diaspora, an estimate no single register enumerates.

- The Montevideo Convention of 26 December 1933, Article 1, sets four qualifications for statehood, “a permanent population,” “a defined territory,” “government,” and “capacity to enter into relations with the other states,” and prior presence is not among them.

Which right do the UN resolutions attach to the Palestinian people?

The General Assembly attaches self-determination and statehood in the same clause, and has kept that clause unchanged across **22 years**. Resolution 57/198, adopted on 18 December 2002 under the title “The right of the Palestinian people to self-determination,” reaffirms “the right of the Palestinian people to self-determination, including the right to their independent State of Palestine.” Resolution 79/163, adopted on 17 December 2024 under the same title, repeats the clause word for word.

One wording, two dates 22 years apart, and the wording does not change across the interval. What the wording never contains is the category the intuition reaches for. Neither resolution uses the word “indigenous,” and neither invokes the framework that international law reserves for indigenous peoples. The right they carry is the right of a people: peoplehood, self-determination, and a state.

That is a distinction between two legal vocabularies, not a ranking of them, and it matters because the two deliver different things. Self-determination in the decolonisation sense terminates in external statehood, which is exactly what the resolutions’ own clause names. The indigenous-rights framework, examined below, defines its own mode of self-determination differently.

These resolutions are instruments of a political organ rather than adjudications, and they bind no one by their own force. They are citable for what they say, and what they say is the plainest statement the official record holds on the question: when the international body that has returned to this subject for five decades writes down which right the Palestinian people hold, it writes self-determination and an independent State of Palestine, and it wrote the same phrase in 2002 and in 2024 without adding indigeneity to it.

The same pairing appears in the Human Rights Council's output, examined further below, where self-determination is linked to permanent sovereignty over natural resources. That doctrine also belongs to decolonisation rather than to indigenous rights. Across the two organs, over more than twenty years, the operative category is consistent, and it is the category of peoplehood.

Is it often said indigeneity grounds the liberation claim?

Yes, and the argument is made in peer-reviewed venues by named authors. Ukashi, writing in *Peace and Conflict Studies* in 2018, argues for reconsidering Zionism as an Indigenous emancipation movement against imperial and settler-colonial characterisations, an ideologically committed intervention the author announces as such in his own introduction, which places indigeneity at the centre of the dispute from the opposite direction.

The frame's own scholarly pole is equally named and equally dated. Dana (2024), in *Middle East Critique*, argues across eight pages that Israeli settler colonialism should be classed as exceptional within settler-colonial studies, reasoning from Zionist ideological roots and the absence of a conventional metropole. Locker-Biletzki, in *Review of Radical Political Economics* in 2025, a refereed conference paper in a themed symposium published for the Union for Radical Political Economics, argues the settler-colonial case across Palestine and Israel from 1920 to 1956. Sunnemark (2025), in *Critical Sociology*, frames the Palestine solidarity movement as an organic, locally situated grassroots "solidarity ecology" guided by Palestinian civil-society calls.

So the premise is granted in its checkable form. The frame exists, it is published, named scholars make it in named journals across at least seven years, and it holds that liberation means decolonisation rather than accommodation within existing arrangements.

What none of these works does is measure anything. Dana's article contains no figures at all, so no number can be attributed to it. Locker-Biletzki measured nothing, and the figures inside it are quoted from other authors. Sunnemark reports no external-funding mechanism, and that absence is not a measured null. Ukashi's demographic numbers are block quotations from another author and are themselves contested in the historiography.

These are arguments about how to characterise a history, offered on one side of a live dispute. They are the frame's strongest statement, and they are interpretive scholarship rather than a finding.

Does the indigenous rights declaration promise statehood?

The instrument that defines the category specifies self-government, not independence. The United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007, grants self-determination at Article 3, and then names its mode at Article 4: the “right to autonomy or self-government in matters relating to their internal and local affairs.” That is the one article in the Declaration that says what kind of self-determination it confers, and it terminates inside an existing state.

Article 46(1) makes the boundary explicit from the other side, barring any reading of the Declaration that would authorise or encourage action that would “dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.” The two articles fit together: the Declaration confers a robust internal self-determination and expressly withholds the external form.

This is what makes the relationship between the two vocabularies more than a labelling question. A claim routed through the indigenous-rights framework reaches autonomy and self-government within a state's territorial integrity. A claim routed through decolonisation-era self-determination reaches independent statehood, which is the formulation the General Assembly resolutions above actually use. The frame examined in the previous section argues that indigeneity strengthens the sovereignty claim; the instrument the category belongs to bounds the sovereignty it grants, and bounds it short of the statehood the resolutions name.

The question of which populations in the territory satisfy the indigeneity criteria is a separate question with its own answer, and is treated elsewhere. What this section establishes is narrower and prior to it: even a population whose indigenous status were settled beyond dispute would find, in the governing instrument, a self-determination defined as autonomy over internal and local affairs, with the territorial integrity of existing states preserved at Article 46(1).

The Declaration, like the resolutions, is non-binding. It is the category's own text, and it is citable for what it states.

What did the World Court say about Palestinian self-determination?

The Court indicated, by eleven votes to four, that Israel's continued presence in the Occupied Palestinian Territory is unlawful, and reasoned from self-determination. Its advisory opinion of 19 July 2024, requested by General Assembly resolution A/RES/77/247 of 30 December 2022, records at paragraph 274 that "the obligations violated by Israel include certain obligations erga omnes," and that among them is "the obligation to respect the right of the Palestinian people to self-determination."

The recorded votes at paragraph 285 differ subparagraph by subparagraph, and the differences matter. Jurisdiction was unanimous. The findings that the continued presence is unlawful, and that Israel must bring it to an end "as rapidly as possible," each carried by eleven votes to four, the narrowest margins in the opinion. The obligation to cease new settlement activity and evacuate settlers carried fourteen to one, as did the obligation to make reparation. The third-state duties of non-recognition and non-assistance carried twelve to three.

The opinion is advisory. It arose on a General Assembly request under Article 65 of the Statute rather than in a contentious case, and it binds no one. The Court ordered nothing, and Vice-President Sebutinde dissented from subparagraphs 2 through 9, with Judges Tomka, Abraham and Aurescu dissenting from the two unlawful-presence subparagraphs.

The relevant feature for this question is the category the Court reached for. Its erga omnes reasoning names self-determination, the prohibition on the use of force to acquire territory, and obligations under international humanitarian law and international human rights law. It does not reach for indigenous status, and it does not need to: the right it identifies as violated is the one the General Assembly resolutions have reaffirmed since 2003, held by a people, terminating in a state.

Paragraph 278 spells out one practical consequence, requiring that states distinguish in their dealings with Israel “between the territory of the State of Israel and the Palestinian territory occupied since 1967.” That is a territorial distinction drawn by a date and a line, which is the same shape the parties’ own positions take.

Which sovereignty do the natural-resources resolutions name?

Human Rights Council resolution 31/33, adopted on 24 March 2016, names permanent sovereignty over natural resources, a decolonisation doctrine, as an integral component of Palestinian self-determination.

The resolution reaffirms “the inalienable, permanent and unqualified right of the Palestinian people to self-determination,” including “the right to their independent State of Palestine,” and affirms in its preamble “the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination.” The General Assembly runs a parallel series on the permanent sovereignty of the Palestinian people over their natural resources.

That link is the closest the official record comes to a land-based sovereignty distinct from state-building, and it is worth being exact about where it comes from. Permanent sovereignty over natural resources is a doctrine of the decolonisation era, developed for peoples emerging from colonial administration and asserting control over the wealth of their territories. It attaches to a people and a territory. It is not the land relationship the indigenous-rights literature describes, which rests on continuity of connection and traditional knowledge rather than on national development.

The Council’s own formulation makes the dependency plain. Permanent sovereignty over resources is treated as a component of the right to self-determination rather than as a freestanding claim, so the resource sovereignty travels with the peoplehood right rather than beside it. Its operative paragraph 4 confirms that this sovereignty “must be used in the interest of their national development,” which is development-state language.

These are resolutions of political organs, not adjudications, and they are labelled as such. Their value here is that they close off the most natural place an indigeneity claim might have

entered the official record. If the international instruments were going to reach past statehood toward a land-and-resources sovereignty grounded in prior presence, this is the series where it would appear, and what appears instead is the decolonisation doctrine, attached to the same right the 2002 and 2024 General Assembly resolutions reaffirm.

Across both organs, then, the answer is consistent in its category. The right is a people's right; the resource sovereignty is its component; the terminus is a state.

Which language do Palestinian representatives use themselves?

The representative bodies define the claim by a dated line and a state. The PLO Negotiations Affairs Department's standing position on borders, last revised in 2019, states: "A State of Palestine based on pre June 4th 1967 border with East Jerusalem as its Capital."

It defines the line itself in the same document: "The 1967 border, which is defined as the 1949 Armistice Line along with all legal modification thereto up to June 4th 1967, is the internationally-recognized border between Israel and the occupied State of Palestine."

That is a border claim, resting on an armistice line and its modifications through a named date, not on ancestral presence. The same page records the historical compromise in territorial terms: "Since 1988, however, in the interest of achieving peace and ending the conflict, the Palestinian leadership limited the national aspirations to statehood to 22 percent of mandate Palestine, seeking a state in the West Bank and Gaza Strip, with East Jerusalem as its capital."

The dated statements follow the same register. The PLO Executive Committee, meeting on 1 August 2026, affirmed, as reported by WAFA, the Palestinian news agency, that any agreement should lead to "an end to the Israeli occupation and guaranteeing the Palestinian people's right to self-determination through the establishment of an independent and sovereign Palestinian state on the June 4, 1967 borders, with East Jerusalem as its capital, based on the two-state solution and relevant international resolutions." The Palestinian Presidency, on 8 September 2026, likewise reaffirmed "an independent, sovereign, and

viable State of Palestine along the June 4, 1967 lines, with East Jerusalem as its capital, living in security and peace alongside the State of Israel.”

Each of these is a party’s own published position and is evidence of the position and nothing more. Two features recur across all three. The operative right is self-determination. The territorial claim is fixed by 4 June 1967 rather than by duration of presence.

The NAD page carries figures on settlers and land shares that are unsourced assertions in a negotiating document, and none is cited here. What is citable is the shape of the claim, and the shape is statehood and a border.

How many people would a unifying indigeneity claim have to cover?

About **15.49 million** people, on the Palestinian Central Bureau of Statistics’ own worldwide estimate for the end of 2025, and no single register enumerates them. That is the population a unifying political identity would have to span, and the Bureau’s own breakdown shows how scattered it is.

The Bureau puts 5.56 million in the State of Palestine, 1.86 million in what it calls the 1948 territories, meaning Israel, and 8.82 million in the diaspora, 6.82 million of them in Arab countries. Those are estimates across jurisdictions the Bureau does not administer, not a count.

The registers count by residence and status, not by descent. The Palestinian Central Bureau of Statistics’ 2017 census, the last measured base for the territory, counted 4,780,978 residents of the West Bank and Gaza Strip on a reference date of 1 December 2017, comprising 2,881,687 in the West Bank and 1,899,291 in Gaza, and it could not directly enumerate East Jerusalem, where administrative estimates were used. The Israel Central Bureau of Statistics, reporting the population on the eve of Rosh Hashana 5786 in September 2025, counted about 2.130 million Arabs among Israel’s residents, a category the Bureau defines as Moslems, Arab Christians and Druze.

Those two bureaus are counting different populations on different definitions over territory whose boundaries they draw differently, and neither counts the diaspora at all. The worldwide figure is consequently an estimate assembled across systems rather than a count, and the Bureau reports it as such. The 2017 census covers residents of the West Bank and Gaza only, not the global Palestinian population including the refugee diaspora.

So the claim that indigeneity offers a political identity capable of linking Palestinians across geographies and legal statuses is a claim about a population that the administrative record keeps in separate ledgers, by design. Residence, citizenship and refugee registration are the categories the registers keep; ancestral origin is not one of them, in either bureau's tables. A frame that unified across those ledgers would be doing something no statistical system in the territory currently does.

The statuses themselves, and how the official records keep them apart, are treated separately. What this section establishes is the scale and the fragmentation: one estimate of 15.49 million, one census of 4,780,978 residents from 2017, one Israeli count of about 2.130 million Arab residents in 2025, and no shared register behind any of them.

Where do scholars say indigeneity is not the movement's language?

Sabina Ali, writing for *Contending Modernities* at the University of Notre Dame on 29 January 2026, argues that defenders of Zionism have appropriated the language of indigeneity to claim it for Jews. Her critique documents the category being claimed from both sides of the dispute.

That makes indigeneity contested ground in this argument rather than one side's settled premise. Dowty (2022), in a signed faculty essay for the Stroum Center for Jewish Studies at the University of Washington titled "Is Israel a settler colonial state?", argues against the settler-colonial characterisation the indigeneity claim sits inside. That essay is faculty commentary rather than research: no referees, no DOI, no reference list, and it supports only that a named scholar argues that position.

What none of these disputes is Palestinian presence in the land. The disagreement is over whether indigeneity is the frame that carries the political claim, and whether it is the only one available. The published record shows several registers in simultaneous use: self-determination in the resolutions, occupation law in the 2024 advisory opinion, permanent sovereignty over resources in the Human Rights Council series, borders and statehood in the PLO's own position, and settler colonialism with indigeneity in the Dana, Locker-Biletzki and Sunnemark literature.

Ali's 2026 analysis and the Dowty essay are named positions on different sides of the same question, published four years apart, and neither measured anything. So the split is between characterisations, argued by named authors in named venues, and the record holds both.

A report that presented indigeneity as the movement's language would be selecting one register from five in active use, and a report that presented it as absent would be omitting a peer-reviewed literature spanning at least 2018 to 2025.

What does sovereignty require beyond a claim of prior presence?

Four qualifications, and prior presence is not among them. The Convention on Rights and Duties of States, signed at Montevideo on 26 December 1933, states at Article 1 that "the state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states."

The English text says "should possess," not must; the word "effective" appears nowhere in Article 1; and the Convention is regional, signed by nineteen American republics, binding each party only from its own ratification under Article 14. It also names no organ to decide whether any entity satisfies the four qualifications, and Article 3 points the other way, providing that "the political existence of the state is independent of recognition by the other states."

Those four qualifications are about present capacity, not about historical connection. A population, a territory, a government, and the capacity for foreign relations are things a state

either has or does not have on a given date, which is why a claim of prior presence, however well established, does not answer them.

The Israeli-Palestinian Interim Agreement of 28 September 1995 shows what that gap looks like operationally. Article XVII(1) carves out of the Palestinian Council's jurisdiction "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis," and Article XVII(2) confines the Council's territorial jurisdiction to West Bank territory "except for Area C," while its personal jurisdiction applies "to all persons, except for Israelis." Article XVII(4)(a) records that "Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council."

Foreign relations and borders, two of the four Montevideo qualifications and their preconditions, are reserved by that text. The agreement provided for three further redeployments completing within eighteen months of the Council's inauguration, and for permanent status negotiations to commence no later than 4 May 1996.

Methodology and limitations

This report draws on four source types, each labelled where it appears.

Primary and official records: General Assembly resolutions 57/198 (18 December 2002) and 79/163 (17 December 2024) on the right of the Palestinian people to self-determination; the UN Declaration on the Rights of Indigenous Peoples (2007), Articles 3, 4 and 46(1); Human Rights Council resolution 31/33 of 24 March 2016; the Convention on Rights and Duties of States (Montevideo, 26 December 1933), Article 1; the Israeli-Palestinian Interim Agreement of 28 September 1995, Article XVII; the Palestinian Central Bureau of Statistics 2017 census and its end-2025 status brief; and the Israel Central Bureau of Statistics population release of September 2025. The General Assembly and Human Rights Council resolutions are instruments of political organs and bind no one by their own force; UNDRIP is a declaration, not a treaty; the Montevideo Convention is a regional treaty among nineteen American republics and is not a universal instrument.

Court records: the International Court of Justice advisory opinion of 19 July 2024, cited for the text of its operative paragraph 285 and the recorded votes on each subparagraph. The opinion is advisory rather than binding, arose on a General Assembly request under Article 65 of the Statute, and is named here for its dated reasoning and its tallied votes.

Parties' own positions: the PLO Negotiations Affairs Department's standing borders page, last revised in 2019, and the PLO Executive Committee and Palestinian Presidency statements of 1 August 2026 and 8 September 2026 as reported by WAFA, the Palestinian news agency. These are one party's published positions, reported in the third person by a news agency rather than as issued texts, and they are evidence of the positions and nothing else. The NAD page carries unsourced figures on settlers and land shares; none is cited.

Peer-reviewed and scholarly argument: Ukashi (2018), Dana (2024), Locker-Biletzki (2025), Sunnemark (2025), Ali (2026) and Dowty (2022). Every one of these is interpretive, and none carries a measured quantity; the Dowty piece is unrefereed faculty commentary and Locker-Biletzki is typed by its publisher as a conference paper.

Two limits bear on the population figures. The 15.49 million worldwide estimate is not an enumeration and no single register produces it; the 2017 census is the last measured base for the West Bank and Gaza, could not directly enumerate East Jerusalem, and every later total for the territory is a projection off it. The two statistical bureaus count different populations by residence and citizenship, so their figures are never summed.

Conclusion

So does the record match the intuition that prior presence is what grounds the claim? Across the instruments, it does not carry it. The operative right the official record attaches to the Palestinian people is self-determination terminating in statehood, written into the General Assembly's clause in 2002 and repeated unchanged in 2024, reasoned from by the International Court of Justice at paragraph 274 of its 19 July 2024 opinion, and linked to permanent sovereignty over natural resources by the Human Rights Council in 2016.

The indigeneity frame is nonetheless real and published, argued in peer-reviewed venues by Ukashi in 2018, Dana in 2024, Locker-Biletzki and Sunnemark in 2025, and it sits inside a live

scholarly split with Dowty and others on the other side. What it does not do is deliver more sovereignty than the peoplehood claim already carries. UNDRIP Article 4 defines its self-determination as “autonomy or self-government in matters relating to their internal and local affairs,” and Article 46(1) preserves the territorial integrity of existing states, so the instrument that owns the category stops short of the independent statehood the resolutions name outright. The Palestinian representative bodies themselves define the claim by a date and a line, the 4 June 1967 border with East Jerusalem as capital, in a position last revised in 2019 and restated in August and September 2026. And a unifying identity would have to span about 15.49 million people whom no single register counts, across bureaus that record residence and citizenship and never descent.

What sits at the end of this is a question about which language a claim travels in, and it is not a technical one. The frame that feels strongest in public argument, the one that says we were here first, routes a claim through an instrument that grants self-government inside somebody else’s state; the frame that reads as bureaucratic, a people’s right to a state on a dated line, is the one every official record actually carries. If the vocabulary that moves a public and the vocabulary that moves an instrument point to different destinations, which one is a movement supposed to speak?

Frequently Asked Questions

Why do UN resolutions say “people” rather than “indigenous people”?

The resolutions reaffirm “the right of the Palestinian people to self-determination, including the right to their independent State of Palestine,” a formulation the General Assembly adopted on 18 December 2002 and repeated on 17 December 2024. Peoplehood in the decolonisation sense carries a right that terminates in external statehood, which is what the clause names. No reason for the choice of category appears in the resolutions themselves.

Does UNDRIP apply to any population in Israel or Palestine?

UNDRIP’s own text does not identify which populations satisfy its criteria, and the Declaration names no body to decide. The question of who qualifies in this territory is separate and is treated in the Institute’s report on indigeneity claims and the treaty criteria.

What the Declaration does settle is the content of the right it grants: autonomy and self-government at Article 4, with territorial integrity preserved at Article 46(1).

How does permanent sovereignty over natural resources differ from an indigenous land claim?

Permanent sovereignty over natural resources is a decolonisation-era doctrine attaching to a people and a territory, and Human Rights Council resolution 31/33 of 24 March 2016 treats it as “an integral component” of the right to self-determination rather than a freestanding claim. Its operative paragraph 4 states that this sovereignty “must be used in the interest of their national development.” That is state-development language rather than the continuity-of-connection language of indigenous-rights instruments.

Which body has ruled on Palestinian self-determination, and was the ruling binding?

The International Court of Justice addressed it in an advisory opinion of 19 July 2024, requested by General Assembly resolution A/RES/77/247. It is advisory, not a judgment, arose under Article 65 of the Court’s Statute, and binds no one. Its narrowest operative findings, that the continued presence is unlawful and must be brought to an end, carried by eleven votes to four.

Why is 4 June 1967 the date in the Palestinian border claim?

The PLO Negotiations Affairs Department defines the line in its own terms: “the 1949 Armistice Line along with all legal modification thereto up to June 4th 1967.” The same page states that since 1988 the leadership has limited its statehood aspirations to 22 percent of mandate Palestine. Those are the party’s own published positions, cited as such.

How many Palestinians are there, and who counts them?

