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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

Are Israeli settlements illegal? What Israel's own courts and reviews record

Israel's 2005 review counted 105 unauthorized outposts, and its top court left the Geneva question open in 1979. What each legal record holds.

Israeli Settlements | International Law | West Bank | Israeli Supreme Court | Oslo II



The answer depends on which body of law is applied, and each one has a dated record. A review commissioned by Israel's Prime Minister's Office counted at least 105 unauthorized outposts in March 2005 that no government decision had authorized. On 19 July 2024, the International Court of Justice found by 14 votes to 1, in an advisory opinion, that Israel is under an obligation "to cease immediately all new settlement activities, and to evacuate all settlers." Israel's own institutions reach differently on the international question. Its Supreme Court declined in 1979 to decide the case under the Fourth Geneva Convention, and a commission

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appointed by the Prime Minister concluded in 2012 that the law of occupation "cannot be considered applicable."

Key Findings

- The Prime Minister's Office of Israel (2005) published a government-commissioned review counting **105** unauthorized outposts in March 2005. Its author said the figure "probably does not reflect the true number," so it is a floor published by a party to the events.
- Of those 105 outposts, 15 stood on Palestinian private property and 39 on "mixed" lands, on the review's own land breakdown (Prime Minister's Office of Israel, 2005). The review measured them against a 1979 government resolution limiting settlements to State land.
- On 22 October 1979, Israel's Supreme Court ruled unanimously, 5 to 0, to void one requisition order as to the petitioners' land. It expressly left Article 49(6) of the Fourth Geneva Convention undecided (Israeli Supreme Court, 1979).
- On 2 August 2011, Israel's Supreme Court issued a final order to evacuate Migron. The State had not disputed that the outpost stood on registered private Palestinian land and "is illegal" (Israeli Supreme Court, 2011, 2014).
- Israel and the PLO signed the Interim Agreement on 28 September 1995. It lists "settlements" among the issues for permanent status negotiations and preserves each party's "existing rights, claims or positions" (Israel and the PLO, 1995).

Are Israeli settlements illegal, and under whose law?

Under Israel's own law, the Prime Minister's Office of Israel published in March 2005 a government-commissioned review counting **105** unauthorized outposts, each with "no government decision to establish it" (Prime Minister's Office of Israel, 2005). Its author, Talya Sason, wrote that the count "probably does not reflect the true number." Under international law, the answer rests on a different record.

The two legal orders ask different questions. Israeli administrative law, as the Sason review applies it, asks whether a given site had a government decision, a planning status and lawful land title. International law asks whether the rules of occupation permit the civilian presence at all. On that second question, the International Court of Justice voted on 19 July 2024. By 14 votes to 1, it found an obligation "to cease immediately all new settlement activities, and to evacuate all settlers." The opinion is advisory. The General Assembly requested it, and it was not given as a judgment between parties.

The Sason figures are the Israeli government's own count, drawn from a review it commissioned of its own ministries. The outpost data came from the Infrastructure Department of the Civil Administration, which the author states did not deliver all of it. The review dates the outposts in three groups: 71 established before March 2001, 24 afterwards,

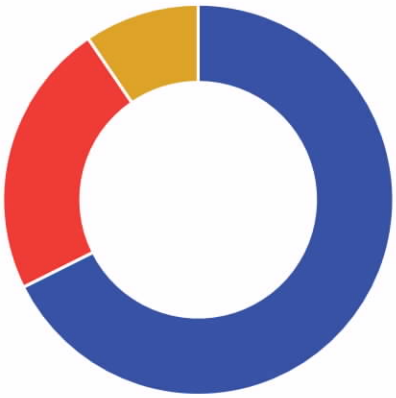
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and 10 whose date the author had "yet to find out." Because those 10 have no established date, 71 plus 24 is not the total.

When the 105 known outposts were established

UNAUTHORIZED OUTPOSTS KNOWN TO THE REVIEW, MARCH 2005; 105 IS A FLOOR, NOT A TOTAL



Before March 2001 After March 2001 Date not yet established

Source: Prime Minister's Office of Israel, 2005, summary of the Sason opinion; a government-commissioned review published by a party to the events.

The review published in English by Israel's own Ministry of Foreign Affairs is therefore the closest thing to an official count of one category of settlement activity that Israeli law itself treats as unauthorized. It counts outposts against a domestic standard. It does not count settlements against a treaty, and the international question needs separate sources.

Who holds settlements illegal under international law, and since when?

The International Court of Justice gave the clearest recorded position in its advisory opinion of 19 July 2024. By **14 votes to 1**, it found that Israel is obliged to "cease immediately all new settlement activities, and to evacuate all settlers." The question had been live 45 years earlier in Israel's own Supreme Court, where Justice Witkon wrote in 1979 that the Fourth Geneva Convention "does apply" to Judea and Samaria.

The opinion's nine operative subparagraphs, in paragraph 285, carry four different majorities. The settlement obligation in subparagraph (5) passed 14 to 1, with Vice-President Sebutinde the only judge against. The finding in subparagraph (3) that Israel's continued presence in the Occupied Palestinian Territory "is unlawful" is the narrowest in the opinion, at 11 votes to 4. Judges Tomka, Abraham and Aurescu joined Vice-President Sebutinde in dissent on that point. The duty of all States "not to recognize as legal the situation arising

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from the unlawful presence" passed 12 to 3. In paragraph 274, the Court named among the obligations it found Israel had violated "the obligation to respect the right of the Palestinian people to self-determination."

The proposition that the Geneva Convention governs the territory therefore has a dated Israeli source. In the Elon Moreh judgment of 22 October 1979, Witkon wrote: "It is a mistake to think (as I have recently read in one of the newspapers) that the Geneva Convention does not apply to Judea and Samaria. It does apply, though, as noted above, it is not 'justiciable' in this Court" (Israeli Supreme Court, 1979). The quotation is from the Cardozo Israeli Supreme Court Project's unofficial English translation.

The narrower question, whether Israeli civilians settling voluntarily amount to a "transfer" of population under Article 49(6), is where Witkon stopped. He called it a question that "is not easy, and as far as we know, it has yet to be resolved in international case law." The concession and the dispute sit in the same Israeli judgment. The judge accepted that the Convention applies, and he recorded the transfer question as open in 1979.

The 2024 margins show where agreement was broad and where it narrowed. The obligation concerning settlement activity drew 14 judges. The broader finding on unlawful presence drew 11 of 15.

What legal argument did Israel's own appointed commission make?

The Levy Commission was appointed by Israel's Prime Minister and Minister of Justice. In a report signed on **21 June 2012**, it concluded that "the establishment of settlements cannot in and of itself be considered to be illegal" (Levy and colleagues, 2012). The conclusion is a party's own legal position: an Israeli government commission opining on the legality of Israeli government conduct.

The full sentence in the Conclusions and Recommendations section reads that "from the point of view of international law, the classical laws of 'occupation' as set out in the relevant international conventions cannot be considered applicable to the unique and sui generis historic and legal circumstances of Israel's presence in Judea and Samaria spanning over decades" (§65, p. 74). The report states that this section is "from the original Israeli Government translation." On settlements built without a formal decision, the same section found that their establishment "was carried out with the knowledge, encouragement and tacit agreement of the most senior political level," and so "is to be seen as implied agreement."

The commission also criticised the state. It wrote that "the picture that has been displayed before us regarding Israeli settlement activity in Judea and Samaria does not befit the behavior of a state that prides itself on, and is committed to the rule of law." It added that "all actions on this matter can only be done in accordance with the law" (§65, p. 77).

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The document's status matters for how it can be cited. The report's closing paragraph makes implementation conditional on the government deciding to adopt its recommendations. No officially published government text of the full report exists. The only full English text is a reprint by Regavim, a self-described legal advocacy organization that made submissions to the commission. The quotations here are taken only from the Conclusions section that the reprint marks as the government's translation.

The commission's argument from duration, a presence "spanning over decades," meets a dated counter-statement. The International Court of Justice wrote on 19 July 2024 that "the passage of time does not release the occupying Power from the obligations that it bears," and that "The fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law."

Which settlements are illegal even under Israeli law?

Of the 105 unauthorized outposts the Sason review counted in March 2005, **15** stood on Palestinian private property. The figure comes from the land breakdown published by the Prime Minister's Office of Israel, a party to the events (Prime Minister's Office of Israel, 2005). The review measured each outpost against a 1979 government resolution that settlements "shall be established only on State land."

The review assigns the rest as follows. Twenty-six outposts stood on State land, 7 on survey lands, and 39 on "mixed" lands, "part State, part survey, part owned by Palestinians." A remainder stood on "lands which I failed yet to resolve its nature." The four resolved groups total 87, which leaves 18 unresolved. Adding the three non-State categories (7 + 15 + 39) gives 61. That sum is a derivation, not a total the review prints, and it is a floor, since some of the 18 unresolved sites could fall outside State land.

The review applies two tests. The first is the 1979 resolution, which it reports as following the High Court of Justice ruling in Elon Moreh. The second is the defining characteristic of an outpost: "There was no government decision to establish it, and in any case no authorized political echelon approved its establishment." The definition has a built-in limit. An outpost is "not attached to an existing settlement, but rather at least a few hundred meters distant from it as the crow flies." The 105 therefore excludes unauthorized building inside or beside recognised settlements and is not a count of all unlawful construction.

Land status of the 105 known outposts
MARCH 2005; THE UNRESOLVED SLICE IS 105 MINUS THE 87 THE REVIEW ASSIGNED

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State land Survey land Palestinian private property Mixed land Unresolved (derived)

Source: Prime Minister's Office of Israel, 2005, summary of the Sason opinion; a party's own review; 105 is a floor.

The review's finding on responsibility is stated directly: "The problem is State and public authorities took part in breaking the law. They are the ones who financed construction without a resolution by the political echelon, in contrary to government resolutions, with no legal planning status, sometimes not on State owned land, sometimes on private Palestinian property or on survey land." Israel's later record on these unauthorized outposts runs through its courts.

What did the state concede about Migron in its own court?