The Palestinian Central Bureau of Statistics estimated 15.49 million worldwide at the end of 2025, an estimate rather than an enumeration. Its 2017 census counted 4,780,978 residents of the West Bank and Gaza on a reference date of 1 December 2017 and could not directly enumerate East Jerusalem. The Israel Central Bureau of Statistics separately counted about 2.130 million Arab residents of Israel in September 2025, on its own definitions.

Which criteria does international law set for statehood?

The Montevideo Convention of 26 December 1933 lists four at Article 1: a permanent population, a defined territory, government, and capacity to enter into relations with the other states. The English text says a state “should possess” them, and the Convention names no organ to decide whether any entity does. It is a regional treaty signed by nineteen American republics.

Do scholars agree that settler colonialism is the right framework here?

No. Dana (2024) in Middle East Critique and Locker-Biletzki (2025) in Review of Radical Political Economics argue within the framework; Dowty (2022), in a signed essay for the Stroum Center for Jewish Studies at the University of Washington, argues against it. Ukashi (2018) argues in Peace and Conflict Studies for reading Zionism itself as an Indigenous emancipation movement. None of the four measured anything.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Why Do Some People Criticize the Idea That Israel Is Important to Jews? Reading the Objections Their Authors Wrote Down, the Measured Shares and the Enacted Texts

Four dated texts from 1885 to 1919 state the objection in their authors' own words, against Pew's measured shares and Israel's own enacted law.

Jewish Identity

Zionism

Anti-Zionism

Survey Data

Antisemitism Definitions



Pew Research Center reported in 2021 that 45% of US Jews said caring about Israel is essential to what being Jewish means to them, and that nearly six in ten felt very or somewhat emotionally attached to it, so the claim the criticism targets is widely held among American Jews and not unanimous. The criticism itself is older than the state: a rabbinical conference meeting near Pittsburgh in November 1885 declared that its signers considered themselves “no longer a nation, but a religious community,” and the one Jewish member of the British Cabinet wrote in August 1917 that “there is not a Jewish nation.” Between those texts and the present sit three published definitions of antisemitism, issued between 2016 and 2024, each of which contains a clause on attributing a state’s conduct to Jews as such, and which part company on where criticism crosses into that.

Key Findings

- Four dated texts carry the objection in their authors’ own words: the Declaration of Principles adopted at Pittsburgh in November 1885, the Bund’s congress resolutions of December 1899 and April 1901, a British War Cabinet paper of 23 August 1917 held at The

National Archives as CAB 24/24/71, and a statement presented to President Woodrow Wilson on 4 March 1919, which two wire reports of March 1919 said carried 300 signatures.

- Pew Research Center reported in Jewish Americans in 2020, published 11 May 2021, that 45% of US Jews call caring about Israel essential to what being Jewish means to them and that 25% are very and 32% somewhat emotionally attached to it; Pew states it cannot say whether attachment has changed since 2013, because the survey mode changed.
- Israel's Central Bureau of Statistics reported for the beginning of 2024 that 7.1 million of the world's 15.7 million Jews lived in Israel, 45% of the total, against 449,000 of 16.6 million in 1939, or 3%.
- The Jerusalem Declaration on Antisemitism of 25 March 2021 states the disputed attribution outright in its guideline 7, "Holding Jews collectively responsible for Israel's conduct or treating Jews, simply because they are Jewish, as agents of Israel," and the three published definitions diverge sharply on whether a double standard is itself evidence of antisemitism.
- The American Jewish Committee, an organization with an advocacy mission, reported in The State of Antisemitism in America 2025 that about 31% of American Jews said they were the personal target of antisemitism during the year, rising to 47% among those aged 18 to 29 against 28% of those 30 and older.

Which objections do the critics themselves put in writing?

The earliest of the four dated texts read here was adopted at a rabbinical conference held from 16 to 19 November 1885 near Pittsburgh, and it states the objection in one clause: the signers **"consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state."**

The body that publishes that text today reversed the clause. The Central Conference of American Rabbis, founded on 9 July 1889 and so not present in 1885, adopted the Guiding Principles of Reform Judaism in 1937, whose paragraph headed "Israel" affirmed "the obligation of all Jewry to aid in its upbuilding as a Jewish homeland"; in a platform accepted

on 24 June 1997 the Conference wrote that “by 1937 the CCAR had reversed its stand on Jewish peoplehood.”

The Jewish workers’ party in the Russian Empire reached a similar position from a different direction and wrote it into congress resolutions. Its Third Congress, held at Kovno from 23 to 25 December 1899, resolved, in this report’s translation from the Russian, that the party put forward among its political demands “the demand only for civil, and not national, equality of rights.” Its Fourth Congress of late April 1901 chose autonomy without territory: on the Central Committee’s own printed report of August 1901, the congress held that the state should become “a federation of nationalities, with full autonomy for each of them on all questions bearing on nationality,” and that the territorial alternative “had not a single defender at the congress.”

In London, the Secretary of State for India circulated a secret Cabinet paper on 23 August 1917, prompted by correspondence between Lord Rothschild and the Foreign Secretary and written, in its author’s words, “as the one Jewish Minister in the Government.” It laid down four principles, the first reading “I assert that there is not a Jewish nation,” and called Zionism “a mischievous political creed, untenable by any patriotic citizen of the United Kingdom.” It answers a draft, and predates the Balfour Declaration of 2 November 1917 by ten weeks.

In the United States, a statement drafted by a Philadelphia rabbi, a University of Pennsylvania professor and a Cincinnati layman was presented to President Wilson by a California congressman on 4 March 1919. Its fifth objection holds that “it is an error to assume that the bond uniting them is of a national character,” and that “nothing in their present status suggests that they form in any real sense a separate nationalistic unit.”

Is it often said that Israel is central to Jewish identity?

It is often said that Israel is central to what being Jewish means, and on the measured shares it is central for many American Jews without being so for all. Pew Research Center reported in Jewish Americans in 2020, published on 11 May 2021, that **45%** of US Jews said caring about Israel is essential to what being Jewish means to them.

A further 37% said caring about Israel is important but not essential, so the 45% is the top tier alone rather than the full share who place the link somewhere in their account of Jewish identity. On the separate attachment item, 25% of US Jews said they were very and 32% somewhat emotionally attached to Israel, which Pew reports as nearly six in ten.

Two properties of the instrument matter for the question. The item asks what being Jewish means to the respondent, not what the respondent thinks of any government, and Pew reported in a separate release of 21 May 2021 that US Jews hold widely differing views on Israel. Attachment and criticism are measured separately and coexist in the same sample.

The base is also narrower than the claim. Both figures are shares of US Jewish adults, so neither speaks to Jews in Israel, France, Argentina or anywhere else, and the distribution of world Jewry is a separate record examined below. Within that base, the numbers concede much of the premise and refuse its universal form. A large share report attachment, and a substantial minority, on the same items in the same survey, do not. That minority is the population whose existence the criticism usually asserts, and it is measurable rather than hypothetical. How the assertion of a link differs from the link itself is also where [the relationship between Zionism and Judaism](#) enters the argument, because the founding texts above name the two as separate things.

Which US Jews report the weakest attachment to Israel?

Jews who identify with no particular branch of Judaism. Pew Research Center reported in Jewish Americans in 2020 that **59%** of them said they were “not too” or “not at all” emotionally attached to Israel, and that roughly one-quarter said caring about Israel is essential to their Jewish identity.

The other denominations do not line up in the order a reader might expect. Pew reported that two-thirds of Conservative Jews called caring about Israel essential, against 53% of Orthodox and 49% of Reform Jews. On the attachment item the order changes: Orthodox Jews are the only subgroup in which a majority, 60%, said they were very attached to the Jewish state. The two items measure different things, and the denomination that leads on one does not lead on the other.

Scale matters for reading those shares. Pew found Reform the largest stream, at 37% of US Jewish adults, with 32% identifying with no particular branch, 17% Conservative and 9% Orthodox. The no-branch group is therefore close to a third of the population Pew surveyed, which is why its low attachment is not a fringe finding.

Age runs in the expected direction. Pew reported that, as in 2013, Jews aged 50 and older are much more emotionally attached to Israel than younger Jews, and that caring about Israel is more central to the Jewish identity of those 50 and older than of adults under 30. Pew also reported that having been to Israel tracks attachment, while stating that the survey cannot tell which way that relationship runs.

Every figure here is a share of US Jewish adults. Pew's 2020 sample was 4,718 Jewish adults, surveyed online and by mail between 19 November 2019 and 3 June 2020, so subgroup figures are substantial but carry wider margins than the topline.

Has attachment fallen since 2013?

Pew says it cannot tell. Its 2013 survey was conducted by telephone and its 2020 survey online and by mail, and Pew states that "the results of the two surveys on this question are not directly comparable, and this report is unable to say whether U.S. Jews' levels of emotional attachment to Israel have changed appreciably since 2013."

The reason is measured, not assumed. A methodological experiment run alongside the 2020 survey found, in Pew's words, that Jewish respondents "tend to report lower levels of attachment to Israel when they are responding in private (either online or by mail) than when they are speaking to a live interviewer (by phone)." On the essential item the effect runs the other way: respondents online and by mail were more likely to call caring about Israel essential, and Pew states that the 2020 results on that item "are not directly comparable to those obtained in 2013" either.

Set the two headline pairs side by side and the problem is visible. Attachment reads lower in 2020 than in 2013, and the essential item reads slightly higher, and each moved in exactly the direction the mode change alone would push it. A report that subtracts the 2013 figure from

the 2020 one and calls the difference a decline has measured, in part, the switch from a telephone to a questionnaire.

What survives is the pattern within each survey rather than the change between them. In both years older Jews reported more attachment than younger ones, which Pew states directly. That is a cross-sectional gap at two dates, and it cannot say whether individuals changed, whether each generation answers differently throughout its life, or whether the population's composition shifted between the two samples.

One dating point bears on any trend. Pew's 2020 fieldwork ended on 3 June 2020, before the May 2021 escalation, the October 2023 attacks and the Gaza war. Pew's later work, including its report fielded from 22 to 28 September 2025 among 3,445 US adults, measures a different subject, whether Israel's military action has gone too far, so it does not extend this series.

How many of the world's Jews live in Israel today?

The demographic record answers the question the founding texts could only assert about. Israel's Central Bureau of Statistics reported that at the beginning of 2024, **7.1 million** of the world's 15.7 million Jews lived in Israel, or 45% of world Jewry, with 6.3 million in the United States, 40%.

The same release gives the two historical benchmarks, and the movement across them is the largest fact in this report. On the eve of the Second World War in 1939 the world Jewish population stood at 16.6 million, of whom 449,000, or 3%, lived in what became Israel. On the eve of the state's establishment in 1948 the world total was 11.5 million, of whom 650,000, or 6%. The share rose from 3% to 45% in eighty-five years.

These are the Bureau's own compiled figures rather than an independent count, and the Bureau discloses that for every country except Israel it uses a "core" Jewish population definition drawn from the American Jewish Year Book rather than from its own collection. The underlying estimate is Sergio DellaPergola's, whose 2024 chapter puts the world core Jewish population at 15,736,800 as of 1 January 2024, with 7,153,000 in Israel and 8,583,800 in the Diaspora, and an increase of 78,800 over his own revised 2023 figure. Those are one

author's estimates, not a census, and he applies his own reading of survey data to the US component.

The distributional point cuts against the 1885 and 1919 objections on their own terms without resolving the argument they were making. Those texts asserted that Jews did not form a nation and that Palestine was not properly associated with them; they wrote when 3% of Jews lived there. They did not address, and could not have, a world in which 45% do.

What does Israeli law tie to a person's Jewish status?

Three enacted Israeli statutes attach legal consequences to Jewish status, and the most recent addresses the diaspora directly: Basic Law: Israel as the Nation-State of the Jewish People, passed by the Knesset on 19 July 2018, provides in clause 1(c) that **“the realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People.”**

The Law of Return, 5710-1950, opens with one sentence: “Every Jew has the right to come to this country as an *oleh*.” Amendment No. 2, passed on 10 March 1970, added the definition in section 4B, “a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion,” and, in section 4A, extended the same rights to the child, grandchild and spouse of a Jew, and to the spouse of a child or grandchild, excepting “a person who has been a Jew and has voluntarily changed his religion.”

Inside Israel, the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713-1953, sets two rules in its first two sections. Section 1 places matters of marriage and divorce of Jews who are nationals or residents under the exclusive jurisdiction of rabbinical courts; section 2 provides that “marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law.” The statute defines “Jew” nowhere in its eleven sections.

The 2018 Basic Law was challenged and upheld. In HCJ 5555/18 Hasson v. Knesset, decided on 8 July 2021, an eleven-justice panel dismissed fifteen petitions and let the law stand, while holding that the Knesset as constituent authority is “not all powerful” and has no authority, even by Basic Law, to deny or facially contradict the state's core character as a Jewish and democratic state. Both halves are the holding.

The law contains no equality clause. That is a fact about the text, not a finding about how anyone is treated, and the same absence runs through Basic Law: Human Dignity and Liberty, 5752-1992, which enumerates dignity, life and body, property, personal liberty, exit and entry, and privacy, and contains no occurrence of “equal,” “discrimin-” or “religion.” The equality rule in Israeli law is judge-made: in HCJ 6698/95 Ka’adan, decided 8 March 2000, the Court declared that the state was not permitted to allocate land on the basis of discrimination between Jews and non-Jews, reasoning from the state’s values and the Declaration of Independence rather than from an enumerated right.

Where do the published definitions place collective responsibility?

Three published definitions address the specific attribution at issue, and all three contain a clause on it. The Jerusalem Declaration on Antisemitism, launched on 25 March 2021 and signed initially by 210 scholars, states it most compactly in guideline 7: **“Holding Jews collectively responsible for Israel’s conduct or treating Jews, simply because they are Jewish, as agents of Israel.”**

The International Holocaust Remembrance Alliance’s working definition, adopted by its Plenary at Bucharest on 26 May 2016, carries the same attribution among the eleven contemporary examples that follow the adopted two-sentence definition, introduced by the hedge “could, taking into account the overall context, include, but are not limited to.” Its framing paragraph on Israel has two limbs that travel together: “Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity,” and “However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.”

The Nexus Document, published by the Nexus Project in February 2021 and updated in June 2024, sets the test procedurally. Its second item under “What is Antisemitic?” reads that “whether speech or conduct about Zionism and Israel is antisemitic should be based on the standards for speech or conduct that apply to antisemitic behavior in general,” and its ninth holds it antisemitic “to treat Israel differently solely because it is a Jewish state, using standards different than those applied to other countries.”

The three part company on the double standard. The IHRA examples include “applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.” The Jerusalem Declaration’s guideline 15 states that criticism “that some may see as excessive or contentious, or as reflecting a ‘double standard’, is not, in and of itself, antisemitic.” Nexus states, under “What is Not Antisemitic?”, that “paying disproportionate attention to Israel and treating Israel differently than other countries is not prima facie proof of antisemitism.”

Two limits on all three. The IHRA definition is labelled “non-legally binding” in its own adoption sentence, the Jerusalem Declaration is a scholarly declaration no state adopted, and the Nexus Document derives from a task force white paper. None resolves whether any particular criticism is antisemitic; each supplies wording for whoever applies it. And the IHRA text says nothing about boycotts: the words boycott, divest and sanction appear nowhere in its definition, its examples or its closing paragraphs.

Do Jews report being held answerable for Israel’s actions?

The worry the definitions address has been surveyed. The American Jewish Committee, an organization with an advocacy mission, reported in The State of Antisemitism in America 2025 that about **31%** of American Jews said they were the personal target of antisemitism during the year.

The forms reported were 3% targeted by a physical attack, 21% by an in-person remark, 5% by vandalism and 21% by an online remark or post.

Those are self-reported experiences within AJC’s own survey samples rather than incident counts, and the shares do not partition the 31%, since one respondent may report more than one form. The age pattern matches the attachment gradient above in age but not in direction: 47% of Jewish adults aged 18 to 29 reported being targeted in the past year against 28% of those 30 and older, 87% against 70% reported online antisemitism, and 38% against 28% said they had avoided places or events out of fear of antisemitism.

One occupational setting has been measured in the peer-reviewed literature, which reaches the mechanism the definitions describe from a different angle. Fishman and Auerbach

reported in the Journal of Religion and Health in 2026, in a pilot survey of 645 Jewish US healthcare professionals, that the odds of reporting experienced antisemitism were lower where colleagues and administrators could identify antisemitism, at an odds ratio of 0.56 with a 95% confidence interval of 0.41 to 0.76, and higher in academic medical centers than community hospitals, at an odds ratio of 4.81 with an interval of 2.42 to 9.54. It is cross-sectional and self-reported, so those are associations rather than causal estimates.

What none of these instruments measures is the attribution itself. None of them asks a respondent whether a particular experience involved being held answerable for Israeli government conduct, so the dual-loyalty and collective-responsibility clauses quoted above have no prevalence figure attached to them on this record.

Has anyone measured this criticism as a discourse pattern?

No published corpus codes criticism of Israel's attributed centrality to Jewish identity as its own category, so no prevalence figure for this framing exists, and the absence is what the record holds.

What the measured corpora do code are adjacent categories. Jikeli and colleagues reported in Computational and Mathematical Organization Theory in 2022, from an expert-annotated corpus of 4,016 English-language tweets collected between January 2019 and August 2020, that 15% of antisemitic tweets containing "Jews" fit the IHRA paragraph on denial of Jewish self-determination, against about 62% fitting the paragraph on mendacious or stereotypical allegations about Jewish collective power. Becker, Ascone and Troschke reported in Humanities and Social Sciences Communications in 2022, from 4,500 Facebook comments on leading UK, French and German media pages reacting to the May 2021 escalation, that 7.7% of the antisemitic UK comments denied Jewish self-determination.

Self-determination denial is not the framing this report examines. It codes a claim about the legitimacy of a state; the objection in the 1885, 1901, 1917 and 1919 texts is a claim about what Jewish identity consists of. The two are separate propositions, and the coding schemes both papers used, which are built on the IHRA paragraphs, contain no category for the second.

Three bounds apply to the survey evidence this report does rest on. The Pew readings measure US Jewish adults only, with fieldwork from 19 November 2019 to 3 June 2020, so nothing in them speaks to Jewish populations elsewhere or to the period after mid-2020. The AJC figures are self-reports within that organization's own samples. And the Yale Youth Poll of Fall 2025, which reported that 10% of US voters aged 18 to 34 agreed with all three antisemitic statements it tested, including that Jews are more loyal to Israel than to America, against 2% of voters 65 and older, surveys registered voters generally rather than Jewish respondents, so it measures who holds the dual-loyalty view and not who is subjected to it.

Methodology

This report draws on four source types, each labelled where it appears.

Primary and enacted texts, quoted from the issuing or adopting body. The Pittsburgh Declaration of Principles is quoted from the Central Conference of American Rabbis, which publishes it as the successor body and did not exist in 1885; the two published transcriptions agree on the clause quoted here and diverge in a later article. The Bund documents are quoted in this report's own English translation from the Russian of a 2010 documentary edition of party records; the 1901 material is the Central Committee's printed report of the congress, not the resolution's own text. The 1917 Cabinet paper is held at The National Archives, Kew, as CAB 24/24/71, with a second copy at CAB 21/58; the archive publishes only its first page, and the remaining two pages were read from a reproduction of the same print. The 1919 statement survives in reproduction rather than in any located scan of the original; its signatory count of 300 comes from two wire reports of March 1919 and not from the document, which states no total. Israeli statutes are quoted from the English texts the Knesset publishes; the Knesset marks its Basic Law translations unofficial, and the statutes in its selected-legislation series carry no such marking. The Law of Return is quoted as enacted in 1950 and amended in 1970; a 1954 amendment is not in the Knesset's English series.

Survey measurement. The Pew figures come from Jewish Americans in 2020 (11 May 2021). Pew states that its attachment and essential items cannot be compared directly with its 2013 survey, because the mode changed from telephone to online and mail and a measured

experiment found the change moves both items, so no 2013 to 2020 trend is reported here. Subgroup figures carry wider margins of error than toplines.

Organizational surveys and monitoring counts, distinguished from measured shares throughout. The American Jewish Committee's figures are self-reported experiences within its own samples, published by an organization with an advocacy mission. The Yale Youth Poll is an academic poll of registered voters.

Peer-reviewed measurement. The discourse corpora are keyword-filtered samples within platform-specific collections, not population prevalence; the health-sector study is cross-sectional and self-reported, so their findings are associations.

Definitional documents are cited for their own wording. Applying any of them to a particular case is an act performed by whoever performs it. The Nexus Document is quoted from its June 2024 revision; the February 2021 original was not retrievable, and nothing here is attributed to it.

Frequently Asked Questions

Why does the Pittsburgh Platform's position not reflect Reform Judaism today?

Because the movement's own successor body reversed it. The Central Conference of American Rabbis adopted the Guiding Principles of Reform Judaism in 1937, affirming "the obligation of all Jewry to aid in its upbuilding as a Jewish homeland," and in a platform accepted on 24 June 1997 wrote that "by 1937 the CCAR had reversed its stand on Jewish peoplehood." The 1885 clause has not been restored in any of the four platforms the Conference has published since.

What does "oleh" mean in the Law of Return?