In HCJ 8887/06, decided on **2 August 2011**, Israel's Supreme Court recorded that the State "did not dispute" that Migron stood on "registered lands under private Palestinian ownership" and "that the Outpost, Migron, is illegal" (Israeli Supreme Court, 2011, 2014). The Court issued a final order to evacuate the outpost by 31 March 2012.

President Beinisch wrote the judgment, with Justices Naor and Joubran concurring. It described "the unlawful establishment of an outpost on private land – an outpost which, even in the opinion of the State, must be vacated," and held that "The erection of the Outpost and its continued expansion constitute blatant and defiant violations of the law and of the Palestinian landowners' property rights." The quotations are from the Judicial Authority's own English translation.

The outpost's size comes from the State's own reported figures. Migron was established in May 2001 without any government resolution. By June 2006 it held some 60 prefabs, one permanent building and 43 families. By February 2009 it held some 45 families and some 250 residents, and the State described it as the largest outpost in Judea and Samaria. These figures describe one outpost and are not a measure of the category.

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Amona followed the same line. On 25 December 2014, in HCJ 9949/08, the Court ordered the entire outpost removed within two years because it stood on privately owned Palestinian land without authorisation. On 14 November 2016, President Naor and Justices Hayut and Melcer rejected the government's request to delay further, according to the Law Library of Congress summary. The Amona judgment has no official English text.

Case and date	What the Court recorded	Source
Migron, 2 August 2011	Final evacuation order, deadline **31 March 2012**	Israeli Supreme Court, 2011, 2014
Amona, 25 December 2014	Removal ordered within **two years**	Israeli Supreme Court, 2011, 2014
Amona, 14 November 2016	Further delay refused, deadline **25 December 2016** kept	Israeli Supreme Court, 2011, 2014

The judgments set deadlines. The dates on which the outposts were physically cleared are events recorded in later reporting, not holdings of the Court.

Has Israel's Supreme Court ever decided the Geneva Convention question?

Israel's Supreme Court, sitting as High Court of Justice in the Elon Moreh case, ruled unanimously, **5 to 0**, on 22 October 1979 to void a requisition order for a civilian settlement. It expressly declined to rule under Article 49(6) of the Fourth Geneva Convention. Deputy President Landau wrote that, as treaty law, the article "is not binding law in an Israeli Court" (Israeli Supreme Court, 1979).

Landau set a different body of law against the treaty. The Hague Regulations, "as customary international law, they do indeed bind the military administration in Judea and Samaria." Under those Regulations, he held that taking private land for a civilian settlement "is potentially justified under Article 52." The justification holds "when it is proved, according to the facts of the case, that military needs were those which in practice brought upon the decision to build a civilian settlement at the relevant site."

That condition decided the case. Landau applied a dominant-purpose test and found that "the process was inverted: the initiative came from the political echelons," and that "the military consideration was subordinate to the primary, political decision to build the settlement." He gave a second, independent ground: a military administration cannot create "facts on the ground" intended to outlast military rule "when the fate of the territory after the end of the military rule is yet unknown."

The remedy was narrow. Order of Possession 16/79 covered about 700 dunams. The Court voided it only as to the petitioners' registered plots, about 125 dunams, and gave the respondents 30 days to comply. Order 17/79, covering the access road, was left standing.

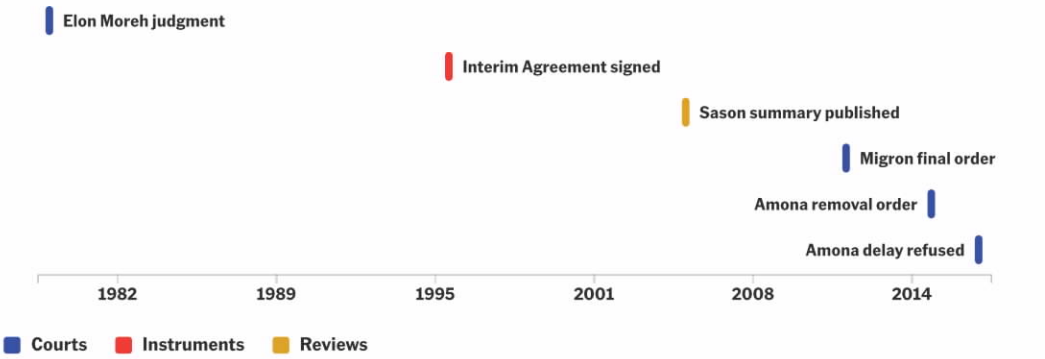
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Witkon closed on the treaty question: "my refraining from determination must not be interpreted as support for either of the parties."

Israel's own legal record on settlements

COURT JUDGMENTS, A SIGNED INSTRUMENT AND A COMMISSIONED REVIEW, 1979 TO 2016



Source: Israeli Supreme Court, 1979; Israel and the PLO, 1995; Prime Minister's Office of Israel, 2005; Israeli Supreme Court, 2011, 2014.

The record therefore separates the two questions. Israel's highest court has decided individual sites on domestic and customary grounds, and on the record of this judgment it left the Article 49(6) question formally undecided.

Did Israel and the PLO agree on settlements in 1995?

Israel and the PLO signed the Interim Agreement on **28 September 1995**. It lists "settlements" among the remaining issues for permanent status negotiations, which Article XXXI(5) set to begin "not later than May 4, 1996" (Israel and the PLO, 1995). The signed instrument defers the settlement question to a later agreement.

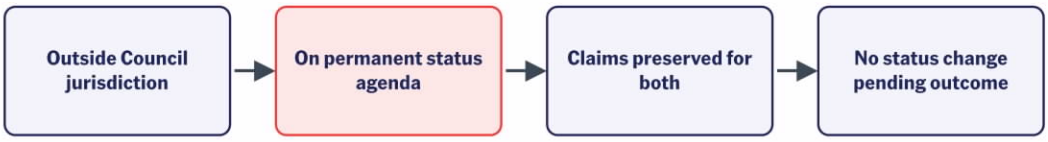
The jurisdiction clauses treat settlements as a reserved subject. Article XVII(1) removes "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis" from the Palestinian Council's jurisdiction. Article XVII(4)(a) gives Israel, "through its military government," authority over areas outside that jurisdiction. The May 1996 date is the schedule the text set.

Two final clauses keep both parties' claims intact. Article XXXI(6) provides that "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) provides that "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." Both clauses apply to both sides on their face. The English text is the one published by Israel's Ministry of Foreign Affairs, a party to the agreement.

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How the 1995 agreement handles settlements
CLAUSES OF THE INTERIM AGREEMENT, IN THE ORDER THEY OPERATE



The 4 May 1996 start date is the schedule the text sets.

Source: Israel and the PLO, 1995, Interim Agreement, text published by the Israeli Ministry of Foreign Affairs.

The parties' later positions show what was preserved. The PLO Negotiations Affairs Department's standing position on borders, last modified in 2019, states that "Israel has no valid claim to any part of the West Bank or Gaza Strip." It adds a willingness to discuss "minor, equitable, and mutually-agreed territorial exchanges" (PLO Negotiations Affairs Department, 2019). The Levy Commission's 2012 conclusion that settlement "cannot in and of itself be considered to be illegal" stands on the other side of the claim that Article XXXI(6) preserved.

Methodology and limitations

The evidence is the documentary record of the settlement question, drawn from five record types and labelled where each is used:

- **Official and primary records.** These are the 2005 Sason opinion summary, published in English by Israel's Ministry of Foreign Affairs as a government-commissioned review of the government's own conduct; three Israeli Supreme Court judgments (Elon Moreh, 1979; Migron, 2011; Amona, 2014); and the 1995 Interim Agreement, in the text published by the Israeli Ministry of Foreign Affairs.
- **A party's own legal position.** This is the 2012 Levy Commission report.
- **A party's own published position.** This is the PLO Negotiations Affairs Department page on borders. No figure from that page is used.
- **An international court's recorded votes.** The International Court of Justice's 2024 advisory opinion appears through its votes in paragraph 285 and quoted text, with each subparagraph's majority given separately. Its press release omits the tallies and was not used.

Each source carries limits:

- **Sason summary.** It is the English summary of a longer Hebrew opinion. Its outpost data came from a department the author says did not deliver all of it. Both 105 and the derived 61 are floors.
- **Elon Moreh.** No official English text exists. Quotations come from the Cardozo Israeli Supreme Court Project translation, made from a Hebrew version prepared by Nevo Press.

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That translation prints the date as October 10, 1979, but 1 Cheshvan 5740 corresponds to 22 October 1979, the date used here. Justices are named because a holding is attributed to the justice who wrote it. The petitioners and officers named in the judgment are referred to by role.

- **Migron and Amona.** The Migron English text is the Judicial Authority's translation, marked "subject to editorial and textual changes." Amona has no official English text and is reported from the Law Library of Congress summary. That page gives both 25 December and 12 December 2014 as the order date. 25 December is the only date consistent with its two-year deadline of 25 December 2016.
- **Levy report.** The only full English text was published by Regavim, an interested party, and quotations are limited to the section marked as the government's translation.
- **Interim Agreement.** The text was cross-read against the National Academies Press reproduction.

Conclusion

So are Israeli settlements illegal? Israel's own record establishes that a defined category is unlawful in Israeli terms. The Sason review counted at least 105 outposts without a government decision in March 2005, a count published by a party to the events, with 15 on Palestinian private property. In 2011 the State conceded in its own court that Migron "is illegal."

On the international question, the record divides sharply. An Israeli justice wrote in 1979 that the Geneva Convention "does apply" while his court left Article 49(6) undecided. An Israeli government commission argued in 2012 that the law of occupation does not apply at all. The International Court of Justice found by 14 votes to 1 in 2024 that settlement activity must cease, and by a narrower 11 to 4 that the presence itself is unlawful. The two parties had signed a text in 1995 that set settlements aside for later and kept every claim alive.

The two orders measure different things. One checks sites against a resolution and a land register. The other asks whether the civilian presence may exist at all. When the single word "illegal" carries both meanings in public argument, a finding about a land register can be heard as a treaty verdict, and a treaty verdict as a dispute over one hilltop's title. Would the argument change if each speaker named the record they meant?