It is the statutory status the law confers, and the Knesset's published text glosses it in a translator's note: "aliya means immigration of Jews, and oleh (plural: olim) means a Jew immigrating, into Israel." Section 1 grants every Jew the right to come "as an oleh," so the word carries a defined legal status and not a general right of entry. The Israeli Foreign

Ministry's own page paraphrases section 1 without the word, which changes what the sentence grants.

How many Jews live outside Israel?

Sergio DellaPergola's 2024 estimate puts the Diaspora core Jewish population at 8,583,800 as of 1 January 2024, against 7,153,000 in Israel. Israel's Central Bureau of Statistics reports the next largest communities after Israel and the United States as 438,000 in France, 400,000 in Canada, 313,000 in the United Kingdom, 170,000 in Argentina, 125,000 in Germany, 123,000 in Russia and 117,000 in Australia.

Do the three definitions of antisemitism agree on anything?

All three contain a clause on attributing a state's conduct to Jews as such, which is the point closest to this question. Their disagreement concentrates on the double standard: the IHRA examples name it as a possible manifestation, while the Jerusalem Declaration's guideline 15 and Nexus both state that treating Israel differently is not by itself proof of antisemitism.

Which countries have adopted the IHRA definition?

IHRA names 46 UN member states with dates on its own page, earliest the United Kingdom on 12 December 2016 and latest Costa Rica on 24 July 2025. IHRA publishes no total and adds a footnote that "different countries and organizations will use different terminology, including adopt, endorse, embrace, recognize, support," so a single count of adoptions asserts a uniformity the publisher disclaims.

Does the Bund's 1901 position amount to the same objection as the Pittsburgh Platform's?

No. The 1885 conference held that Jews formed a religious community and not a nation; the Bund's Fourth Congress resolved unanimously in April 1901 that the concept of nationality "is fully applicable" to Jews, and then located that nationality in a federation of nationalities with autonomy over language, education and culture rather than in territory. The congress recorded separately that the territorial model it rejected in that resolution was the Polish Socialist Party's, and dealt with Zionism nine sections later, in section XVII, in a different resolution.

Conclusion

So is Israel important to Jews, and what are people objecting to when they question it? Pew's measurement settles the first part: in 2020, 45% of US Jews called caring about Israel essential to what being Jewish means to them and nearly six in ten reported emotional attachment, which makes the claim widely true and false as a universal. What the objection turns out to be, in the words its authors wrote down, is not a claim that Jews do not care. It is a claim about what Jewish identity consists of, and it was in writing before the state existed.

The measured picture is sharper than either side's shorthand. The trend everyone cites cannot be read, because Pew itself says a change of survey mode moved both items. What can be read is the split: 59% of Jews with no particular branch reported little or no attachment, while two-thirds of Conservative Jews called caring about Israel essential. The share of world Jewry living in Israel went from 3% in 1939 to 45% at the beginning of 2024, on Israel's own official count, which is a transformation the 1885 and 1919 signers were writing before rather than against. Israeli law attaches consequences to Jewish status in three enacted statutes and one Basic Law, whose clause 1(c) makes self-determination in the state "exclusive to the Jewish People," and whose text contains no equality clause. All three published definitions of antisemitism name the attribution of a state's conduct to Jews as such, and they split on whether a double standard is evidence of it. Nobody has coded the framing itself: the corpora measure self-determination denial and dual loyalty, and neither is the proposition at issue here.

That leaves one gap where the argument actually lives. The AJC recorded that 47% of American Jews aged 18 to 29 said they were personally targeted in 2025, and the Yale Youth Poll recorded that 10% of voters aged 18 to 34 agreed that Jews are more loyal to Israel than to America. The younger adults who report weaker attachment to Israel also report the highest rate of being targeted, and the dual-loyalty charge circulates among people of roughly the same age. Whether asserting the link, or contesting it, feeds the accusation that a Jew answers for a government is the thing nothing on this record measures. Four sets of authors between 1885 and 1919 thought the assertion itself was the danger, and nobody has since measured whether they were right. Were they describing a hazard, or supplying the vocabulary for one?

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Is Israel Cutting Off Electricity and Reimposing Siege on Gaza During the Ceasefire? Reading the Dated Orders, the Endorsed Instrument and Each Party's Own Counts

Israel's energy minister halted the last grid line on 9 March 2025, and Israel's own aid portal records zero entry from 2 March to 19 May 2025.

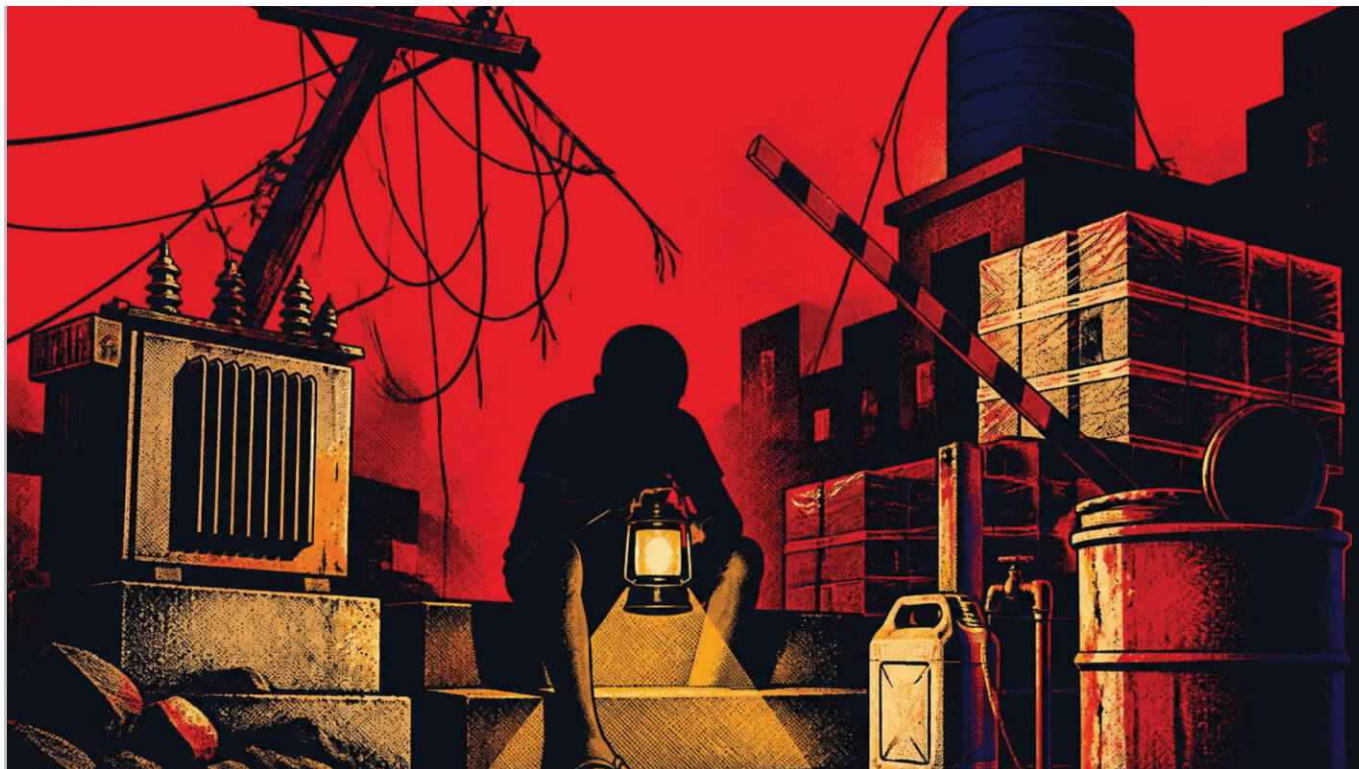
Gaza Ceasefire

Electricity

Humanitarian Access

Security Council Resolution 2803

COGAT



On the dated record, yes, and for one half of the question the clearest source is Israel's own: the COGAT Gaza Aid Data dashboard states that, on a directive from the political echelon, **no aid entered the Gaza Strip between 2 March and 19 May 2025**. Seven days into that stoppage, Israel's energy minister ordered the Israel Electric Corporation to stop supplying Gaza, the Times of Israel reported. The complication is the baseline. Israeli supply had been cut after 7 October 2023 and partly restored in November 2024, to one desalination plant, so the March 2025 order removed that single restored line rather than a working grid supply. Under the later ceasefire, in force from 10 October 2025, the position changes again: the Security Council resolution that endorsed it creates a transitional administration, a stabilization force and a six-monthly report, and the single report filed under that duty quantifies violations as occurring "on a near daily basis" while publishing no total.

Key Findings

- Israel's energy minister signed an order on 9 March 2025 for the immediate halt of Israel Electric Corporation supply to the Gaza Strip, as the Times of Israel and the Associated Press reported at the time.
- Israel's own aid portal records a total stoppage of entry: the COGAT Gaza Aid Data dashboard states that "no aid entered the Gaza Strip between March 2 to May 19 2025," eleven weeks on the portal's own dates.
- COGAT records 1,778,363 metric tons of food entering Gaza between 10 October 2025 and 7 June 2026, its own count, with tonnage resting on self-declaration by humanitarian organisations and private providers rather than weighing at the crossings.
- Resolution 2803 (2025), adopted on 17 November 2025 by 13 votes to none with 2 abstentions, defines no violation and names no body to find one; the one report it requires, filed 15 May 2026, states that violations occur "on a near daily basis, some of which are serious" and gives no figure.
- 136,000 households in displacement sites, about 680,000 people and 38% of the 354,550 households the Site Management Cluster enumerated, had received no shelter assistance in the six months before its February to April 2026 fieldwork.

Has Israel halted electricity to Gaza during a ceasefire?

On 9 March 2025, 7 days into a halt on the entry of goods, Israel's energy minister signed an order for the immediate halt of Israel Electric Corporation supply to the Gaza Strip, reported by the Times of Israel and the Associated Press at the time. The order fell inside the period of the agreement reached in January 2025, after its first phase, reported at 42 days, had run out with no second phase agreed.

Israel's energy minister said at the time, as the Times of Israel reported, that Israel would "employ all the tools available" to bring the hostages home, which places the stated purpose of the order in the hostage negotiation rather than in the ceasefire's own terms.

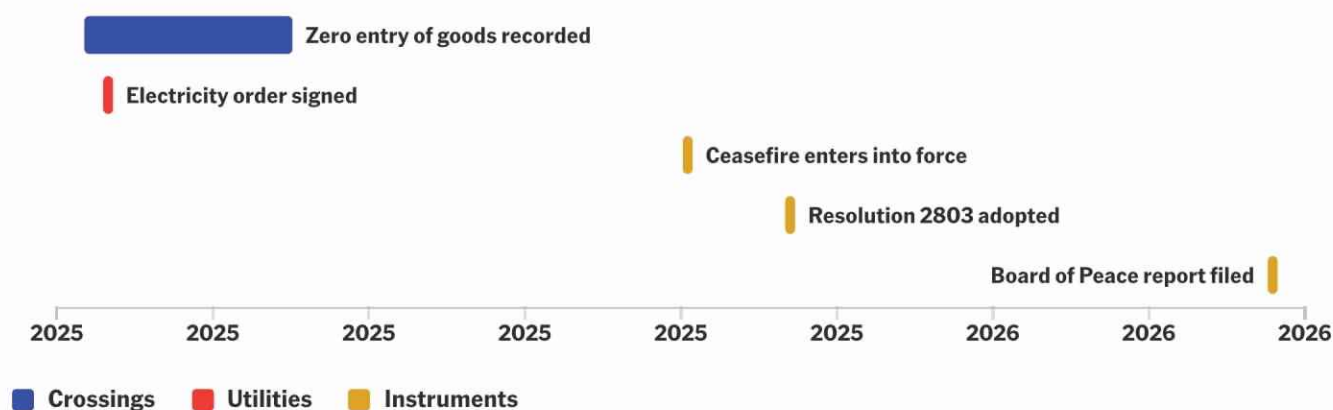
The order did not stand alone. A week earlier, on 2 March 2025, Israeli officials announced a halt to the entry of goods and aid, and that stoppage is recorded in Israel's own operational data rather than only in press accounts. The two measures are separate instruments, signed

by different offices and covering different things, and they are routinely merged into a single event. Keeping them apart matters for what each one establishes: the 2 March measure concerns the crossings, the 9 March measure concerns the grid.

Curtailing the supply is also not new to the war. Reuters reported in June 2017 that Israel reduced the power it supplied to Gaza amid pressure by the Palestinian Authority on Hamas, a dispute with no connection to any ceasefire. The line between Israel's grid and Gaza has therefore been adjusted as a lever in more than one political dispute, by more than one party asking for it.

The dated sequence, March 2025 to May 2026

ORDERS, STOPPAGES AND INSTRUMENTS, BY THE DATE EACH WAS ISSUED OR RECORDED



Source: *Times of Israel*, 9 March 2025; COGAT Gaza Aid Data dashboard, read 10 September 2026; UN Security Council S/RES/2803 (2025) and S/PV.10046.

Is it said Israel reimposed a full siege during the ceasefire?

The COGAT Gaza Aid Data dashboard records 11 weeks without entry in 2025, which bears directly on the common claim that Israel reimposed a full siege on Gaza during the ceasefire. On the entry of goods, that is directionally right and the entering authority itself records it: the COGAT Gaza Aid Data dashboard states that, “According to the directive from the political echelon, **no aid entered the Gaza Strip between March 2 to May 19 2025.**”

That is the strongest single line available on the question, and it comes from the Israeli Ministry of Defense unit that operates the inspection and transfer points, not from a party

contesting them. Eleven weeks of nil entry is recorded by the body that would have recorded the entries.

The reframe is the baseline, not the fact. Israeli electricity to Gaza was cut after 7 October 2023, and in November 2024 Israel announced it was renewing supply to a single desalination plant near Deir el-Balah, the Times of Israel reported. The order of 9 March 2025 cut that plant again. A siege reimposed implies a lifting in between, and on the electricity side the lifting was one line to one plant, restored for about four months.

The nil period also carries an arithmetic consequence that travels far beyond this question. Any cumulative entry total, or any daily average, computed across 2025 crosses eleven weeks in which the portal records nothing at all. A war-long daily average built from a cumulative figure without that period named will misstate every month it touches, in both directions: it understates the months when entry ran, and it hides the months when entry stopped.

Two further limits belong with the portal figure. It is a count of goods entry at crossings Israel controls, not a measure of what reached any household. And the dashboard states plainly that its totals do not include fuel, which is the input that determines whether a generator runs when the grid does not.

What was still connected when the March 2025 order came?

One line, to one desalination plant near Deir el-Balah, which the Times of Israel reported on 9 March 2025 served **more than 600,000** Gaza residents through tankers or the networks of the Deir el-Balah and Khan Younis governorates. The energy minister's office circulated a letter ordering the Israel Electric Corporation to stop selling electricity to Gaza.

That distinction is the whole difference between two sentences that sound alike. "Israel cut off Gaza's electricity" describes the removal of a supply. "Israel cut the one restored line" describes the removal of a residue, after grid supply had ceased in October 2023 and a single connection had been renewed in November 2024. Both sentences are about the same order, and only the second matches the reporting of what the order covered.

The identity of the remaining load is what gave the order its immediate effect. A desalination plant converts electricity into drinking water, so a grid decision registered first as a water decision. The Associated Press reported the same day that the plant affected produced drinking water for part of the territory. Amnesty International, in March 2025, called the decision to cut supply to that plant cruel and unlawful, its own characterisation on its own criteria; that organisation issues findings rather than measurements, and the figure that can be checked here is the one the Times of Israel reported about what the order covered.

The structure of supply also sets a ceiling on what restoring the Israeli line could deliver. Before the war, Gaza's electricity came from three channels: the Israeli grid, Gaza's own generating plant, and fuel for that plant and for private generators. Restoring the first does not restore the other two, and what the second would now require is a separate published quantity, taken up below. Every megawatt figure in this subject belongs to one of those three channels, and the channels are not interchangeable.

Does the ceasefire instrument require Israel to supply electricity?

The endorsed instrument obliges the parties to implement the Comprehensive Plan “in its entirety,” and it was adopted on 17 November 2025 **by 13 votes to none, with 2 abstentions**, China and the Russian Federation abstaining, on the verbatim record of the Council's 10046th meeting. Reading the resolution's eleven operative paragraphs and the twenty points of Annex 1, no clause sets a quantity of electricity, names a supplier or fixes a restoration date.

What the text does set out is different in kind. Annex 1, point 3 is the cessation clause: “If both sides agree to this proposal, the war will immediately end. Israeli forces will withdraw to the agreed upon line to prepare for a hostage release. During this time, all military operations, including aerial and artillery bombardment, will be suspended, and battle lines will remain frozen until conditions are met for the complete staged withdrawal.” Operative paragraph 2 establishes the Board of Peace as “a transitional administration with international legal personality.” Paragraph 7 authorises a temporary International Stabilization Force to deploy and to “assist the BoP in monitoring the implementation of the

ceasefire in Gaza.” Paragraph 8 authorises both until 31 December 2027, subject to further Council action.

The word “violation” appears nowhere in the instrument, in the operative paragraphs or in the annexed Plan. It defines no violation, sets no threshold, names no body to find one, and attaches no consequence to one. That is a property of the text rather than a finding about anyone’s conduct, and it is the reason [what counts as a breach of this ceasefire](#) cannot be settled from the instrument itself.

The annexed Plan is also worth reading for what it calls things. It never uses the word “ceasefire” at all, speaking instead of the war ending “immediately,” of operations being “suspended,” and of battle lines remaining “frozen.” The word enters the record only through the Council’s endorsement seven weeks later, in the operative paragraphs the Council itself wrote.

What does Israel’s own reporting record entering during the ceasefire?

COGAT, the Israeli Ministry of Defense unit that coordinates the crossings, records **1,778,363 metric tons of food** entering Gaza between 10 October 2025 and 7 June 2026. That is a party’s own count on its own operational records, and COGAT states that its tonnage data rests on “the self-declaration of humanitarian organizations and private sector providers” rather than weighing at the crossings.

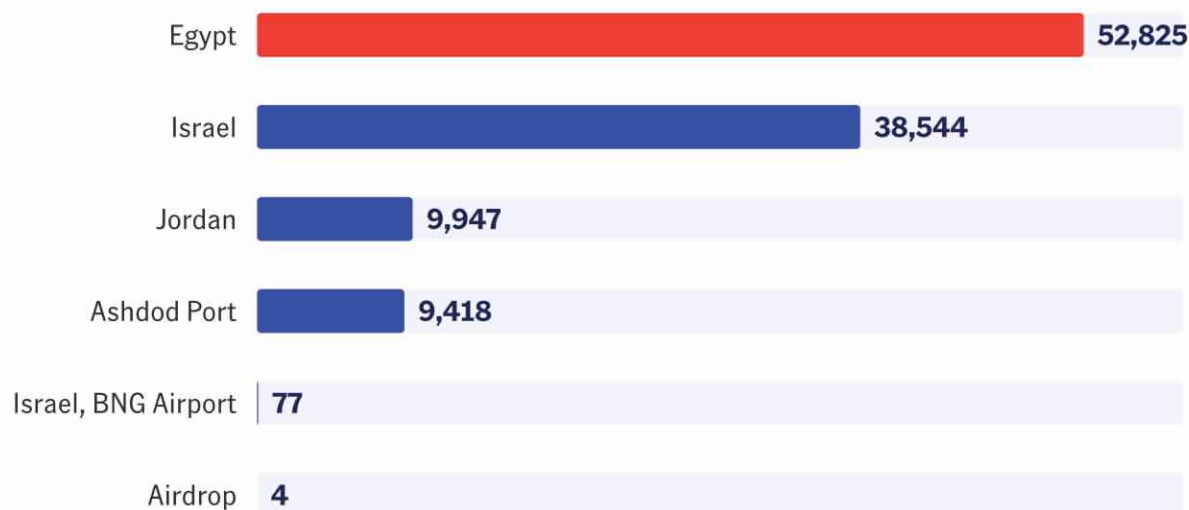
The same report sets that tonnage against the World Food Programme’s monthly food requirement benchmark and describes it as nearly threefold. Only the numerator in that ratio is COGAT’s. It also reports more than 70,000 cubic metres of water a day facilitated through external water lines and desalination facilities, excluding local wells, 18,000 tons of medical supplies and medicines since the ceasefire began, and a decline of approximately 72% in the Gaza food consumer price index between September 2025 and May 2026. The report does not identify the source of the price data.

How the counting works matters more than the totals. COGAT states that pallet numbers are counted and contents compared against coordination requests during security clearance, so

the truck count is a physical tally the unit makes at its own crossing. The weight attached to each truck is declared by the shipper. A truck figure from this source is an operational count; a tonnage figure is a sum of declarations, and the second should not inherit the credibility of the first. Israel's own published record is also the natural place to test claims about [access to humanitarian aid](#), precisely because the entering party is the one publishing it.

Trucks into Gaza by delivery route, as Israel's aid portal published them

CUMULATIVE COUNTS ON THE DASHBOARD; THE DASHBOARD STATES TOTALS DO NOT INCLUDE FUEL



Source: COGAT Gaza Aid Data dashboard, read 10 September 2026; a party's own count at its own crossings.

What did UN briefings record about access after the ceasefire?

The office of the UN Special Coordinator for the Middle East Peace Process told the Security Council on 26 August 2026 that about two thirds of Gaza remained inaccessible or under severe access restriction, and identified restored electricity as critical to water and sanitation services. That is the office's own characterisation on its own criteria, delivered in a briefing rather than in a published measurement, and it carries no underlying dataset with it.

Dated press reporting runs in the same direction on fuel. Reuters reported on 10 September 2026 that Gaza had been without grid electricity since the offensive began and that Israeli restrictions on fuel persisted despite the ceasefire agreed in October 2025, and that hospitals

and homes in Gaza were struggling to keep generators running as oil shortages bit. Reuters attaches no megawatt or litre figure to that report.

Set beside COGAT's own totals, these accounts do not contradict each other so much as count different objects. COGAT publishes what entered at crossings it operates, by truck and by declared tonnage, and its dashboard states that its totals exclude fuel entirely. A briefing about restricted access is a statement about movement inside the Strip and about what is refused, not about what was admitted. Neither quantity answers the other, and neither is a measure of what a household received.

The fuel exclusion is the sharpest instance. The input that keeps a generator running when the grid is down is precisely the input the entering party's headline figures leave out of their totals, and it is the input the September 2026 reporting says remained restricted. A reader relying on the aid dashboard alone is reading a series that, by its own statement, is silent on the question of generators.

Which report does the resolution require, and what does it record?

Resolution 2803 (2025) requires 1 report every six months. Operative paragraph 10 "Requests the BoP provide a written report on progress related to the above to the UN Security Council every six months," and the single report filed under it, dated 15 May 2026, states that "**violations continue to occur on a near daily basis**, some of which are serious." It publishes no total, no rate and no attribution to a party.

The full passage is worth carrying, because it is the whole quantification the mandated reporter offers: "Seven months into the ceasefire, the guns have largely fallen silent across Gaza for the first time in two years. This is a remarkable achievement that must be preserved. Nevertheless, violations continue to occur on a near daily basis, some of which are serious, and their human consequences, civilians killed, families living in fear, and continued impediments to humanitarian access, cannot be minimized." No number attaches to the civilians killed either.

That is the instrument working as drafted rather than a gap. Paragraph 10 requests a report on progress, not a compliance assessment, so the absence of a violations series is what a progress report produces. The body given the ceasefire monitoring mandate had also not arrived: the same report states at paragraphs 37 and 38 that International Stabilization Force “Preparations for deployment are well advanced,” that “Deployments are anticipated in phases,” and that “Efforts are ongoing in force generation and deployment,” seven months into the ceasefire. A Declaration of Founding Contributors was signed on 19 February 2026 by five Member States, Albania, Indonesia, Kazakhstan, Kosovo and Morocco.

Day-to-day coordination sat elsewhere. The report records the Civil-Military Coordination Centre, established on 17 October 2025, as “the principal operational mechanism for this function during the reporting period, involving 50 partner nations and organizations.” Its commitment figure of 4,200 trucks a week is a commitment, not a delivery count. The Board of Peace is the transitional administration the resolution created, reporting on its own implementation and transmitted by one of the guarantors.

What condition is Gaza’s own power network in?

The Rapid Damage and Needs Assessment published jointly by the World Bank, the European Union and the United Nations in April 2026 puts damage to Gaza’s energy sector at **US\$565.3 million** for October 2023 to October 2025, with over 90% of the infrastructure destroyed. It is an assessment estimate, combining remote sensing with ground-verified data, not an enumeration.

The same chapter sets the pre-war baseline the argument usually skips. Before the conflict, total demand was about 700 megawatts. The Gaza Power Plant averaged 70 megawatts against a nominal 140, and imports from the Israel Electric Corporation averaged 120 megawatts, so supply met less than 35% of demand and households received roughly eight hours of power a day. Solar installations had grown to 80 megawatts peak since 2020.

The damage runs through every channel of that supply. The assessment lists the distribution network, 73 of the 80 megawatts of solar capacity, equipment at the power plant, the high-voltage interconnection points for imports from Israel, and all seven warehouses of the distribution company. It puts losses from the prolonged outage at more than US\$163.6

million, and it records that imports from Israel and fuel for the power plant were halted early in the conflict, leaving consumers reliant on limited rooftop solar and diesel generators. Its period closes in October 2025, the month the current ceasefire took effect, so it describes the condition the ceasefire inherited rather than anything since.

That is the point a supply argument tends to skip. Electricity reaches a household through a generating source, a transmission connection and a distribution network, and a decision about the second does nothing for the first or the third. Restoring a single feeder into a distribution system assessed as over 90% destroyed is not the same event as restoring service, and even the full pre-war import of 120 megawatts met a fraction of demand. The Council's instrument fixes no quantity against which restoration could be measured, so there is no benchmark in the endorsed text to compare the assessment against.

What reaches households where displaced residents now live?

136,000 households, about 680,000 people and 38% of the 354,550 households the Site Management Cluster enumerated, had received no shelter assistance in the six months preceding its survey.

The Cluster verified every site on its master list with 165 enumerators across 116 neighbourhoods, fieldwork running 3 February to 19 April 2026, data extracted 16 May 2026.

The enumeration found 1,591 active sites accommodating an estimated 1,708,822 individuals. 83% of those sites are makeshift, meaning informal, open-air and tented; about 11% are collective centres in schools and public buildings. About 1.5 million residents were living in approximately 246,000 tents or tent-like shelters, an average of about six people per tent against a standard emergency tent designed for five, with about 59,000 shelters housing more than eight. 7,700 households, about 38,500 individuals, were sleeping outdoors with no shelter at all, a condition present in 19% of surveyed sites.

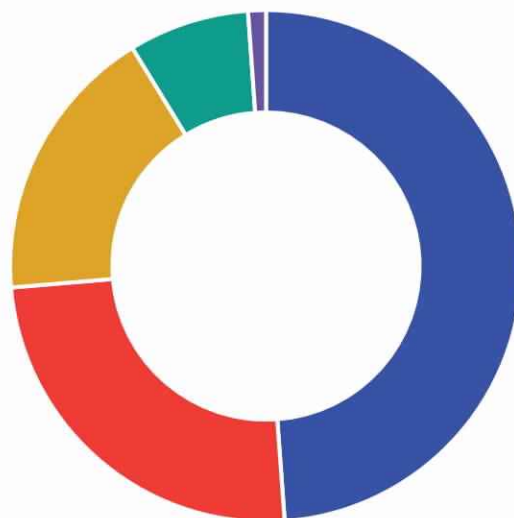
The counts carry their own limits, stated by the Cluster. Household numbers are derived, applying a standard household size of five where disaggregated data was unavailable, and the Cluster describes the 1,591 as “a social count: A measure of how many organised displaced

communities were identified and reached rather than a census of discrete physical locations.” Sex- and age-disaggregated data exist for only 253 of the 1,591 sites.

On water, the most-quoted figure belongs to a smaller study than its reputation suggests. The estimate that 82% of families are water insecure originates with the WASH Cluster’s Light Touch Monitoring exercise in Gaza of 2 to 15 March 2026, a phone survey of 342 assessed households whose authors state its findings “cannot be considered representative of the population in Gaza.” Cited to the body that measured it, with its base named, it is a reading from 342 households and not a population share.

People in verified displacement sites, by governorate

1,708,822 INDIVIDUALS ACROSS 1,591 ACTIVE SITES, EXTRACTION OF 16 MAY 2026



■ Khan Younis ■ Deir Al-Balah ■ Gaza ■ North Gaza ■ Rafah

Source: Site Management Cluster, Gaza Displacement Site Verification Assessment, published 22 June 2026.

Methodology and limitations

This report draws on five kinds of record, each labelled where it appears. The primary instruments are Security Council resolution 2803 (2025) with the Comprehensive Plan at

Annex 1, and the verbatim record of the Council's 10046th meeting of 17 November 2025, which carries the recorded vote. A party's own operational records are used for entry and supply: COGAT's Humanitarian Situation Report During the Ceasefire and the Gaza Aid Data portal, both published by an Israeli Ministry of Defense unit and neither independently verified. The report mandated by the instrument is S/2026/418, filed by the Board of Peace on 15 May 2026, which is the transitional administration reporting on its own implementation and transmitted by one of the guarantors. Field measurement comes from the Site Management Cluster's verification assessment and, for water, from the WASH Cluster. Dated events and the content of the March 2025 orders come from press reporting by Reuters and the Times of Israel, attributed to those outlets.

Several base and comparability limits govern the figures above. COGAT's tonnages rest on supplier self-declaration while its truck counts are a tally made at inspection, and its published totals exclude fuel. Any cumulative or average entry figure spanning 2025 crosses the eleven-week period from 2 March to 19 May 2025 in which the same portal records no entry at all. The Rapid Damage and Needs Assessment's damage estimate and its needs estimate measure different objects and are not summed. The Site Management Cluster derives household numbers using a standard size of five where disaggregated data was unavailable, and describes its site count as a social count rather than a census. The WASH Cluster's 82% rests on 342 assessed households, which its authors state is not representative.

The UN Special Coordinator's statement of 26 August 2026 is carried as that office's characterisation, with no dataset published alongside it. On the ceasefire itself, the position established by the documents is that the instrument defines no violation, names no body to find one, and imposes a six-monthly progress reporting duty rather than a compliance duty; the force given the monitoring mandate had not deployed as of the one report filed.

Conclusion

On the March 2025 episode, the answer to whether Israel cut electricity and reimposed a siege during a ceasefire is plainly yes, and it comes from the acting party's own files: an order halting Israel Electric Corporation supply on 9 March 2025, and eleven weeks in which the Israeli aid portal itself says nothing entered, from 2 March to 19 May 2025. What that order

switched off was one line serving one desalination plant, restored only four months earlier, because grid supply had been cut after October 2023. Both things are true, and neither cancels the other.

Under the ceasefire in force since 10 October 2025 the picture is made of incompatible measurements rather than a single answer. Israel records 1,778,363 metric tons of food entering across eight months, on tonnages its suppliers declared and on totals that exclude fuel. The Special Coordinator's office told the Council in August 2026 that two thirds of the Strip remained inaccessible or severely restricted. Reuters reported in September 2026 that fuel restrictions persisted. The assessment of what the network itself would need runs to US\$71.4 billion. And 136,000 households in verified sites, 38% of those enumerated, had received no shelter assistance in six months.

What the endorsed instrument contributes to settling any of this is a transitional administration, a force that had not deployed, and one progress report whose entire quantification of breaches is the phrase "near daily basis." No quantity of electricity is named in it; no supplier is named; no date is set; and the word violation appears in it nowhere.

Which leaves a reader with a particular kind of arithmetic. Every checkable number about what crossed into Gaza during this ceasefire was published by a party to it, and the one document the Council required counts nothing. How much of a ceasefire can be verified when its own instrument commissions no measurement of the thing people most want measured?

Frequently Asked Questions

Has Israel curtailed Gaza's electricity supply before this war?

Yes. Reuters reported in June 2017 that Israel reduced the power it supplied to Gaza amid pressure by the Palestinian Authority on Hamas. That episode had no connection to any ceasefire, and it indicates that the grid connection has been adjusted as an instrument in disputes involving more than one party.

Why is fuel counted separately from aid trucks?

Because the publishing body separates them. The COGAT Gaza Aid Data dashboard states that its totals do not include fuel, and the portal's underlying workbook keeps fuel on its own sheet, recording 335 fuel tanker-trucks and 598 gas tanker-trucks between 1 November 2023 and 31 May 2024. Any claim about generators therefore cannot be answered from the headline truck or tonnage figures.

When does the authority created by the ceasefire resolution expire?

Operative paragraph 8 of resolution 2803 (2025) decides that the Board of Peace and the international civil and security presences it authorises "shall remain authorized until Dec. 31, 2027, subject to further action by the Council." The resolution prints the date in that abbreviated form.

Why do household counts for Gaza differ between reports?

Because they are derived on different extraction dates and by different arithmetic. The Site Management Cluster reports 354,550 households as at its 16 May 2026 extraction, applying a standard household size of five where disaggregated data was unavailable, and states that "As site information is frequently updated, figures may differ slightly from those presented in other SMC information products."

Why do displacement totals of 1.7 million and 1.9 million both circulate?

They count different things. The Site Management Cluster's 1,708,822 counts people in verified sites at a stated date. The 1.9 million figure relayed by UNICEF in July 2026 is a cumulative UN estimate from 2025 of people displaced at any point since October 2023, many of them several times. No publisher reconciles the two, and neither may be subtracted from the other.

What would rebuilding Gaza cost, on the published assessment?

The World Bank, European Union and United Nations assessment of April 2026 puts recovery and reconstruction needs at US\$71.4 billion over the next decade, of which US\$26.3 billion is required in the first eighteen months. Those are forward-looking estimates of cost, not a record of money spent or pledged.

Who signed up to the force given the ceasefire monitoring mandate?

Five Member States signed the Declaration of Founding Contributors to the International Stabilization Force on 19 February 2026: Albania, Indonesia, Kazakhstan, Kosovo and Morocco. The Board of Peace's report of 15 May 2026 records that a pre-deployment site survey by troop contributors was completed in late April 2026 and that force generation was ongoing.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Is Israel's Annexation of East Jerusalem Recognized Internationally? Reading the Recorded Votes, the Enacted Texts and Both Bureaus' Counts

No state has published a recognition of sovereignty over East Jerusalem. What the recorded votes, the enacted texts and both bureaus' counts show.

East Jerusalem

International Law

Security Council

Recognition

Official Statistics

Israel



No state has published an instrument recognising Israeli sovereignty over East Jerusalem, and the United Nations Security Council has adopted six resolutions on the city's status since 1967 without one member ever casting a vote against. The clearest of the six, Resolution 478 of 20 August 1980, decided not to recognise the basic law the Knesset had passed three weeks earlier, and carried 14 votes to none, with the United States abstaining rather than using its veto. The word most readers bring to the question, annexation, appears in neither Israeli instrument: the Knesset legislated a capital, and Israel's Central Bureau of Statistics has counted the city's eastern neighbourhoods inside a single municipal population since the year after the boundary order, reporting Jerusalem past a million residents at the end of 2023, 39.5% of them Arabs.

Key Findings

- Security Council Resolution 478, adopted 20 August 1980, decided not to recognise Israel's basic law on Jerusalem and called on states with diplomatic missions in the city to withdraw them. The US Department of State's Office of the Historian records the vote as **14 in favour, none against, with the United States abstaining.**
- Across the six Security Council resolutions on Jerusalem's status, 252 (1968), 267 (1969), 298 (1971), 476 and 478 (1980) and 2334 (2016), no member of the Council cast a negative vote, and the United States voted in favour of two of them.
- Neither Israeli instrument uses the word annexation. Clause 3 of Basic Law: Israel as the Nation-State of the Jewish People, 5778-2018, reads in the Knesset's English translation: "The complete and united Jerusalem is the capital of Israel."
- The United States recognition statement of 6 December 2017 reserved the boundary question in its own terms, stating that the United States was not taking a position on final status issues, including the specific boundaries of Israeli sovereignty in Jerusalem.
- Israel's Central Bureau of Statistics reported Jerusalem at over one million residents at the end of 2023, 60.5% "Jews and Others" and 39.5% Arabs, counting the post-1967 neighbourhoods inside that total; the Palestinian Central Bureau of Statistics could not

directly enumerate East Jerusalem in its 2017 census and used administrative estimates there.

Has any state recognized Israel's annexation of East Jerusalem?

No published recognition of Israeli sovereignty over East Jerusalem appears anywhere in the instruments set out below. The Security Council settled the point for its members on 20 August 1980, when Resolution 478 decided not to recognise Israel's basic law on Jerusalem; the US Department of State's Office of the Historian records that vote as **14 in favour, none against, with the United States abstaining**.

Resolution 478 did two things in one text. It decided not to recognise the basic law, and it called upon states that had established diplomatic missions at Jerusalem to withdraw them from the city. The second half is the part that produced observable state conduct, and it is treated in its own section below.

A study on the status of Jerusalem published by the United Nations in 1997 states in terms that the occupation and annexation of East Jerusalem "have not been recognized internationally." That study is a Secretariat publication rather than an adopted instrument, and the recorded votes are the harder evidence for the same proposition.

It is worth being precise about what would count. Recognition of a territorial acquisition is ordinarily an express act: a published statement, a treaty provision, an exchange of notes, a legislative instrument naming the territory. What has been published since 1967 are statements recognising Jerusalem as Israel's capital, which is a different proposition about a different object, and several of those statements limit themselves to the western sector or reserve the boundary question outright.

That distinction runs through the rest of this report, because it is the point at which the public argument most often collapses. A seat of government and a title to territory are separate things, and the states that changed their Jerusalem policy after 2017 wrote the separation into their own texts.

Is it often said that the world rejects the annexation?

Yes, and the vote record is more lopsided than the phrase suggests. Six Security Council resolutions on Jerusalem's status, adopted between 1968 and 2016, drew **no negative vote** from any member of the Council.

The recorded tallies are these: Resolution 252 of 21 May 1968, 13 votes to none, with the United States and Canada abstaining; Resolution 267 of 3 July 1969, unanimously; Resolution 298 of 25 September 1971, 14 to none, with Syria abstaining; Resolutions 476 and 478 of June and August 1980, each 14 to none with the United States abstaining; and Resolution 2334 of 23 December 2016, 14 to none, again with the United States abstaining.

The reframe is the identity of the abstainer, and what it did in between. The United States voted in favour of Resolutions 267 and 298, both of which declared Israeli measures in the city invalid, and abstained rather than using its veto on the other three it did not support. These resolutions were not carried over the objection of Israel's closest ally; on two of them the ally voted yes, and on the rest it declined to block them while no other member voted against.

So the common statement is directionally accurate, and the record makes it sharper. The question is not whether states reject the annexation in the abstract. It is that the rejection is recorded as a decision of the Council, taken six times across 48 years, with the permanent member most often described as the exception voting for it twice and never against it.

Non-recognition is also a narrower proposition than it is usually made to carry. A decision not to recognise says nothing about who administers the territory, who polices it, whose currency circulates or whose statistical bureau counts its residents. Those questions have answers on the ground, and the answers have not moved with the votes.

What did Israel enact over East Jerusalem, and when?

Neither Israeli instrument uses the word annexation, and the omission is legislative rather than accidental. In June 1967 the Knesset amended the Law and Administration Ordinance to allow the extension of the law, jurisdiction and administration of the state to any area of the

former Mandate territory by government order, and a municipal boundary order then extended Jerusalem's limits eastward.

The Jerusalem Center for Public Affairs, an Israeli research institute arguing Israel's own legal position, records that the instruments speak of extending "law, jurisdiction and administration" rather than transferring sovereignty in terms. That characterisation is a party-aligned reading and is labelled as one here; the wording it describes is checkable in the ordinance itself.

Thirteen years later the Knesset passed Basic Law: Jerusalem, Capital of Israel, in July 1980, the statute Resolution 478 responded to in August. Its central proposition was restated in 2018. Clause 3 of Basic Law: Israel as the Nation-State of the Jewish People, 5778-2018, reads in the Knesset's own English translation, which the Knesset marks unofficial: "The complete and united Jerusalem is the capital of Israel."

That clause is a statement about a capital. It contains no cession, no boundary description, no reference to sovereignty over territory acquired in 1967, and no reference to East Jerusalem by name. The 2018 Basic Law contains no equality clause and no individual-rights clause either, a fact about the text rather than a finding about administration.

The gap between the enacted words and the circulating word matters for the question a reader typed. Israel's instruments assert jurisdiction and name a capital; the resolutions respond by declaring measures to change the city's status invalid. The two documents are not addressing quite the same object, which is one reason the dispute has proved so durable.

The Israeli Supreme Court upheld the 2018 Basic Law in HCJ 5555/18, delivered 8 July 2021 by an eleven-justice panel, while holding that the Knesset as constituent authority has no power to deny the core character of the state as Jewish and democratic. The ruling cuts both ways and is reported here as both halves: the law stands, and the Court set a constitutional limit it could have violated.

Which Security Council texts call the Jerusalem measures invalid?

Resolution 298, adopted on 25 September 1971 with the United States voting in favour, states that “all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status.”

Resolution 252, of 21 May 1968, came first, invalidating Israeli legislative and administrative measures in East Jerusalem and calling for them to be rescinded, within a year of the boundary order, which fixes the objection as contemporaneous rather than retrospective. Resolution 267, of 3 July 1969, reaffirmed it unanimously. Resolution 476, of 30 June 1980, reaffirmed the invalidity of the measures a month before the Knesset legislated.

Resolution 478, of 20 August 1980, is the one aimed at a specific statute. It decided not to recognise the basic law the Knesset had adopted the previous month, and called upon states that had established diplomatic missions at Jerusalem to withdraw them. Its vote was 14 to none with the United States abstaining, per the Office of the Historian’s record.