Frequently Asked Questions

How much did Israeli ministries spend on unauthorized outposts?

The Ministry of Construction & Housing reported spending NIS 71,870,000 on unauthorized outposts from 2000 to 2004, as recorded in the Sason summary (Prime Minister's Office of Israel, 2005). The figure is the spending ministry's own self-report from a partial list. The summary says it does not reconcile with the ministry's own working schemes, so it is a floor.

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Did state-supplied caravans go to outposts?

Of 140 caravans placed in the territories in the 2003 acquisition, 90 went to unauthorized outposts, according to the Sason summary (Prime Minister's Office of Israel, 2005). A further 64 were conveyed to unauthorized outposts between August and December 2004. These are a party's own figures, drawn from government data supplied to the review.

How many outposts had been evacuated by 2005?

Ministry of Defense data supplied to the Sason review recorded that "81 outposts were evacuated so far, only a few of them were manned," counting only outposts established after March 2001 (Prime Minister's Office of Israel, 2005). The count is the ministry's own and is not net, since the summary records outposts "occupied again and not yet evacuated." It cannot be set against the 105.

Where does the 1995 agreement place the settlements?

Article XII(5) of the Interim Agreement defines "the Settlements" as "in the West Bank the settlements in Area C" (Israel and the PLO, 1995). Area C is itself defined residually, as the "areas of the West Bank outside Areas A and B." The definition ties the settlements to the area that stayed under Israeli territorial jurisdiction.

What share of the West Bank is Area C under Oslo II?

The Interim Agreement prints no share. Article XI(3) defines Areas A and B by red lines and shading on map No. 1, and Area C as whatever lies outside them (Israel and the PLO, 1995). Any Area C percentage in circulation is a later measurement by another body and can be attributed only to that body.

Is the 2024 International Court of Justice opinion binding?

The opinion was requested by General Assembly resolution 77/247 of 30 December 2022 and given on 19 July 2024 under the Court's advisory jurisdiction, not in a contentious case between parties. Its subparagraph (9) records, by 12 votes to 3, that the General Assembly and Security Council "should consider the precise modalities and further action required."

Where does the rule limiting settlements to State land come from?

The rule that settlements "shall be established only on State land" is a 1979 government resolution, reported in the Sason summary as following the Elon Moreh ruling (Prime Minister's Office of Israel, 2005). It is an executive decision, not a holding. The phrase "State land" does not appear in the Elon Moreh judgment, which distinguished the 1978 Beit El requisition case rather than overruling it (Israeli Supreme Court, 1979).

Did the Levy Commission count settlements or outposts?

The Levy report publishes no overall settlement or outpost count of its own (Levy and colleagues, 2012). Its figures are site-level or quoted from other bodies, among them a master

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plan's 51 nature-reserve sites and 8 park sites. Those numbers were presented to the commission, not measured by it.

Sources

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How close is AIPAC to the Israeli government? Its lobbying filings and the foreign-agent register

AIPAC's 2025 Senate lobbying reports name AIPAC itself as client. What the lobbying, travel, campaign and foreign-agent registers record.

AIPAC | Lobbying Disclosure | Foreign Agents Registration Act | Campaign Finance | Congressional Travel



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On the public record, AIPAC's relationship to Israel runs through advocacy, travel and American elections rather than through any filed payment or agency. AIPAC's four 2025 lobbying reports to the Senate Office of Public Records name AIPAC itself as the client and report $3,757,105 in self-reported lobbying income (Senate Office of Public Records, 2026). Behind the question of who AIPAC answers to sits a plainer one: what do the public registers actually connect it to? They record trips to Israel sponsored by an AIPAC affiliate for at least 26 Democratic and 52 Republican House members since 7 October 2023 (The Guardian, 2026), and $37,860,200 in 2024-cycle independent expenditures by its affiliated super PAC (OpenSecrets, 2025). On the Department of Justice's foreign-agents register, searched 19 August 2026, two American sections of Israel-based bodies appear and AIPAC does not.

Key Findings

- AIPAC's four 2025 LD-2 reports name AIPAC itself as the client and carry **$3,757,105** in self-reported lobbying income on line 12, with the expense line left blank (Senate Office of Public Records, 2026).
- The American Israel Education Foundation, AIPAC's 501(c)(3) affiliate, sponsored trips to Israel for at least 26 Democratic and 52 Republican representatives across at least 15 delegations since 7 October 2023, at more than $4.2 million, on the Guardian's tabulation of House filings (The Guardian, 2026).
- OpenSecrets' 20 largest federal lobbying clients for 2025 end at $13.5 million; AIPAC is not among them, and its self-reported $3,757,105 is about 28% of that twentieth-listed total (OpenSecrets, 2026; Senate Office of Public Records, 2026).
- AIPAC's connected PAC gave $3,037,900 to federal candidates in the 2023 to 2024 cycle, 63.02% to Republicans and 36.62% to Democrats (OpenSecrets, 2025).
- United Democracy Project, the AIPAC-affiliated super PAC, reported $37,860,200 in 2024-cycle independent expenditures, with $20,786,780 of its directional total opposing Democrats (OpenSecrets, 2025).