Resolution 2334, of 23 December 2016, reaffirmed that Israeli settlements in territory occupied since 1967, “including East Jerusalem,” have “no legal validity,” and called on states to distinguish in their dealings between the territory of the State of Israel and the territories occupied since 1967. That is the distinction rule, and it is the operative instruction most often overlooked in summaries of the resolution.

Two things about these texts should be stated plainly. They are decisions of a political organ, not judgments, and the Council has attached no enforcement measure to any of them. And they concern the validity of measures, not the conduct of administration: a measure declared invalid by the Council continues to operate domestically unless a domestic authority stops it, which none has.

What the six texts establish, taken together, is a documented consistency. On a question where the Council has been paralysed on nearly everything else touching this conflict, six resolutions across five decades have produced no negative vote at all.

Does recognizing Jerusalem as capital recognize the annexation?

Not on the terms of the recognising state's own text. When the United States recognised Jerusalem as Israel's capital on 6 December 2017, the statement expressly reserved the boundary question, stating that the United States was not taking a position on final status issues, including the specific boundaries of Israeli sovereignty in Jerusalem, and that those questions were for the parties.

The legislative background is older. The Jerusalem Embassy Act of 1995 directed relocation of the US embassy to Jerusalem and provided a presidential waiver on national security grounds, which successive presidents exercised until 2017. The embassy opened in Jerusalem in May 2018.

Read against Resolution 478, the sequence is exact: a state recognised a capital, relocated a mission, and declined in the same breath to state where sovereignty runs inside the city. The reservation is not a diplomatic flourish. It is the clause that keeps the recognition from being the thing the question asks about.

This is where the public argument most often slips. A reader who sees "recognised Jerusalem as the capital" reasonably hears an answer to "recognised the annexation of East Jerusalem," and the recognising state itself wrote that those are two questions. The same structure appears in the statements of the states that followed.

The distinction has practical content. Recognition of a capital says which city a state treats as the seat of another state's government. Recognition of annexation would say that territory taken in 1967 is lawfully Israeli, which would engage the non-recognition instruction in Resolution 2334 and the duty in Article 41 of the International Law Commission's 2001 articles on state responsibility, annexed to General Assembly resolution 56/83, that no state recognise as lawful a situation created by a serious breach.

So the honest answer to the question inside the question is that a policy change occurred and a recognition of annexation did not. Both facts are on the same page of the same statement.

Which states keep embassies in Jerusalem now?

A small number, and every one of them moved after 2017. The relocations began with the United States and Guatemala in May 2018, and they number in single figures; the count moves as states open and close missions, so this report names the first two rather than fixing a current total.

Resolution 478 in 1980 called for withdrawal of missions from the city, and the missions then in Jerusalem left. The compliance was not permanent, which is the detail usually dropped. Costa Rica and El Salvador returned their embassies to Jerusalem in 1984 and left again in 2006, France 24 recorded when the US embassy opened in 2018, and the missions that had complied in 1980 included the Netherlands, Haiti and several Latin American states.

The relevant feature of the post-2017 relocations is what accompanied them. Each was announced as recognition of Jerusalem as Israel's capital. None was accompanied by a published instrument recognising Israeli sovereignty over the territory east of the 1949 armistice line, and the US statement of December 2017, the template for the rest, reserved that question in terms.

An embassy location is also a weak proxy for a legal position. A mission sits where a receiving state's government sits, and a building's address does not state a position on sovereignty over the eastern sector. So the state practice here does not settle the eastern sector in either direction, which is a limit on the evidence and not a point against it. The record of Costa Rica and El Salvador shows the same thing from the other side: two states kept embassies in Jerusalem for 22 years without publishing any recognition of Israeli sovereignty east of the armistice line.

What did the World Court hold about Jerusalem in 2024?

The International Court of Justice delivered an advisory opinion on 19 July 2024, and its margins differ subparagraph by subparagraph, which is the detail most summaries drop. The Court's dispositif holds nine separately voted subparagraphs. On the two most consequential, that Israel's continued presence in the Occupied Palestinian Territory is

unlawful and that it is obliged to bring that presence to an end as rapidly as possible, the Court divided **eleven votes to four**, the narrowest majorities in the opinion.

Other subparagraphs carried larger majorities. The obligation to cease new settlement activities and evacuate settlers, and the obligation to make reparation, each carried fourteen votes to one. The duty of all states not to recognise as legal the situation arising from the presence, and not to render aid or assistance in maintaining it, carried twelve votes to three.

The Court's territorial scope is stated in the case name itself: Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. The proceeding arose on a General Assembly request under resolution 77/247 of 30 December 2022.

Two limits belong in the same passage. The opinion is advisory: it is not a judgment, it binds no one, and it did not arise from a contentious case between parties. And it is a court's legal conclusion on a contested question, which this report names and dates rather than adopts. What is reported here is the tallied vote on each subparagraph, which is a record.

The vote counts are the useful evidence precisely because they are uneven. A reader told only that "the Court found the occupation unlawful" is not told that the finding carried by the narrowest margin on the bench, while the third-state non-recognition duty carried by twelve to three. Both facts come from the same page of the same document.

Whom does Israel's own register count inside the city?

Both statistical bureaus enumerate the same residents, under different sovereignties, and neither count is evidence of recognition. Israel's Central Bureau of Statistics reported that Jerusalem's population **passed one million at the end of 2023**, 60.5% "Jews and Others" and 39.5% Arabs, growing by 13,400 during the year. The Bureau counts the neighbourhoods annexed after 1967 inside that single municipal total, which is why the 39.5% Arab share sits inside Israel's figures.

The Bureau's convention runs through its national series too. Its Rosh Hashana release of September 2025 put Israel's population at about 10.148 million, and its scope choice places

East Jerusalem residents and West Bank settlers inside that total, a choice distinct from the international convention of counting them separately.

The Palestinian Central Bureau of Statistics enumerates the same people as Palestinian. Its 2017 census, with a reference date of 1 December 2017, counted 4,780,978 residents of the West Bank and Gaza, of whom 2,881,687 were in the West Bank, and the Bureau records that East Jerusalem could not be directly enumerated, so administrative estimates were used there.

That is the counting finding, and it is the part of this question no vote settles. One bureau enumerates East Jerusalem residents inside a municipal total it publishes as Israeli; the other cannot reach them with enumerators and estimates them administratively as Palestinian. The residents appear in both series. The scope conventions of a statistical office are not recognitions, and the scholarship on how Israel's yearbook handled the territories records the same practice from the start: East Jerusalem moved into the general population count for Israel proper in the 1968 yearbook, per Hirsch-Hoefler and Ben Shitrit's 2020 review.

The residents' own legal status is a third fact, distinct from both counts. Most Palestinians in East Jerusalem hold Israeli permanent residency rather than citizenship, which is a status the Israeli administrative system maintains and which neither statistical series records. Israel's Jerusalem Day release notes a separate limitation directly downstream: its primary-school figures cover only institutions supervised by the Ministry of Education, and the Bureau records a lack of available data for many educational institutions in East Jerusalem.

Where do legal scholars disagree about Jerusalem's status?

The dispute is narrower than it looks, and it runs on sovereignty before 1967. Benjamin Rubin's entry "Israel, Occupied Territories" in the Max Planck Encyclopedia of Public International Law, a signed and editorially reviewed reference work last updated in October 2009, sets out the competing sovereignty arguments across 125 numbered paragraphs covering the West Bank including East Jerusalem.

The Israeli argument, as the Jerusalem Center for Public Affairs states it, is that no recognised sovereign held the territory lawfully when Israel took it in 1967, Jordan's 1948 to

1967 control having been recognised by only a small number of states. On that reading the law of belligerent occupation, which presupposes a displaced sovereign, applies awkwardly at best. This is a party-aligned legal argument, named as one.

Against it stands the corpus separatum provision of General Assembly Resolution 181 of 29 November 1947, which placed Jerusalem under a special international regime rather than in either proposed state. No party implemented it. It is cited by both sides and honoured by neither, and it is the one element of the question on which the record shows near-universal non-compliance rather than near-universal agreement.

The 2009 date on the Rubin entry is a real limit and must travel with it: the article predates General Assembly Resolution 67/19 of 1967, Palestine's accession to the International Criminal Court in 2002, and the 2024 advisory opinion, so it cannot be cited for the current status of any territory.

What is not contested, on this record, is the recognition question itself. The disagreement concerns whether Israel's position is legally defensible, not whether other states have published recognitions of it. On the second question the documents point one way, and the Israeli institutions arguing the first case do not claim otherwise.

Methodology

This report draws on four source types, each labelled where used. Primary and official records: the six Security Council resolutions (252 of 1968, 267 of 1969, 298 of 1971, 476 and 478 of 1980, 2334 of 2016), with their recorded votes; the Knesset's published English translations of Basic Law: Israel as the Nation-State of the Jewish People, which the Knesset itself marks unofficial; the Jerusalem Embassy Act of 1995 and the US recognition statement of 6 December 2017, with the vote tally on Resolution 478 taken from the Office of the Historian at the US Department of State; the Israeli Supreme Court's judgment in HCJ 5555/18 of 8 July 2021; and the statistical releases of Israel's Central Bureau of Statistics and the Palestinian Central Bureau of Statistics. Reference scholarship: Rubin's 2009 Max Planck Encyclopedia entry and the 2020 Hirsch-Hoefler and Ben Shitrit review of the Israeli yearbook's counting conventions. Party-aligned legal analysis: the Jerusalem Center for

Public Affairs, labelled at each use. International press: France 24 (2018), for the history of embassy relocations.

The 2024 International Court of Justice advisory opinion is named and dated, and only its recorded votes are reported. An advisory opinion is a legal conclusion on a contested question; it binds no one, and this report does not rest its own answer on it.

Two figures carry limits stated by their publishers. Israel's Central Bureau of Statistics describes its Jerusalem Day population data as preliminary, and its ultra-Orthodox share for the city rests on a model estimating 2022 composition applied to a later population base. The Palestinian Central Bureau of Statistics states that East Jerusalem could not be directly enumerated in the 2017 census and that administrative estimates were used there, so no East Jerusalem figure in the Palestinian series is a count.

On the recognition question itself: this report records that no published instrument recognising Israeli sovereignty over East Jerusalem was located among the primary sources consulted, and that the 1997 United Nations study states the annexation has not been recognised internationally. A negative of this kind is bounded by what was searched. What is established positively is the content of the recorded votes, the enacted texts and the reservations in the recognising states' own statements.

Question wording and scope choices are load-bearing throughout. The two statistical bureaus count the same residents under different territorial conventions, and that divergence is a property of the conventions rather than a disagreement about how many people live there.

Conclusion

So is the annexation recognised internationally? On the published record, no state has issued an instrument recognising Israeli sovereignty over East Jerusalem, and the Security Council has said so collectively six times in 48 years without a single negative vote.

The rest of the record is sharper than that sentence alone. Neither Israeli instrument uses the word annexation: the Knesset legislated a capital in 1980 and restated it in 2018, and Basic Law clause 3 says "The complete and united Jerusalem is the capital of Israel" and nothing

about territory. The United States recognised that capital in December 2017 and reserved the boundaries of Israeli sovereignty inside the city in the same statement. And while the diplomatic record has held one way since 1968, the administrative record has run the other: Israel's Central Bureau of Statistics has counted the eastern neighbourhoods inside a single municipal total since 1968, reporting the city past a million residents at the end of 2023 with 39.5% of them Arabs, while the Palestinian bureau, unable to send enumerators, estimates the same people administratively as Palestinian.

That is the durable shape of it. A territory whose legal status is settled one way in the resolution record and the other way in the register, where the residents appear in two national counts, and where the one instrument that would have resolved the question, the 1947 corpus separatum, was implemented by nobody.

Which leaves something worth sitting with. For 58 years the counting has gone on regardless of the voting, and the people counted twice have been the subject of both exercises and party to neither. When a statistical convention and a Council decision have pointed in opposite directions for that long, which of them is describing the place, and which is describing what it is supposed to be?

Frequently Asked Questions

How is Resolution 478 different from Resolution 2334?

Resolution 478, of 20 August 1980, responded to a specific Israeli statute, deciding not to recognise the basic law on Jerusalem and calling for withdrawal of diplomatic missions from the city. Resolution 2334, of 23 December 2016, is broader: it addresses settlements throughout territory occupied since 1967, including East Jerusalem, and instructs states to distinguish in their dealings between Israel's territory and the occupied territories. Both carried 14 votes to none with a US abstention.

Why did the United States abstain rather than veto Resolution 478?

The Office of the Historian at the US Department of State records the vote as 14 in favour, none against, with the United States abstaining, and that abstention is what allowed the text

to pass. A permanent member's abstention does not block adoption; only a negative vote does. The same pattern recurred on Resolution 2334 in December 2016.

Does a country having its embassy in Jerusalem mean it recognises the annexation?

Not on the recognising states' own texts. The US statement of 6 December 2017 recognised Jerusalem as Israel's capital while stating that the United States was not taking a position on final status issues, including the specific boundaries of Israeli sovereignty in the city.

Which authority counts East Jerusalem's residents?

Both do, under different conventions. Israel's Central Bureau of Statistics counts them inside Jerusalem's municipal total and inside Israel's national population, reporting the city at over one million at the end of 2023 with 39.5% Arabs. The Palestinian Central Bureau of Statistics counts them as Palestinian but records that East Jerusalem could not be directly enumerated in its 2017 census, so administrative estimates were used there.

What did Resolution 181 say about Jerusalem?

The General Assembly's partition resolution of 29 November 1947 placed Jerusalem under a special international regime, the corpus separatum, rather than assigning it to either proposed state. No party implemented the provision. It is cited in the legal argument by both sides and was given effect by neither.

Why does the 2024 ICJ opinion's vote count matter?

Because its nine operative subparagraphs carried four different majorities, from unanimity on jurisdiction down to eleven votes to four on the two findings about the lawfulness of the continued presence and the obligation to end it. A summary reporting one margin for the whole opinion misstates the narrowest holdings, which are the ones most often quoted.

Is there any legal argument that Israel's position is defensible?

The argument advanced by Israeli institutions, including the Jerusalem Center for Public Affairs, is that no recognised sovereign lawfully held the territory in 1967, since Jordanian control from 1948 was recognised by only a small number of states, so the occupation

framework fits awkwardly. That is a party-aligned legal position on a contested question. The competing arguments are set out in Rubin's 2009 Max Planck Encyclopedia entry, which predates the last fifteen years of developments.

What does “non-recognition” actually oblige other states to do?

Article 41(2) of the International Law Commission's articles on state responsibility, annexed to General Assembly resolution 56/83 of 12 December 2001, provides that no state shall recognise as lawful a situation created by a serious breach, nor render aid or assistance in maintaining it. Those articles are a codification text commended by the Assembly, not a treaty opened for signature, and no state has ratified them as such.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

How Does the Occupation Affect Palestinian Access to Water and Electricity? Reading the Per-Capita Measurements, the Signed Agreement and the Damage Assessments

Palestinians used 86.3 litres of water a day in 2021 against a 100-litre reference, and bought 22% of their water from Israel's national utility.

Water Access

Electricity

Occupied Territories

Official Statistics

Infrastructure



Palestinians used 86.3 litres of water per person per day in 2021, against the 100 litres per person per day cited as the World Health Organization's reference minimum, on the joint measurement the Palestinian Central Bureau of Statistics and the Palestinian Water Authority published in 2023. The same release records that 22% of all the water available in the Palestinian territories that year was purchased from Mekorot, Israel's national water company, and that Palestinians have had no access to the Jordan River since 1967, a loss the two bodies estimate at about 250 million cubic metres a year. Electricity runs through a comparable structure of purchase and transfer, part of it recorded in the 1994 Protocol on Economic Relations that both parties signed. What arrives at a household tap comes down to litres a day and hours of pumping, and almost every figure that describes those quantities is published by one of the two parties to the arrangement.

Key Findings

- Domestic water use across the Palestinian territories was **86.3 litres per person per day** in 2021, 89.0 in the West Bank and 82.7 in Gaza, per the Palestinian Central Bureau of Statistics and the Palestinian Water Authority (2023), against the 100-litre reference the same release cites.
- Palestinians purchased **22%** of all water available in the territories from Mekorot, the Israeli national water company, in 2021, on the same two bodies' own accounting (2023).
- The Israeli-Palestinian Interim Agreement of 28 September 1995 fixed **28.6 million cubic metres a year** of additional water for Palestinian use during the interim period, against the 70 to 80 million cubic metres a year the same article records as the agreed estimate of future needs, and made every new well conditional on the prior approval of a Joint Water Committee that decides by consensus.
- **4%** of Gaza's population had access to safe and clean water before 7 October 2023, per the Palestinian Central Bureau of Statistics (2024).
- **42.1%** of Gaza's 152 water facilities sustained damage in the 46 days from 7 October to 22 November 2023, on the satellite-radar analysis of Asi and colleagues (2024, peer-reviewed).

How much water does each Palestinian use per day?

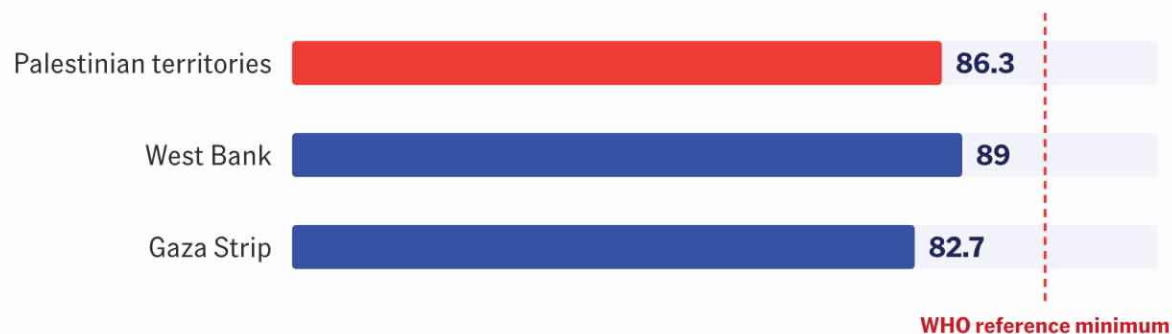
Palestinians used 86.3 litres of water per person per day for domestic purposes in 2021, the Palestinian Central Bureau of Statistics and the Palestinian Water Authority reported in their joint World Water Day release of 2023, against the 100 litres per person per day the same release cites as the World Health Organization's reference minimum. The shortfall on those two figures is **13.7 litres** a person a day.

The two bodies publish the figure by region: 89.0 litres per person per day in the West Bank and 82.7 in the Gaza Strip. A later release by the two bodies, for World Water Day 2024, gives 84.6 litres per person per day in Gaza in 2022, the last full year before 7 October 2023. The two Gaza figures are consecutive years from two releases, and a change of under 2 litres between them is too small to read as a trend.

Three limits travel with all of these numbers. They measure domestic consumption only, which is the water that reaches households, and not the agricultural and industrial abstraction that dominates total use in both economies. They are the Palestinian statistical authority's own counts, published by a party to the arrangement they describe, and they are not independently verified. And the denominator underneath every per-capita figure is a projection rather than a count: the last full enumeration of the territories was the Bureau's own Population, Housing and Establishments Census of 1 December 2017, which counted 4,780,978 residents, and every population figure since is modelled forward from that base.

Domestic water use per person per day, litres

2021, AS MEASURED BY THE PALESTINIAN STATISTICAL AUTHORITY



Source: Palestinian Central Bureau of Statistics and Palestinian Water Authority, 2023, official record.

Is it true Israel controls 85% of Palestinian water resources?

It is often said that Israel controls 85% of Palestinian water resources. The figure is real and its publishers are named: the Palestinian Central Bureau of Statistics and the Palestinian Water Authority put it in their joint World Water Day release of 2023, where it appears as the share of Palestinian water resources under Israeli control. It is the Palestinian authorities' own reporting, and it describes resources rather than household supply.

Directionally, the rest of the record supports a picture of extensive control, and the quantities that carry their own bases are the ones to work from. The 1995 interim agreement makes the licensing and drilling of every new well, any increase in extraction from any source, and any development of water resources or systems conditional on the prior approval of the Joint Water Committee, in which each side holds an equal number of representatives and in which,

by the agreement's own paragraph 14, all decisions are reached by consensus. The same two Palestinian bodies report in the same release that 22% of available water was bought from the Israeli national company. They report no access to the Jordan River since 1967.

What the **85%** does not carry is a volume. It is published as a share, without an accompanying quantity in cubic metres, so it cannot be set against the aquifer figures the 1995 agreement tabulates or converted into a per-person loss. A reader who wants to know how much water is at stake, rather than what proportion of it sits behind an approval requirement, has to go to the quantities that name their own denominators, and those are the purchase share, the interim allocation and the per-capita measurements. Each of the three is published, dated and checkable, and each belongs to a different body or instrument.

What does the 1995 signed agreement allocate to each side?