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Whom does AIPAC's federal lobbying filing name as its client?

Each of the four 2025 LD-2 reports AIPAC filed with the Senate Office of Public Records names AIPAC itself as the client. Item 7 carries the "Self" checkbox and the name AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, identical to the registrant at item 1.

The four reports carry **$3,757,105** in self-reported lobbying income for the year (Senate Office of Public Records, 2026).

The reports are filed under Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604). The registrant record describes the organization as a "Lobby focused on U.S. Middle East foreign policy." The Senate register records the quarterly amounts as follows:

- $963,135, posted 18 April 2025
- $880,060, posted 17 July 2025
- $940,000, posted 16 October 2025
- $973,910, posted 15 January 2026

The same filer digitally signed all four reports. No outside lobbying firm compensation appears for 2025, so the register records the whole total as in-house.

On the form's own terms, the figure is income, not spending. Line 12, headed "12. Lobbying," reads "INCOME relating to lobbying activities for this reporting period was:" and carries $973,910 on the fourth-quarter report. Line 13, the expense line, is blank on that report, with neither box checked. The form instructs: "INCOME OR EXPENSES - YOU MUST complete either Line 12 or Line 13." AIPAC completed line 12.

An LD-2 is a self-declared good-faith estimate. The filer certifies it, and it posts without verification. The instruction under line 12 asks for an estimate "rounded to the nearest $10,000." Three of the four 2025 amounts are not rounded, which is a property of the filings as posted.

The Senate register shows the same four-report structure across five years, with AIPAC's own reported totals rising from $2,757,247 in 2021 to $3,757,105 in 2025 (Senate Office of Public

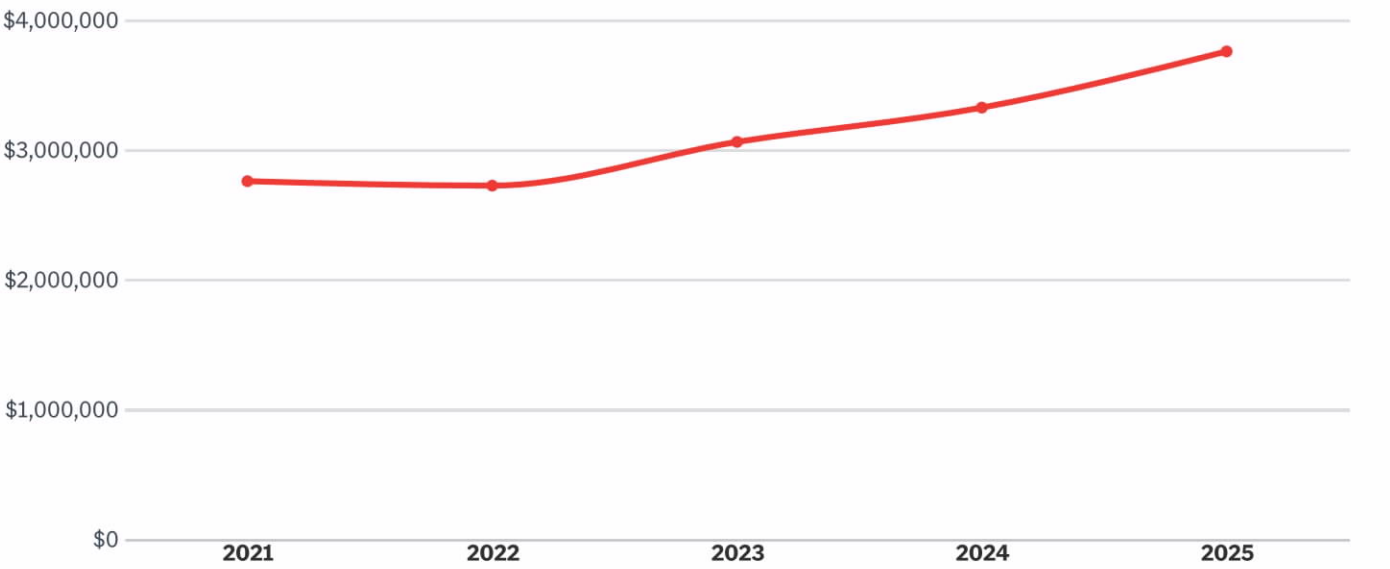
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Records, 2026). The lobbying register records the client and the reported amount. It does not record who supplies AIPAC's funds, and it carries no measure of influence or effect.

AIPAC's reported lobbying income by year

AIPAC'S OWN SELF-DECLARED TOTALS, FOUR QUARTERLY LD-2 REPORTS PER YEAR, 2021 TO 2025



Source: United States Senate, Office of Public Records, 2026, Lobbying Disclosure Act register, lda.senate.gov.

Who ties AIPAC to Israel, and what contact is documented?

The Guardian's 2 June 2026 analysis of House ethics filings counted at least **78** members of the House of Representatives on trips to Israel since 7 October 2023. The American Israel Education Foundation (AIEF), AIPAC's 501(c)(3) charitable affiliate, sponsored the trips (The Guardian, 2026).