The agreement both parties signed in Washington on 28 September 1995 made available **28.6 million cubic metres a year** of additional water during the interim period, against the 70 to 80 million cubic metres a year the same article records as an agreed estimate of future Palestinian needs in the West Bank.

Article 40 of that agreement opens with two sentences that have to be read together. The first: "Israel recognizes the Palestinian water rights in the West Bank." The second: "These will be negotiated in the permanent status negotiations and settled in the Permanent Status Agreement relating to the various water resources." Paragraph 5 defers ownership of water and sewage infrastructure the same way.

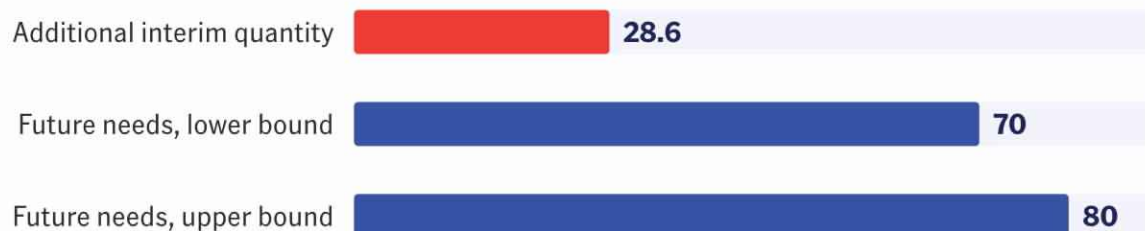
The 28.6 million cubic metres is itemised in the text, and the itemisation splits into two kinds of line. Quantities Israel undertook to supply total 9.5 million cubic metres a year across Hebron and Bethlehem, Ramallah, Salfit, Nablus, a new well at Jenin and 5 million to the Gaza Strip; quantities the Palestinian side was made responsible for developing total 19.1 million, chiefly 17 million for Hebron, Bethlehem and Ramallah from the Eastern Aquifer or other agreed sources. Those two sums, which are this report's addition of the agreement's own lines, reconcile exactly to the published total.

Schedule 8 required the Joint Water Committee to prepare, within three months of signing, a schedule of extraction quotas based on existing licences, and to update it yearly. No such published schedule was located. Schedule 10, the table most often read as the allocation, is headed “Data Concerning Aquifers”, reports three West Bank aquifers with a total annual recharge of 679 million cubic metres, and closes: “All figures are average annual estimates.”

Two scope limits matter. Article 40 governs the West Bank; paragraph 25 leaves Gaza’s prior arrangements “unchanged”. And the arrangement is an interim one, written alongside a redeployment schedule of 18 months and permanent-status talks due to begin by 4 May 1996, which is why any reading of [who holds jurisdiction over the resource](#) turns on a question the text itself left open.

Water quantities written into the 1995 interim agreement

MILLION CUBIC METRES PER YEAR, WEST BANK, ARTICLE 40



Source: Israeli-Palestinian Interim Agreement, 1995, Annex III, Article 40, paragraphs 6 and 7. Treaty text.

How much Palestinian water is bought from Israel’s water company?

22% of all the water available in the Palestinian territories in 2021 was purchased from Mekorot, the Israeli national water company, on the Palestinian Central Bureau of Statistics and Palestinian Water Authority’s own accounting published in 2023. More than one litre in five of the supply reaching Palestinian households was therefore bought from the other party to the agreement that governs its abstraction.

The purchase is structural rather than incidental, and the 1995 text is where that structure is written down. Of the 28.6 million cubic metres a year the agreement made available for the

interim period, 9.5 million are Israeli supply undertakings to named West Bank towns, and a further 5 million are an Israeli undertaking to the Gaza Strip that the text says will in future “come from desalination in Israel”. Schedule 11, which covers Gaza, leaves the water systems supplying the settlements and the military installation area to be “operated and managed by Mekoroth Water Co.” The same company appears on both sides of the line the agreement draws.

The official releases cited here price none of this. They report the purchased share of volume and do not publish what households pay, so the frequently repeated claim that Palestinians buy water from tankers at higher cost has no figure in this record: no Palestinian or Israeli statistical series located here reports tanker prices, the share of households buying from tankers, or a comparison between tanker and network tariffs. The measurable quantity is the 22%, and it describes dependence at the level of the system rather than the household bill.

Two labels belong on the figure. It is a share of water available, not of water consumed, so it sits on a different base from the 86.3 litres per person per day. And it is the Palestinian authority’s own accounting of its own purchases, which is a party reporting a transaction it is party to.

Which water source has been closed to Palestinian use since 1967?

Palestinians have had no access to the Jordan River since 1967, and the Palestinian Central Bureau of Statistics and the Palestinian Water Authority put the resulting loss at about **250 million cubic metres a year** in their 2023 joint release. That figure is an estimate by the two Palestinian bodies of water not taken, not a metered abstraction, and it is published without a method alongside it.

Its usefulness is as a scale. The 250 million cubic metres a year the two bodies estimate is roughly nine times the 28.6 million cubic metres a year the 1995 agreement made available for the whole interim period, and about 37% of the 679 million cubic metres of average annual recharge that Schedule 10 of the same agreement records for the three West Bank aquifers combined. Those are different classes of source, a surface river against groundwater, so the river estimate is not a substitute for the aquifer figures and the two do not sum into a supply

total. Set side by side, they indicate that the closed source is of the same order as the aquifer system the agreement does tabulate.

The river is absent from the allocation machinery entirely. Article 40's Schedule 10 covers the Eastern, North-Eastern and Western aquifers and no surface water, and its Eastern Aquifer lines that read "In the Jordan Valley" describe wells and springs in the valley rather than abstraction from the river itself. The Joint Water Committee's approval regime under Schedule 8 reaches wells, extraction increases and system development, all of which presuppose a source inside that tabulation.

So the single largest volume the Palestinian authorities name in their own release is a volume that the signed instrument governing Palestinian water neither allocates nor mentions, and the rights question over "the various water resources" was, by the text's own words, referred to permanent-status negotiations that had not concluded.

How much of Palestinian electricity is imported?

87.6% of the electricity available in Palestine in 2022 was imported, in the Palestinian Central Bureau of Statistics table compiled from Palestinian Energy and Natural Resources Authority data.

That share is 7,212,121 of 8,232,713 megawatt-hours. A further 608,000 megawatt-hours, 7.4%, was bought from the Palestine Electric Company, and 412,592, 5.0%, came from self-generation and renewables. The series runs from 2011, and the imported share has held in the same range throughout: 4,621,686 of 5,191,018 megawatt-hours in 2011, 89.0%, against 87.6% in 2022, while the total available rose by more than half. The table does not split imports by supplying country, so it cannot say on its own how much came from Israel rather than from Jordan or Egypt. It is the Palestinian authorities' own compilation, published by a party to the arrangement it describes.

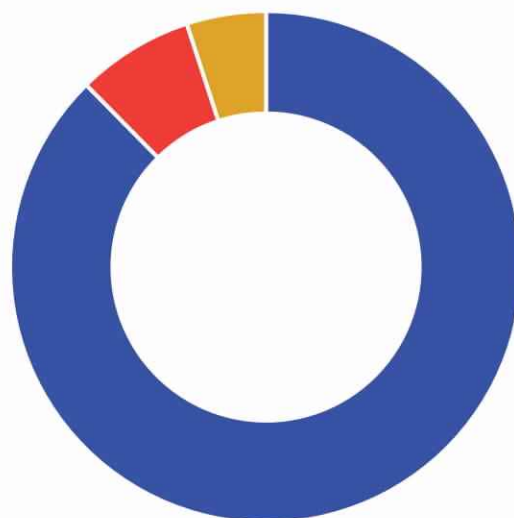
Gaza's own generation runs on fuel that arrives by truck through crossings Israel administers and counts. The Humanitarian Aid workbook on COGAT's Gaza Aid Data portal records **335 fuel tanker-trucks** entering the Strip between 1 November 2023 and 31 May 2024, on this report's count of the rows COGAT publishes, with a further 598 rows of gas tanker-trucks.

Those counts are floors, because the sheet codes a nil day sometimes with a dash and sometimes with an empty cell, and they are a party's own operational record. COGAT's method note of 9 July 2026 states that pallet numbers "are counted and contents are compared to the coordination requests and self-reports during the security clearance", while tonnages rest on "the self-declaration of humanitarian organizations and private sector providers". The same portal records that no aid entered the Strip between 2 March and 19 May 2025.

The quantities have a written counterpart only on the fiscal side. The Protocol on Economic Relations signed in Paris on 29 April 1994 clears import taxes to the Palestinian side "within six working days from the day of collection", and its 1995 Supplement adds that "Israel will deduct 3% from each transfer" for administrative costs. The Protocol contains no withholding power and no suspension clause. No instrument read for this report sets out how imported electricity itself is priced or paid for, so the megawatt-hours above carry no price, and the physical [entry of goods through the crossings](#) is a separate arrangement documented by one party.

Electricity available in Palestine by source, 2022

8,232,713 MEGAWATT-HOURS IN TOTAL



■ Imported ■ Palestine Electric Company ■ Self-generation and renewables

Source: Palestinian Central Bureau of Statistics, 2024, from Palestinian Energy and Natural Resources Authority data. Official record.

How do power cuts reach a household's drinking water?

4% of Gaza's population had access to safe and clean water before 7 October 2023, the Palestinian Central Bureau of Statistics reported in its World Water Day release of 2024. Water quality in the Strip depends on plant that runs on electricity and fuel, which is the mechanism connecting a power cut to a tap.

A United Nations University working paper on Gaza's water security by Sarsour and colleagues (2025), whose co-authors include the director of Gaza's Coastal Municipalities Water Utility, sets out the chain in the order it runs. Desalination units, groundwater pumps and wastewater treatment works all require electricity; when supply to those units is interrupted, the paper records reductions in the quantity of water delivered and deterioration in its quality, because untreated or partially treated water enters the distribution and disposal systems. The paper describes an association between energy interruption and water outcomes, and does not present it as a measured causal coefficient.

Both parties' own records put desalination at the centre of Gaza's supply. The 1995 agreement, three decades earlier, already anticipated it, providing that the 5 million cubic metres a year Israel undertook to supply to the Strip would in future "come from desalination in Israel". COGAT's ceasefire report of 9 July 2026 states that more than 70,000 cubic metres of water a day were being facilitated through external water lines and desalination facilities, excluding local wells, as of that report. That is COGAT's own figure, published by a party to the events, and it counts what was facilitated rather than what reached households.

The dependency therefore runs in one direction through three stages: power and fuel reach the pumps and the desalination and treatment plant, that plant determines both the volume and the quality of what enters the network, and the network determines what a household receives. The Bureau's 4% measures the far end of that chain before October 2023, on the Bureau's own definition of safe and clean water.

How much less do off-grid West Bank communities receive?

The Palestinian Central Bureau of Statistics and the Palestinian Water Authority publish **89.0 litres** per person per day as the 2021 West Bank average and no community-level breakdown beneath it. The figure that circulates for communities not connected to the network, 26 litres per person per day, comes from “Parched: Israel’s policy of water deprivation in the West Bank,” published on 31 May 2023 by B’Tselem, an Israeli human rights organisation with an advocacy mission.

That report sets its 26 litres against roughly 82.4 litres per person per day in grid-connected areas. The two figures are widely relayed, and the report names no statistical office behind either measurement. An earlier factsheet by the Palestinian organisation Al-Haq, published in 2012, reported approximately 73 litres per person per day for West Bank Palestinians, about 300 litres inside Israel and about 369 litres for Israeli settlers in the territory, and reported that roughly 50,000 Palestinians in 151 West Bank communities were living on less than 20 litres per person per day, which it set against the World Health Organization’s short-term emergency minimum. Those are one advocacy organisation’s own figures on its own definitions, they are fourteen years old, and they are not an official statistical series.

What is absent is the series that would settle the question. No official statistical publication located for this report, Palestinian or Israeli, reports domestic water consumption for individual West Bank communities or for the unconnected population as a class. The Bureau publishes national and regional means; the connected-versus-unconnected split, the most-repeated quantity in the whole subject, exists in the record only as an advocacy estimate.

The one thing all of these numbers share is the benchmark. The 100-litre reference attributed to the World Health Organization appears in the Palestinian authorities’ own release and in the advocacy publications alike, which is what makes the figures legible against each other at all. It is a reference standard rather than a measurement of anything, and the underlying World Health Organization document was not read for this report.

What did the 2026 damage assessment record for water and power?

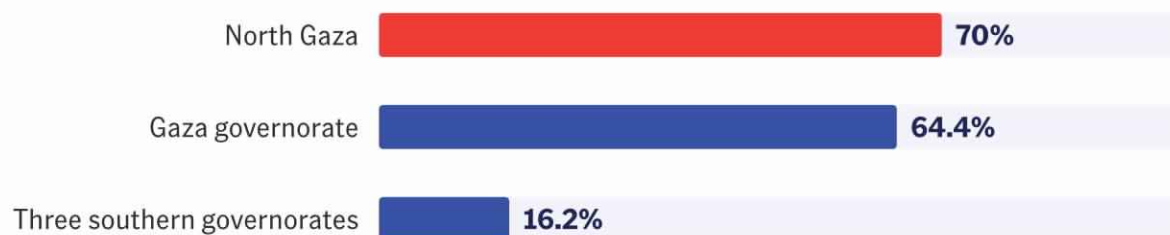
42.1% of Gaza's 152 water facilities sustained damage in the 46 days from 7 October to 22 November 2023, on the satellite-radar analysis Asi and colleagues published in the peer-reviewed journal Conflict and Health in 2024.

In the same window, 36.8% of those facilities met the study's threshold for functional destruction, which the authors define as a detected damage area of 50% or more read off satellite imagery rather than a verified loss of service. Damage was concentrated in the north: 70% of North Gaza's 33 water facilities and 64.4% of Gaza governorate's 45 sustained direct damage, against 16.2% across the three southern governorates that the evacuation order of 13 October 2023 designated as the evacuation zone. The authors state plainly that the absence of ground-truth data "prevents the ability to quantify the accuracy of satellite radar-based damage assessments", and their facility denominators come from open-source humanitarian inventories rather than an official register, so the percentages move with the inventory. The window is 46 days of the first phase only, and these are not war-total figures.

For the war as a whole, the Rapid Damage and Needs Assessment conducted jointly by the World Bank, the United Nations and the European Union, published in April 2026 and covering October 2023 to October 2025, puts physical infrastructure damages at US\$35.2 billion and economic and social losses at US\$22.7 billion, and estimates recovery and reconstruction needs at US\$71.4 billion over the next decade, including US\$26.3 billion in the first eighteen months. The assessment's published headline figures are aggregates across sectors, and needs and damages measure different things: one is a forward-looking estimate of what rebuilding would cost, the other an assessment estimate of what was destroyed. They are never summed, and neither is a record of money spent or pledged.

Share of water facilities damaged, by area

152 FACILITIES STRIP-WIDE, 7 OCTOBER TO 22 NOVEMBER 2023



Source: Asi and colleagues, 2024, peer-reviewed; satellite radar damage detection.

Methodology and limitations

This report measures the published record on Palestinian water and electricity supply: what each body counts, on what base, and for what period. It does not assess the legality of any arrangement described.

The source types are five. Official Palestinian statistical releases, chiefly the Palestinian Central Bureau of Statistics and Palestinian Water Authority joint World Water Day release of 2023 (reporting 2021 data) and the Bureau's 2024 release, supply the per-capita, purchase-share and Jordan River figures; these are a national statistical office's own counts, published by a party to the arrangement, and are not independently verified. Two signed instruments supply the allocation and clearance provisions: the Israeli-Palestinian Interim Agreement of 28 September 1995, Annex III Article 40 with Schedules 8 to 11, and the Protocol on Economic Relations of 29 April 1994 with its 1995 Supplement, both quoted from the English text published by the Israeli Ministry of Foreign Affairs, a party to them. A Palestinian Central Bureau of Statistics table compiled from Palestinian Energy and Natural Resources Authority data supplies the electricity figures. A party's own operational records supply the fuel counts and the ceasefire-period water figure, both COGAT's. One peer-reviewed study (Asi and colleagues, 2024) and one institutional working paper (Sarsour and colleagues, United Nations University, 2025) supply the infrastructure and mechanism findings. One joint intergovernmental assessment, by the World Bank, the United Nations and the European Union in April 2026, supplies the damage and needs totals.

Specific limits carried into the prose above: every per-capita figure rests on a population projected from the 2017 census rather than enumerated; the 85% share is published without a volume base; the extraction-quota schedule Schedule 8 required within three months of signing was not located; the 26-litre and 73-litre figures are advocacy estimates naming no statistical office; Asi and colleagues cannot quantify the accuracy of satellite detection and cover 46 days; the COGAT fuel sums are floors over an ambiguously coded sheet and are this report's addition of published rows; the assessment's needs figures are forward-looking. The

World Health Organization's 100-litre reference is carried as the Palestinian release cites it, and that organisation's own document was not read.

Conclusion

In 2021, 86.3 litres a person a day came out of the tap across the Palestinian territories, 89.0 in the West Bank and 82.7 in Gaza, measured and published by the Palestinian authorities themselves, against a 100-litre reference those same authorities put on the page beside it. That is the answer to the question the report opened on.

The rest of the record describes how that quantity is arrived at, and it is consistent across every axis measured here. More than a fifth of the water available was bought from the other party's national utility. The signed agreement that governs West Bank abstraction made 28.6 million cubic metres a year available against the 70 to 80 million it itself recorded as the future need, recognised Palestinian water rights in one sentence and deferred them in the next, and made every new well conditional on a committee that decides by consensus. The largest volume the Palestinian authorities name, about 250 million cubic metres a year of Jordan River water, belongs to a source that agreement does not tabulate. Almost nine-tenths of the electricity was imported in 2022, and in Gaza the rest depends on fuel counted by the other party at its own crossings. At the far end of the chain, 4% of Gaza's population had safe and clean water before October 2023, and 42.1% of the Strip's water facilities were damaged within the following 46 days.

Set all of that beside the one figure everybody repeats, the 26 litres a day in communities off the network, and the gap in the record becomes the sharpest thing in it. That number has no statistical publisher. The two governments each count what they administer, the advocacy reports count what the governments do not, and nobody publishes a household-level series for the places where the shortfall is said to be worst. A litre a day is the most concrete quantity in this entire dispute. Whose job is it to measure it, community by community, and what does it mean that after three decades of a signed water regime the answer is nobody's?

Frequently Asked Questions

Why do two official figures for Gaza's per-capita water differ?

The Palestinian Central Bureau of Statistics and Palestinian Water Authority release of 2023 gives 82.7 litres per person per day for Gaza in 2021, while the two bodies' 2024 release gives 84.6 litres per person per day for Gaza in 2022. They are consecutive years from two releases, and the change between them is too small to read as a trend.

Was the extraction quota schedule the 1995 agreement required ever published?

Schedule 8 of Article 40 required the Joint Water Committee to prepare a schedule of extraction quotas within three months of signing, based on existing licences and permits, and to update it yearly. No such published schedule was located for this report. The table often read as the allocation, Schedule 10, is headed "Data Concerning Aquifers" and closes by stating that all its figures are average annual estimates.

Does the 1995 agreement cover Gaza's water?

Only marginally. Article 40 is a West Bank instrument throughout, and its paragraph 25 provides that the existing arrangements for Gaza "shall remain unchanged", as detailed in Schedule 11. The one Gaza quantity inside Article 40 is the 5 million cubic metres a year Israel undertook to supply, which the text says will in future come from desalination in Israel.

How many aquifers does the signed agreement tabulate, and how much water?

Three: the Eastern, North-Eastern and Western aquifers, with totals of 172, 145 and 362 million cubic metres a year respectively and, in the agreement's own words, a total annual recharge of 679 million cubic metres. Schedule 8 gives those figures their operative force by making them the basis and guidelines for the Joint Water Committee's decisions.

Why do per-capita water figures rest on projections?

Because the last full enumeration of the West Bank and Gaza was the Palestinian Central Bureau of Statistics census of 1 December 2017, which counted 4,780,978 residents. Every later population total in the Palestinian and international series is modelled forward from that base, so the denominator of any litres-per-person figure after 2017 is a projection rather than a count.

Where does the 100-litre daily benchmark come from?

It is cited in the Palestinian Central Bureau of Statistics and Palestinian Water Authority release of 2023 as the World Health Organization's recommended minimum for domestic use. It is a reference standard rather than a measurement of any population, and it appears in the advocacy literature on the same subject, which is what allows those publications and the official releases to be read against each other.

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

What Is Breaking the Silence, and What Do Its Testimonies Record About the Occupation?

An Israeli veterans' group has collected accounts from over 1,000 soldiers since 2004. What a testimony archive can and cannot measure.

Breaking The Silence

West Bank

Military Occupation

Testimony Archives

Israeli Official Records



Breaking the Silence is an Israeli organization of former soldiers, founded in 2004, that collects anonymous first-person accounts of military service in the West Bank and the Gaza Strip; the organization states in its own published FAQ that it has gathered testimonies from over 1,000 soldiers since its founding. What those accounts describe, in the organization's own framing, is the daily administration of a civilian population by military authority. The archive is a documentary genre with no sampling frame, which is why published counts of it differ by unit rather than by disagreement, and why Israel's own registers, the permit quotas, the investigation counts, the court records, answer a different and narrower set of questions than the testimonies pose.