The Guardian's count splits into at least 26 Democrats and at least 52 Republicans. The trips ran across at least 15 congressional delegations, at a combined cost of more than $4.2 million. The documented contact is recent and runs through a named channel: an AIPAC affiliate paying for members of Congress to travel to Israel.

The underlying records are official. Each trip appears in two places:

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- a pre-travel approval held by the House Committee on Ethics
- a post-travel disclosure filed with the Clerk of the House at disclosures-clerk.house.gov, where the sponsor and expenses are disclosed

The $4.2 million aggregate is the Guardian's own tabulation of those filings. Any specific trip can be checked against its individual disclosure.

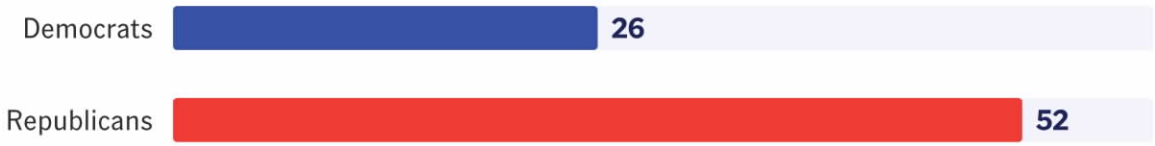
The record carries two characterizations of the trips side by side:

- The Guardian's headline describes them as "lavish trips to Israel."
- AIEF states that its missions are educational.

Neither characterization is a field on the disclosure forms. The forms record sponsor, traveller, destination and cost.

The travel record documents a relationship between an AIPAC affiliate and sitting members of the US Congress, with Israel as the destination. The sponsor of record on every trip in the Guardian's count is AIEF, an American charitable organization. The filings name AIEF, not a foreign government, as the party that paid. The wider pattern of affiliated networks and disclosed travel runs through the same House filings.

House members on AIEF-sponsored trips to Israel
SINCE 7 OCTOBER 2023; EACH FIGURE IS A FLOOR ("AT LEAST")



Source: The Guardian, 2026, analysis of House Committee on Ethics and Clerk travel filings.

Which Israel-linked American bodies register as foreign agents?

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The Department of Justice's FARA Unit listed **536** active registrants under the Foreign Agents Registration Act when its eFile register was searched on 19 August 2026. Two of them are American sections of Israel-based bodies: World Zionist Organization - American Section, Inc. and Jewish Agency - American Section, Inc.

The two registrations are:

- **World Zionist Organization - American Section, Inc.:** registration number 2278, registered 21 September 1971.
- **Jewish Agency - American Section, Inc.:** registration number 6191, registered 29 October 2013.

Both list the same address, 633 Third Avenue, 21st Floor, New York. Each is the American arm of a parent body based in Israel. That structure differs from AIPAC's: on the Senate lobbying register, AIPAC files as its own client.

No registrant appears under any of the following:

- the name "American Israel Public Affairs Committee"
- the string "AIPAC"
- the string "American Israel"

The search covered the 536 active records and the 6,540 terminated records, the earliest registered on 3 July 1942, as the Department's own register stood on 19 August 2026 (US Department of Justice, 2026). The register states who was on the list on that date. It publishes no Department determination about AIPAC either way.

The statute sets out who counts as a foreign principal and which agents are exempt. Under 22 U.S.C. 611(b), a "foreign principal" includes "(1) a government of a foreign country and a foreign political party." Paragraphs (2) and (3) add certain persons and organizations outside the United States. The exemption at 22 U.S.C. 613(h) reads in full:

"Any agent of a person described in section 611(b)(2) of this title or an entity described in section 611(b)(3) of this title if the agent has engaged in lobbying activities and has registered

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under the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.] in connection with the agent's representation of such person or entity."

By its terms, the lobbying-registration exemption reaches agents of paragraph (2) and paragraph (3) principals. It does not reach an agent of a paragraph (1) principal, meaning a foreign government or foreign political party. The text sets the categories. Whether AIPAC acts as the agent of any foreign principal at all is a legal question, and the register's records contain no court or agency determination on it.

Is AIPAC among Washington's largest lobbying clients?

OpenSecrets' ranked table of the 20 clients reporting the most federal lobbying in calendar year 2025 ends at **$13.5 million**, the total for NCTA The Internet & Television Assn. AIPAC does not appear among the 20 (OpenSecrets, 2026).

AIPAC's own reported 2025 total on the Senate register, $3,757,105, is about 28% of that twentieth-listed figure (Senate Office of Public Records, 2026). OpenSecrets' table opens with the US Chamber of Commerce at $72.2 million, roughly 19 times AIPAC's reported amount. The 20 include three defense contractors:

- Lockheed Martin, $15.7 million
- RTX Corp, $13.9 million
- General Dynamics, $13.9 million

OpenSecrets publishes 20 rows and no more. The table therefore establishes that AIPAC sits outside that field, not where it ranks below it. OpenSecrets' own AIPAC profile reproduces the Senate register to the dollar, quarter by quarter: $963,135, $880,060, $940,000 and $973,910. For that reason, the register is the source cited here for AIPAC's figure.