Key Findings

- Breaking the Silence states in its own published FAQ that it has collected testimonies from over 1,000 soldiers since its founding in 2004; that is the organization's own count of its own archive, not a verified or independently audited total.
- Four differently sized counts of the same archive circulate because they measure three different units: 900 published testimonies (Christian Science Monitor, 2014), nearly a thousand former soldiers interviewed (a founder of the organization, writing on the Open Society Foundations site, 2014), over 1,000 soldiers (Breaking the Silence FAQ, 2026), and over 60 soldiers in a single Gaza publication (the organization's own 2015 report); three of the four are the organization's own counts.
- Israel's Military Advocate General's Corps reported that as of 3 August 2024 it had opened 74 criminal investigations arising from the Gaza war and referred over 1,000 incidents to the General Staff's Fact-Finding and Assessment Mechanism, and it publishes the threshold that produces those counts.
- The State Comptroller of Israel reported that in 2020 the Samaria and Judea District of the Israel Police opened 12,865 cases for offenses of disturbing public order, security violations and damage to property, and issued 48,371 traffic tickets, of which 36,074 went to Palestinians, about 75% on the Comptroller's own rounding.

- No peer-reviewed study in the record samples Israeli soldier testimony against a defined service population, so no prevalence rate for any described practice can be derived from the archive; none of the published counts carries a denominator of soldiers who served.

What is Breaking the Silence, and what does it publish?

Breaking the Silence states in its own published FAQ that it was founded in 2004 by Israeli veterans and has collected testimonies from over 1,000 soldiers who served in the West Bank and the Gaza Strip. That figure is **the organization's own count of its own archive**, not an audited one, and it counts soldiers who gave accounts rather than incidents described or years covered.

The organization publishes in three forms: individual written testimonies, video testimonies, and thematic reports that group accounts around a single operation or practice. Its 2015 booklet on the 2014 Gaza operation, "This is How We Fought in Gaza," is the best-documented example of the third form, and its own introduction describes it as "a collection of testimonies from over 60 soldiers in mandatory and reserve service."

NGO Monitor, a monitoring organization with an explicit critical mission toward Israeli human-rights groups, maintains a standing organizational profile of Breaking the Silence and, in its Annual Report 2024, describes its own work mapping the funding and activity of such organizations. Its profile is the fullest critical account of the group's legal form and funding sources available from a named body; its objections are set out in a later section, and it is labelled here by type rather than treated as a neutral register.

Two things follow from the publication format and matter for every figure below. The testimonies are anonymous by design, with the organization stating that identifying details are withheld to protect people who served from professional and legal consequence. And the archive is cumulative rather than periodic: it grows as people come forward, which means its size at any date is a function of who volunteered, not of what occurred.

That is the distinction the rest of this report turns on. A register that records what a body did with an allegation, the Military Advocate General's investigation counts, the State

Comptroller's case-opening figures, publishes a denominator. A testimony archive does not, and was not built to.

Is it often said the testimonies expose the occupation's reality?

It is often said that the archive exposes the reality of military rule, and the checkable part of that claim holds: one of the organization's founders wrote on the Open Society Foundations site in November 2014 that "to this day we have interviewed **nearly a thousand former soldiers**," an archive sustained across a decade at that date and now more than two.

The premise has named holders and dates. The Christian Science Monitor reported in June 2014 that the group had 900 published testimonies. The founder's piece of the same year put the interviews at nearly a thousand former soldiers. The New York Times reported in December 2015 on the furor over the group's West Bank criticism. Only the Monitor's figure comes from outside the organization; the others are its own counts of its own archive, published under its own name or a founder's.

What the archive is, and what it is not, follows from its construction. A testimony is a documentary artifact: it records what one person states about what they saw or did, at a date, in a place. An archive of such artifacts has no sampling frame. Nobody drew the participants from a list of everyone who served, nobody recorded who declined, and nobody published a refusal rate. So the count measures **how many people came forward**, which is a fact about the organization's reach and about soldiers' willingness to speak, and not a fact about how often any described practice occurred.

That is not a defect in the archive; it is the genre. Court testimony, oral history and clinical case series all work the same way, and each is useful for the thing it does. What it cannot do is supply a rate. A rate requires a denominator, and the denominator here would be the number of people who served in the relevant units over the relevant years, a figure no published count of the testimonies carries.

The permit instrument and the investigation registers below do carry denominators, which is why they enter the report alongside the archive rather than behind it.

Why do published counts of the testimonies differ?

Four counts of the same archive circulate, and the largest and smallest differ by a factor of roughly seventeen: **over 1,000 soldiers** in the organization's own FAQ against over 60 soldiers in the 2014 Gaza report, as the organization's own 2015 booklet describes it. The gap is a unit gap, not a discrepancy.

The four figures measure three different objects. Soldiers interviewed is one unit: a founder of the organization put it at nearly a thousand former soldiers in 2014, and Breaking the Silence's own FAQ reports over 1,000 soldiers. Testimonies published is a second: the Christian Science Monitor reported 900 published testimonies in June 2014. Testimonies in a single publication is a third: over 60 soldiers in the 2014 Gaza booklet, per its own introduction.

Soldiers and testimonies are not interchangeable in either direction. One soldier may give several testimonies about different postings; an interview may yield no publishable testimony at all, if the organization cannot corroborate it or the account carries identifying detail it declines to publish. So 900 published testimonies and nearly a thousand soldiers interviewed, both reported in 2014, are consistent with each other and with each other's publisher, and neither is evidence that the other is wrong.

Figure	What it counts	Source and year
Over 1,000	Soldiers who have testified since 2004	Breaking the Silence FAQ, the organization's own count, 2026
Nearly a thousand	Former soldiers interviewed as at 2014	A founder, writing on the Open Society Foundations site, 2014
900	Testimonies published as at June 2014	Christian Science Monitor, 2014
Over 60	Soldiers in one 2014 Gaza publication	Breaking the Silence, 2015, its own booklet

Two of the four are floors rather than totals, written by their publishers as “over” and “nearly,” and the organization's own is current to its FAQ rather than to any stated cut-off

date. A sentence setting a 2014 figure against a 2026 figure is measuring twelve years of accumulation as well as a change of unit.

What does the daily control the testimonies describe consist of?

The permit regime the testimonies describe is a written instrument with published quotas. According to the Coordination of Government Activities in the Territories, updated to 8 February 2022, it authorized itself to administer 74,300 permits for home construction employment in Israel.

The same update also set quotas of 8,550 permits for industry and services, 6,650 for agriculture and 12,500 for seasonal agriculture.

That document opens on the legal frame, in its own words: “Under the Order Concerning Closed Areas (West Bank Area) (Amendment) (No. 34), 1967, the area of Judea and Samaria is a closed military area and not to be entered or exited without a permit issued on behalf of the military commander.” Every quota below it is a ceiling the military commander’s coordination body set for itself, not a count of permits issued and not a count of people who crossed. The Civil Administration’s Employment Unit reports the issued quantity separately, stating that as of 1 March 2020 the number of valid work permits for Palestinian employees working in Israel stood at 87,000.

The jurisdictional split that puts civil administration in the military’s hands is in the signed Interim Agreement of 28 September 1995. Article XVII(2) gives the Palestinian Council territorial jurisdiction over West Bank territory “except for Area C,” and Article XI(2) provides that in Area C, “Israel will transfer to the Council civil powers and responsibilities not relating to territory.” Article XVII(4)(a) states that “Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council, powers and responsibilities not transferred to the Council and Israelis.”

The permit document’s own detail is where the daily texture sits. Employment quotas in the standing categories carry the criterion “Age 22, married.” Senior Palestinian businesspeople fall under a BMC permit with an overall quota of 4,600 and 1,267 vehicular permits inside it.

Employment in industrial zones and in Israeli communities outside the Seam Zone is approved “from age 18 and up, with no quota and with no restriction regarding personal status.” The instrument is dated 8 February 2022 and predates the suspension of Palestinian work permits after 7 October 2023; no later edition is on the record.

What happens to a misconduct allegation inside Israel’s own system?

Israel’s Military Advocate General’s Corps reported that, as of 3 August 2024, it had opened 74 criminal investigations arising from the Gaza war.

Of these, 44 concerned the death of detainees held by the IDF, 8 concerned alleged detainee mistreatment, 13 concerned alleged pillaging or stealing, 6 concerned alleged illegal use of force and 3 concerned alleged destruction of civilian property without military necessity.

The same publication reports that over 1,000 incidents were identified as requiring factual assessment and referred to the General Staff’s Fact-Finding and Assessment Mechanism, with hundreds still undergoing material collection at the time of writing. The Mechanism was created during the 2014 Gaza conflict on a recommendation of the Turkel Commission and now operates, in the Corps’ words, as “a permanent body which conducts factual assessments.” Every one of these figures is the IDF’s own count of its own processes, and they are counts of investigations opened rather than findings, indictments or convictions.

The Corps publishes the threshold that produces the numbers, and it must travel with them. In its own words: in armed conflict, “death or injury to a civilian or harm to civilian objects, while tragic and regrettable, in most cases do not by themselves indicate a reasonable suspicion of criminal conduct, as they can be explained as reasonable aftermath of lawful operational activity.” The investigation count is a function of that standard, so 74 against over 1,000 referrals is a ratio a reader can only interpret with the threshold stated.

For the West Bank the comparable register is the State Comptroller of Israel’s May 2022 follow-up audit of the Samaria and Judea District of the Israel Police. It reports that in 2020 the district opened 12,865 cases for offenses of disturbing public order, security violations and damage to property, and issued 48,371 traffic tickets, of which 36,074 went to

Palestinians, which the Comptroller writes as about 75%. That audit measures policing capability rather than settler violence: it publishes no complaint, investigation or conviction count for offenses by Israeli civilians against Palestinians, and sections of it were published under confidentiality.

The Comptroller's companion audit of file closures, in the same May 2022 volume, found that the ground on which a file is closed varies by about 20% between prosecution districts, and that the Police keep no data at all on closures for "lack of guilt."

Which described practices rest on a written order rather than an aberration?

Some conduct the testimonies describe is aberration and some is standing authority, and the second category is documented in enacted text: Regulation 119 of the Defence (Emergency) Regulations, 1945, as Israel's High Court reproduced it in December 2014, empowers a military commander to direct the forfeiture and destruction of a house from which he has reason to suspect a weapon was illegally discharged.

The Court quoted the regulation in its current Israeli wording and dismissed the petition against its use, holding at paragraph 23 that "the disproportionate use of said authority by the military commander, which amounts to collective punishment that is prohibited under international law, is precluded," while stating at paragraph 27 that "the principle of proportionality does not allow us to continue to assume forever that choosing the drastic option of house demolition, or even of house sealing, achieves the desired purpose of deterrence, unless all of the data that properly confirms that hypothesis is presented to us for our review." One justice described the authority as "draconian" while observing that "The Regulation, as written, does not reflect the actual situation on the ground." On the State's own account in that case, the commander had exercised the authority "only several times" in the decade since 2005.

The property regime rests on a military order of the first weeks of the occupation. Order 59 of 31 July 1967, on Government Property, defines Government Property by who owned it on 7 June 1967, creates a Custodian, and provides in one sentence that the Custodian may take

possession of government property and take any step he considers necessary to do so. It has been amended nine times.

The limit on that authority is judicial and is dated. In October 1979, in the Elon Moreh case, the Supreme Court declared invalid an order of possession over private Palestinian land at Rujeib, holding that while requisition for a civilian settlement is “potentially justified under Article 52 of the Hague Regulations,” the record showed “the process was inverted: the initiative came from the political echelons, which then reached out to the Chief of the General Staff for his professional opinion.” The Chief of the General Staff answered the Court’s questionnaire: “There was no preexisting plan to build a civilian settlement on the relevant site approved by a competent military authority.”

That ruling annulled one order over the petitioners’ plots. It did not hold settlement unlawful, and the Court expressly declined to decide the question under Article 49(6) of the Fourth Geneva Convention.

What does peer-reviewed research measure about detention practices?

Peer-reviewed work on detention practices in this context argues structure rather than counting incidence: Jabr and Helbich, writing in the Torture Journal in October 2025, read recurring patterns in testimonies of Palestinian detainees and argue that torture functions as a strategic mechanism of domination rather than as aggregated individual misconduct.

Their paper is peer-reviewed, on the journal’s stated double-blind process with two reviewers, and it measures nothing. There is no sample, no rate, no victim total and no incidence estimate in it; it reads testimonies for patterns and neither samples nor enumerates them. It is also openly normative, its own abstract advocating a critical human-rights-based approach, and it is published by the International Rehabilitation Council for Torture Victims, a rehabilitation body. It is cited here as one named pole in a live methodological dispute.

The opposite pole is Israel’s own accountability machinery, and the disagreement between them is precisely about the inference from pattern to policy. The Military Advocate General’s published threshold, quoted above, declines exactly that inference: it treats civilian harm as

in most cases explicable as the aftermath of lawful operational activity absent something further, which means a pattern across accounts does not, on that standard, establish a criminal suspicion in any particular case. Jabr and Helbich read the pattern as the finding. The Corps reads the individual case as the unit. Neither position is settled by the other's evidence.

The gap this leaves is the one that matters for the question. A structural argument built on testimonies and an incident-by-incident investigation standard are two ways of handling the same accounts, and neither produces a prevalence figure. The peer-reviewed layer that would produce one, a study sampling detainees or soldiers against a defined population and reporting a rate with a confidence interval, does not appear in this record for either side of the dispute.

The Israeli military's own published ethical code sits at the doctrinal end of the same question. Its Purity of Arms value states that a soldier "will not use their weapon or power to harm uninvolved civilians and prisoners and will do everything in their power to prevent harm to their lives, bodies, dignity and property." That records the stated standard, and is evidence of the standard rather than of conduct against it.

Who disputes the organization's methods, and on what grounds?

NGO Monitor, a monitoring organization with a stated advocacy mission toward the groups it maps, maintains a standing critical profile of Breaking the Silence and objects to its methods on **three grounds**: the anonymity of the testimonies, the absence of verifiable identifying detail, and foreign government funding.

Those objections are that organization's own, and it states its critical mission openly; it is labelled as such here rather than treated as a neutral register. Its Annual Report 2024 describes its wider work mapping the funding and activity of human-rights groups, but it does not set out the inclusion criteria or the method behind that mapping, so its network figures are not carried into this report.

The organization's own answer to the anonymity objection is published on its site: it states that testimonies are collected on condition of anonymity, that identifying details are withheld to protect people who served from professional and legal consequence, and that accounts are checked before publication. That is the party's own account of its own procedure, and the reader has, on this record, no third-party audit of either the procedure or the objection to it.

The two positions are not symmetrical in what they would require to resolve. The anonymity objection is a claim about verifiability: a reader cannot follow a testimony to a named person, a unit, a date and a place, and so cannot check it the way a court record or a permit quota can be checked. The organization's answer is that the alternative is no archive, because named testimony from serving and former soldiers carries consequences the organization states it will not expose contributors to. Both propositions can hold at once, and the disagreement is about which cost to bear.

The funding objection is a question about provenance rather than content, and it is answerable from disclosure records rather than from testimony. Which governments fund a publisher bears on how a reader weighs its selection of material; it does not by itself establish whether any single account is accurate, which is the question the anonymity objection raises.

What can a testimony archive not measure?

No prevalence rate for any practice described in the testimonies can be derived from the archive, because none of the published counts carries a denominator: **over 1,000 soldiers** is a numerator with no stated number of soldiers who served over the same period, and the same holds for 900, for nearly a thousand and for over 60.

That absence is a property of the genre and not a gap in the search. A rate requires a defined population, a sample drawn from it and a recorded non-response, and no study in this record samples Israeli soldier testimony against a defined service population. The organization does not claim otherwise; its FAQ describes collection from people who approach it or whom it approaches, which is a recruitment process rather than a sampling frame.

Set that against the registers that do publish denominators, and the contrast is the finding. The State Comptroller reported 36,074 of 48,371 traffic tickets issued to Palestinians in the Samaria and Judea District in 2020, which is a numerator over a stated total. The Military Advocate General reported 74 criminal investigations against over 1,000 incidents referred for factual assessment, and published the threshold that produces the ratio. The permit instrument of 8 February 2022 publishes a quota of 74,300 for home construction employment, and the Civil Administration's Employment Unit separately reported 87,000 valid permits as of 1 March 2020, one a ceiling and one a count.

Those registers answer narrower questions than the testimonies pose. A ticket count measures enforcement activity, not what an encounter at a checkpoint was like. An investigation count measures what a legal system did with an allegation under a stated standard, not what happened. A permit quota measures what a coordination body authorized itself to issue, not who crossed or who was refused.

So the two bodies of evidence do not compete and cannot substitute. The archive records what people who served state about what they saw, in detail no register carries. The registers record quantities with bases, in a form the archive cannot produce. A reader who wants a rate has the registers; a reader who wants the described conduct has the testimonies; and no document in this record supplies both.

Methodology

This report draws on four source types, each labelled where it appears.

Israeli official and primary records. The Coordination of Government Activities in the Territories, "Status of Authorizations for entry of Palestinians into Israel; for their passage from Judea and Samaria into the Gaza Strip; and for their departure abroad," updated to 8 February 2022, is the restricting authority's own published instrument; its quotas are ceilings the body set for itself, never counts of permits issued or people who crossed, and the edition predates 7 October 2023 with no later edition located. The Military Advocate General's Corps publication of 24 February 2024, updated 3 August 2024, and the two State Comptroller audits of May 2022 are Israeli bodies counting their own processes, not audited or independently verified tallies; sections of the Samaria and Judea District audit were

published under confidentiality, so its counts are floors. The Israeli Supreme Court judgments in HCJ 8091/14 (31 December 2014) and HCJ 390/79 (22 October 1979) are court records; the English texts used are the Cardozo Israeli Supreme Court Project's translations, not the Judicial Authority's, and the Hebrew governs. Military Order 59 of 31 July 1967 has no official English text and has been amended nine times, so the 1967 wording is not the text in force.

The signed Interim Agreement of 28 September 1995 is quoted from the English text published by the Israeli Ministry of Foreign Affairs, a party to it. It contains no percentage for the area of any zone: Areas A and B are defined by shading on an attached map and Area C residually, so any share of the West Bank attributed to Area C was measured by some other body.

The organization's own account. Breaking the Silence's published FAQ supplies the over-1,000 figure and the description of its collection and anonymity procedure. Both are the party's own statements about itself.

Outside reporting and monitoring. The Christian Science Monitor (June 2014) supplies the one outside count; a founder's 2014 piece on the Open Society Foundations site and the organization's 2015 Gaza booklet supply two more of its own; The New York Times (December 2015) reports the public controversy. NGO Monitor's Annual Report 2024 supplies the critical profile and the network-mapping figures, which are that organization's own counts on unstated inclusion criteria; it states an advocacy mission toward the groups it maps.

Peer-reviewed research. Jabr and Helbich (2025) is peer-reviewed and interpretive: it samples nothing, enumerates nothing, and reports no rate.

Two limits bear on every figure. The four counts of the archive measure three different units across twelve years, so no two of them are a like-for-like comparison. And no study in this record samples soldier testimony against a defined service population, so no prevalence rate for any described practice appears here.

Frequently Asked Questions

How does an anonymous testimony get checked before publication?

Breaking the Silence states in its own published FAQ that testimonies are collected on condition of anonymity and are checked before publication, with identifying details withheld to protect contributors from professional and legal consequence. That is the organization's own account of its own procedure, and no third-party audit of it appears in this record.

Which Israeli body records what happens to a misconduct allegation?

The Military Advocate General's Corps for the military system, and the Israel Police and State Attorney's Office for criminal files, audited by the State Comptroller. The Corps reported 74 criminal investigations opened as of 3 August 2024 against over 1,000 incidents referred for factual assessment; the Comptroller's May 2022 audit found the Police keep no data on files closed for "lack of guilt."

Why do the permit quotas not add up to a published total?

Because the Coordination of Government Activities in the Territories publishes none. Its 8 February 2022 document lists category quotas without a total anywhere in its 68 pages, and two rows defeat addition: the 9,500 and 3,000 seasonal sub-quotas sit inside the 12,500 seasonal figure, and a 200 hi-tech figure sits inside an allotment of 500.

Which practices in the West Bank rest on standing legal authority?

Punitive demolition under Regulation 119 of the Defence (Emergency) Regulations, 1945, which Israel's High Court upheld in December 2014 while making continued deference conditional on effectiveness data the State had not produced; and the property regime under Military Order 59 of 31 July 1967, which created a Custodian of Government Property and has since been amended nine times.

How many work permits were actually valid, as opposed to authorized?

The Civil Administration's Employment Unit reported that as of 1 March 2020, valid work permits for Palestinian employees working in Israel stood at 87,000, and for those working in Judea and Samaria at 35,000. Those are permits held; the quotas in the 2022 authorizations document are ceilings and a different quantity.

What would a study need in order to report how often a described practice occurred?

A defined service population, a sample drawn from it, a recorded non-response rate and a reported confidence interval. No study in this record does that for Israeli soldier testimony, which is why the archive's counts are numerators without denominators.

Conclusion

So what does the archive record about the occupation? It records what over a thousand people who served state they saw and did, in a form no register reproduces, and it records nothing about how often any of it happened.

The two bodies of evidence in this report were built to answer different questions and they answer them cleanly. The registers publish bases: 36,074 of 48,371 traffic tickets in one police district in one year, 74 criminal investigations against over 1,000 incidents referred, a quota of 74,300 against 87,000 permits actually valid, one order of possession annulled over one set of plots in 1979. The archive publishes accounts: over 1,000 soldiers since 2004, 900 testimonies published by mid-2014, over 60 soldiers in one report on one operation. The four counts of the archive differ because they count soldiers, testimonies and testimonies-in-one-publication, and because twelve years separate the earliest from the latest. The Military Advocate General's threshold, that civilian harm in armed conflict in most cases does not by itself indicate a reasonable suspicion of criminal conduct, and the structural reading in Jabr and Helbich, that a pattern across accounts is itself the finding, are the two poles of one methodological disagreement about what accounts can establish. Neither pole produces a rate.

What the record does hold, in enacted text rather than in testimony, is that the West Bank is a closed military area under a 1967 order, that entry and exit run on permits issued on behalf of the military commander with published quotas by occupation and marital status, that a 1945 regulation empowering a commander to destroy a house on suspicion was upheld by Israel's own High Court in 2014 and described from the bench as draconian, and that a 1967 order lets a Custodian take possession of property by defining it as governmental.

Those instruments were written to administer a population, and each of them is checkable. The archive adds what they cannot: the view from behind the counter, given by people who stood there and unwilling to give their names. When the only people able to describe a system from the inside will do so only anonymously, is their account evidence a society can act on, or evidence it can set aside?

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DATA REPORT BY THE HANOVER INSTITUTE SEPTEMBER 29, 2026

Have Former Israeli Officials or UN Leaders Called It Apartheid? Reading the 14 Named Statements, Their Dates and Their Tense

The list of 15 former Israeli leaders names 14. Six apply the word to the present; the rest warn, use other words, or trace to someone else.

Apartheid

Israel

United Nations

Official Statements

Attribution



Yes, but fewer than the circulating count suggests, and in more than one sense of the word. The best-known list, a compilation titled “15 Former Israeli Leaders Call it Apartheid,” names **14** people, and only 6 of them apply the word to conditions at the time they spoke; the others warn of a future, use a different word, come from a journalist, or rest on a source that cannot be traced. On the UN side, the word reached the public through a former secretary-general’s interview, a private group of retired officials, an appointed rapporteur and a regional commission whose report was withdrawn within days.

Key Findings

- The compilation “15 Former Israeli Leaders Call it Apartheid,” published by Zachary Foster on Palestine Nexus on 18 August 2024, names **14** people under a title of fifteen.
- Of those 14 entries, 6 apply the word to the present, 2 warn that Israel would become an apartheid state under stated conditions, 3 quote words that do not include “apartheid,” 1 is by a journalist who held no office, and 2 rest on a provenance that could not be confirmed (Foster, 2024; each entry checked against its reporting).
- Tamir Pardo, director of Mossad from 2011 to 2016, told the Associated Press, in reporting carried by Haaretz on 6 September 2023, that “there is an apartheid state here,” **seven years** after his term ended.
- Ban Ki-moon, UN secretary-general from 2007 to 2016, told the Associated Press in June 2023 that the situation “may constitute apartheid,” while visiting for The Elders, whose 22 June 2023 statement reported hearing evidence that the situation meets the legal definition.

Where does the figure of 15 former Israeli leaders come from?

The figure traces to a compilation by the historian Zachary Foster, published on Palestine Nexus on 18 August 2024 under the title “15 Former Israeli Leaders Call it Apartheid.” Read entry by entry, it names **14** people, not fifteen, each with an office, a year and a quoted phrase linked to press reporting.

The 14, in the order the compilation gives them, are David Ben-Gurion (1967), Yitzhak Rabin (1976), Ariel Sharon (2000), Shulamit Aloni (2006), Ehud Olmert (2007), Yossi Sarid (2008), Ehud Barak (2010), Alon Liel (2013), Ami Ayalon (2020), Michael Ben-Yair (2022), Ron Ben-Yishai (February 2023), Amiram Levin (August 2023), Tamir Pardo (September 2023) and a former director general of Ehud Barak's prime ministerial office, who is not named (June 2024).

The list is the most complete public attempt at the roster, and it does something the bare number does not: it gives a year and a source for nearly every name, so each entry can be checked. That is what the sections below do. The method is simple. For each entry, the quoted words are read against the reporting the compilation links, and each is sorted by one question: does the speaker apply the word "apartheid" to conditions at the time of speaking?

Two features of the list matter before any sorting. First, it spans 57 years, from 1967 to 2024, so it mixes statements made before and after major changes in the facts they describe. Second, it mixes offices. Seven of the named held cabinet rank at some point, several held senior appointed posts, one is described by the compilation itself as a "mainstream journalist," and one is identified only by a former office. A count that treats all of these as the same kind of statement is counting the headline, not the record.

How many applied the word to conditions at the time?

Six of the 14 did, each after leaving the office named. Shulamit Aloni, a former education minister, published an article in Yediot Ahronot that the compilation dates to 2006 and titles "Indeed, Apartheid in Israel."

The other five, in order:

Speaker and former office	Date	Words
Yossi Sarid, former education and environment minister	25 April 2008	"Yes, It Is Apartheid" (Haaretz column title)
Alon Liel, director general of the Foreign Ministry, 2000 to 2001	21 February 2013	"a sort of Israeli apartheid"

Speaker and former office	Date	Words
Michael Ben-Yair, attorney general, 1993 to 1996	10 February 2022	"it is now an apartheid regime"
Amiram Levin, former head of Northern Command	13 August 2023	"There is absolute apartheid"
Tamir Pardo, director of Mossad, 2011 to 2016	6 September 2023	"there is an apartheid state here"

Source: Haaretz, 2008 and 2023; the Times of Israel, 2013 and 2023; TheJournal.ie, 2022.

Liel told the Times of Israel that "the occupation of the West Bank as it exists today is a sort of Israeli apartheid." Ben-Yair wrote in a signed op-ed in the Irish outlet TheJournal.ie that his country "has sunk to such political and moral depths that it is now an apartheid regime." Levin spoke on the public broadcaster Kan's radio, and Pardo in an interview with the Associated Press.

Three things hold across all six. Every statement came after the speaker had left the office the compilation names, so none was issued by a ministry, an agency or the Attorney General's office. Three of the six fall in 2022 and 2023, with Levin and Pardo less than a month apart. And every statement reached the public through the press, as an article, a column title or a quotation in a news report, rather than as a document issued by a state body.

Which of them warned of a future rather than described a present?

Two entries use the word as a conditional warning. Yitzhak Rabin said in a 1976 interview, recorded by his press secretary and first published in 2015, that Israel could not absorb "a million and a half [more] Arabs inside a Jewish state" over the long term "if we don't want to get to apartheid."

The Times of Israel, reporting the recording on 25 September 2015, notes that Rabin prefaced the remark: "I have said, and this I ask really not be used, I'm not going to [say it publicly]." So the one prime minister on the list who used the word while in office did so in a remark he asked to be kept off the record, about a future he was describing as avoidable.

Ehud Barak, then defence minister, spoke at the Herzliya Conference in February 2010: “If this bloc of millions of Palestinians cannot vote, that will be an apartheid state.” The sentence is conditional on its face, and it was spoken at a session on the peace process that the Palestinian Authority prime minister also attended.

Ami Ayalon, director of the Shin Bet from 1996 to 2000, belongs with these two on his own dated words, though not on the words the compilation gives him (see below). In a France 24 interview broadcast on 15 April 2026 he said: “If we shall not divide this piece of land (between Israelis and Palestinians), we are heading to apartheid.”

A warning and a description are different claims, and they point in opposite directions on the question a reader brings. A description says the threshold has been crossed. A warning says it has not been, and names what would cross it. Rabin in 1976, Barak in 2010 and Ayalon in 2026 all spoke in the second form, and each tied the outcome he named to Israel keeping the West Bank without granting its Palestinian population the vote or a state of its own.

Which entries do not contain the word apartheid?

Three of the 14 quote words that do not include it. The clearest is Ehud Olmert, who told Haaretz on 29 November 2007, as prime minister, that if the two-state solution collapsed and Israel faced “a South African-style struggle for equal voting rights,” then “the State of Israel is finished.”

Olmert’s sentence is conditional and it draws the comparison to South Africa, but the word itself is not in it. Headlines at the time supplied it: the Boston Globe’s report of 30 November 2007 ran under “Israeli leader refers to peril of South African-style apartheid.” The word in that headline belongs to the newspaper.

The other two, as the compilation itself presents them:

- Ariel Sharon, 2000: “the Bantustan model was the most appropriate solution to the conflict,” which the compilation says he “admitted in private.” The quoted words name a South African policy instrument; they do not use the word apartheid.

- A former director general of Ehud Barak's office, June 2024: "Israel is turning into South Africa." The speaker is not named, so the statement cannot be checked against the person.

A fourth entry uses the word but not from office. Ron Ben-Yishai, whom the compilation itself describes as an "elite mainstream journalist," published an op-ed in Hebrew in February 2023 titled "The judicial revolution has another goal – the Apartheid," as the compilation renders it. He held no office, so on the list's own terms he is not a former leader.

None of this makes the comparisons empty. A reader may reasonably hear "Bantustan" or "turning into South Africa" as the same idea. But the circulating claim is that these leaders "call it apartheid," and for three of them the word is supplied by the list, not by the speaker. That is a difference a reader can check in a few minutes, and the list itself provides the links to do it.

Does the Ayalon quote come from Ayalon?

It could not be confirmed. The list quotes Ami Ayalon's 2020 memoir, *Friendly Fire*, as saying Israel "can only be described as an apartheid state." That phrase matches a sentence in a review of the book by Raja Shehadeh in *The Nation* on 23 March 2021, where it sits in the reviewer's own clause rather than in a sentence the review attributes to Ayalon.

Shehadeh's sentence, describing Ayalon's meetings with settler leaders, reads: "It was the first time, Ayalon writes, that he had ever heard anyone defend what can only be described as apartheid: two sets of laws, rules, and standards and two separate infrastructures." The review attributes to Ayalon the account of the meeting. The characterisation, "what can only be described as apartheid," describes what a settler leader was defending, not the state of Israel.

The compilation adds a second passage it attributes to the memoir: "we've already created an apartheid situation in Judea and Samaria where we control Palestinians by force, denying them self-determination." That passage could not be traced to any source other than the compilation itself, and the memoir was not available to be read for this report. So the finding is narrow in both directions: the most-quoted phrase matches a reviewer's sentence, and the stronger passage is neither confirmed nor ruled out.

Ayalon's own dated statement on the record is quoted above. In a France 24 interview broadcast on 15 April 2026 he said that without partition Israel is "heading to apartheid," which is a warning in the future tense rather than a description of the present.

What rests on the Ben-Gurion entry?

A single recollection published 38 years after the event. The compilation's earliest entry quotes David Ben-Gurion in 1967 as saying Israel should "better rid itself of the territories and their Arab population as soon as possible," and that if it did not, "Israel would soon become an apartheid state." CAMERA UK, a media-monitoring group with an advocacy mission, traced the widely quoted version in 2017 to one source.

That source is a 2005 book by the journalist Hirsh Goodman, "Let Me Create a Paradise, God Said to Himself," in which Goodman recalls hearing Ben-Gurion on the radio at the end of the Six-Day War. Writing for CAMERA UK on 29 March 2017, Adam Levick reported that Goodman, when asked, declined to name the station or the interviewer; that the remark does not appear in Ben-Gurion's Six-Day War diary as published by Brandeis University; and that the Ben-Gurion Archives' archivist had never heard of it. He also reported that the historian Martin Kramer called the quote "dubious" and Ben-Gurion's biographer Anita Shapira found it "implausible."

Those findings come from a monitoring organisation with a stated mission, and they are carried here as its reporting rather than as a settled verdict. What they establish is limited and checkable: the Ben-Gurion entry does not rest on a document from 1967. It rests on a memory recorded in 2005, which may be accurate and cannot currently be tested against anything else.

The Ben-Gurion entry is also the one that gives the list its reach back in time. Without it, the earliest verified use by a named Israeli leader is Rabin's 1976 remark, itself a warning, recorded privately and published only in 2015. Like Rabin's, the Ben-Gurion wording is conditional, a warning about a future rather than a description of the present. The oldest present-tense use by a former officeholder on the list then becomes Aloni's, some four decades later.

Which former UN leaders used the term, and through what forum?

Ban Ki-moon, secretary-general from 2007 to 2016, told the Associated Press on 22 June 2023 that “this may constitute apartheid.” He spoke while visiting the region for The Elders, a private group of retired leaders, alongside its chair, Mary Robinson, UN High Commissioner for Human Rights from 1997 to 2002.

The two spoke through different channels, and the wording differs between them. The Elders’ own statement of 22 June 2023 says the pair “heard from Israeli, Palestinian and international human rights organisations about the ever-growing evidence that the situation meets the international legal definition of apartheid.” That sentence reports what they were told. Robinson’s own quoted words to the Associated Press were: “It’s clear that now we have a one-state rule and in fact, it’s worse than that under the current government.” The word apartheid is not in them.

The Elders is a self-constituted association, founded in 2007, whose statements are issued in its own name. A statement made through it is not a UN document, carries no UN symbol, and was voted on by no UN body. Ban’s wording, “may constitute,” is also conditional in its own way, and it is quoted here in that form rather than as a finding that it does.

A third case is different in kind. In March 2017 the UN Economic and Social Commission for Western Asia published a report by Richard Falk and Virginia Tilley concluding that Israel had established “an apartheid regime.” Secretary-General António Guterres asked that it be withdrawn from the commission’s website, and on 17 March 2017 its executive secretary, Rima Khalaf, resigned, as the Times of Israel reported that day. The one time a serving UN official stood behind the word, the Secretariat removed the document.

Does a Special Rapporteur’s finding speak for the United Nations?

No. The Special Rapporteur who concluded in March 2022 that the situation met the prevailing standard for apartheid, Michael Lynk, reported to the Human Rights Council as an independent expert serving in a personal capacity, unpaid and outside the UN staff.

A Special Rapporteur's report is submitted to the Council, presented and discussed. It is not put to a vote the way a resolution is, and presenting it does not make it the Council's own conclusion. Lynk held a mandate that John Dugard had held from 2001 to 2008, and Dugard's own case for the characterisation appeared as peer-reviewed argument in the European Journal of International Law in 2013, with a rebuttal by Yaffa Zilbershats at pages 915 to 928 of the same issue.

The practical consequence is that the UN-side speakers in this report hold four different positions. A former secretary-general speaking in an interview, a private group's statement about what it was told, a regional commission's withdrawn report and an appointed independent expert's submission are not four instances of one thing. Only two of them are UN documents at all, and one of those was taken down by the Secretariat within days.

The same holds on the Israeli side in reverse. Every present-tense statement in this report was made by a person after leaving office. The institutions those people once led issued none of them, and no Israeli ministry, court or state-commissioned review located for this report applies the term to Israeli policy. A reader who hears "Israel's own intelligence chief says" is hearing a former official's view, not the agency's.

Has a UN court or Israel's own courts used the word?

Neither in an operative finding. The International Court of Justice's advisory opinion of 19 July 2024 has nine operative subparagraphs, each separately voted on majorities from unanimous to eleven votes to four, and the word apartheid appears in none of them.

The central finding, that Israel's continued presence in the occupied territory is unlawful, carried eleven votes to four, the narrowest margin in the opinion. The opinion is advisory: it arose on a General Assembly request and binds no party. Its reasoning discussed Article 3 of the 1965 Convention on the Elimination of All Forms of Racial Discrimination, which names racial segregation and apartheid together, but the operative subparagraphs name neither.

Israel's own record points the other way on the premise the characterisation of the territories runs through. The Levy Report, signed on 21 June 2012 by a three-member commission appointed by the Prime Minister, concluded that "the classical laws of 'occupation' as set out

in the relevant international conventions cannot be considered applicable” to Israel’s presence in the West Bank. It is a legal opinion by a commission of a party to the dispute, and it was never adopted as government policy.

In HCJ 5555/18 Hasson v. Knesset, an eleven-justice panel of Israel’s Supreme Court dismissed the petitions against Basic Law: Israel as the Nation-State of the Jewish People on 8 July 2021, while holding that the Knesset has no authority to deny the state’s core character as Jewish and democratic. Both halves are the record, and neither uses the word.

Methodology and limitations

The unit of analysis is the statement: who said it, which office the person held and when, the date and forum of the statement, and the exact words. The 14 entries in the Foster compilation were each read against the press reporting it links or, where the link could not be followed, against contemporaneous reporting of the same statement.

Each entry was sorted by one question: whether the quoted words apply “apartheid” to conditions at the time of speaking. The five categories used (present-tense, conditional warning, word absent from the quoted words, not an officeholder, provenance not confirmed) partition the 14 entries, so each entry falls in exactly one. Olmert’s 2007 statement is both conditional and without the word; it is counted once, under the word’s absence. The Ben-Gurion and Ayalon entries are counted under provenance, because their quoted words could not be confirmed against a source independent of the compilation.

The sources are of three types. Primary and official records supply the advisory opinion’s recorded votes, the Levy Report, the Hasson judgment and the Basic Law. Press reporting supplies the statements themselves, each attributed to the outlet that carried it; most exist only as reported speech, not as documents issued by the speaker. Two organisations with a stated mission supply findings carried as their own: the compilation itself, and CAMERA UK’s 2017 reporting on the Ben-Gurion entry.

Three limits apply. Ayalon’s memoir, Aloni’s Hebrew original and the Sharon and Ben-Yishai items were not read in the original; they are assessed on the words the compilation’s own text quotes, read directly from the page. Ben-Yair is also widely described as having used the

phrase in a 2002 Haaretz column; the text of that column read for this report does not contain the word, so only his 2022 op-ed is counted. And a list of named speakers can grow: nothing here bears on how many other former officials may have used the word, only on this roster.

Conclusion

So have former Israeli officials called it apartheid? Some have, plainly and on the record: two former ministers, a former Foreign Ministry director general, a former attorney general, a former general and a former head of Mossad, all after leaving office, three of them in 2022 and 2023. Two others, including the one prime minister to use the word while serving, used it to name a future they wanted to avoid. Three more are on the list for words that are not the word, and one entry is a journalist's. The most-quoted Ayalon phrase matches a book reviewer's sentence, and the earliest entry rests on a memory published 38 years after the broadcast.

The UN side sorts the same way. A former secretary-general said "may constitute" in an interview; a private group reported what it had been told; an appointed expert reported to a Council that did not adopt his conclusion; and the one document published under a UN commission's name was withdrawn within days.

Six present-tense statements are not nothing, and the roster does not need inflating to be a real finding. What changes is the unit a reader carries away: named people, dated sentences and their exact tense, rather than a round number of "leaders." When the evidence behind a claim is this specific and this checkable, why does the version that travels furthest so often turn out to be the one with the details removed?

Frequently Asked Questions

Did any serving Israeli prime minister call Israel an apartheid state?

No serving prime minister on the compilation applied the word to the present. Rabin used it in 1976, while in office, as a warning about a future he asked be kept off the record. Olmert, as prime minister in 2007, warned of "a South African-style struggle" without using the word.

How many former Israeli ministers are among the six present-tense statements?

Two. Shulamit Aloni and Yossi Sarid both held cabinet posts, Aloni as education minister and Sarid as education and later environment minister. The other four held appointed posts: attorney general, Foreign Ministry director general, a senior military command and the directorship of Mossad.

Why does the compilation say fifteen when it lists fourteen?

The page does not explain it. Read entry by entry, it names 13 people and identifies a fourteenth only by former office. No fifteenth entry appears on the page as published on 18 August 2024.

What did The Elders actually say in June 2023?

Their statement of 22 June 2023 said Ban Ki-moon and Mary Robinson had “heard from Israeli, Palestinian and international human rights organisations about the ever-growing evidence that the situation meets the international legal definition of apartheid.” It reports what the pair was told. Ban’s own words to the Associated Press were that it “may constitute apartheid.”

Why was the 2017 ESCWA report withdrawn?

Secretary-General António Guterres asked that it be removed from the commission’s website days after its March 2017 publication. Its executive secretary, Rima Khalaf, resigned on 17 March 2017 rather than withdraw it, as the Times of Israel reported the same day.

Is a UN Special Rapporteur’s report a UN finding?

No. Special Rapporteurs are independent experts serving in a personal capacity, outside the UN staff, who submit reports to the Human Rights Council for presentation and discussion. Michael Lynk’s March 2022 report was submitted in that way and was not adopted by a vote.

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