The year matters when reading the site. OpenSecrets' sourcing note says the most recent year's data cover 1 January to 30 June. On the 2025 page, however, the most recent year is 2026. The 2025 figures cover all twelve months, as the note's second sentence confirms: "Prior years include spending from January through December."

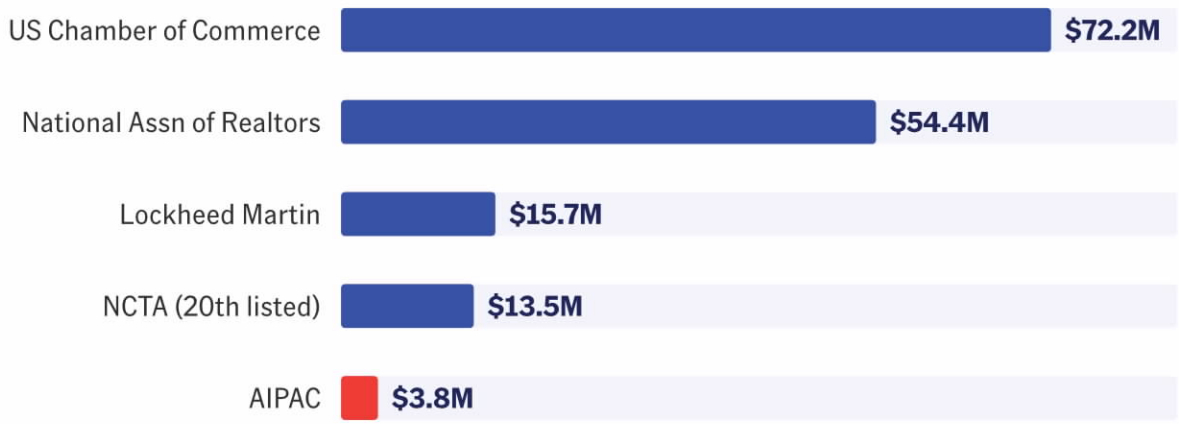
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Size on this register measures one thing: money reported for lobbying. The LD-2 records no outcome, and OpenSecrets orders the ranked field by reported amount alone.

Reported federal lobbying, selected clients, 2025

CALENDAR YEAR 2025; AIPAC'S FIGURE IS ITS OWN SELF-DECLARED LD-2 TOTAL



Source: OpenSecrets, 2026, Top lobbying clients, calendar year 2025; AIPAC figure from United States Senate, Office of Public Records, 2026, LDA register.

Where do AIPAC's direct political contributions go?

AIPAC's connected political action committee, FEC committee C00797670, gave **$3,037,900** to federal candidates in the 2023 to 2024 cycle. The figure comes from OpenSecrets' tabulation of Federal Election Commission data released 6 February 2025 (OpenSecrets, 2025).

OpenSecrets reports the party split as 63.02% to Republicans and 36.62% to Democrats; the two published shares sum to 99.64%. Contributions reached 347 House candidates and 20 Senate candidates. The largest total to any single recipient was $20,000.

Federal law caps this channel. Under 52 U.S.C. 30116, a multicandidate committee may give at most $5,000 per candidate per election, and primary and general elections each carry their own limit. Recipients include non-incumbents, so the 367 recipients are a count of candidates, not of sitting members of Congress.

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Every recipient in this channel is a candidate for US federal office, and every contribution is reported to the FEC under US campaign-finance law. AIPAC's money flows through three separate channels:

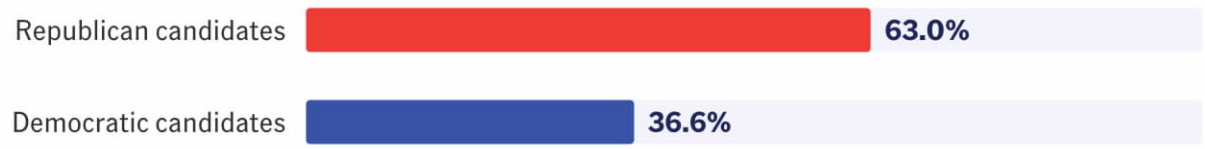
- **Direct PAC contributions:** reported to the FEC and capped per candidate.
- **Lobbying income:** reported to the Senate Office of Public Records under the Lobbying Disclosure Act.
- **Super PAC independent expenditures:** reported to the FEC and uncapped.

The three run under different statutes and are filed in different places. Adding them together produces a figure that no filing contains.

The party split records where the money went. It does not record what any recipient did afterward: voting records sit in the congressional record, a separate document from the FEC filings.

Where AIPAC PAC contributions went, by party

SHARE OF $3,037,900 TO FEDERAL CANDIDATES, 2023 TO 2024 CYCLE; PUBLISHED SHARES SUM TO 99.64%



Source: OpenSecrets, 2025, AIPAC PAC (FEC C00797670) candidate recipients, on FEC data released 6 February 2025.

How much did AIPAC's super PAC spend, and against whom?

United Democracy Project, the AIPAC-affiliated super PAC that files as FEC committee C00799031, reported **$37,860,200** in independent expenditures in the 2024 cycle. The figure comes from OpenSecrets' tabulation of its FEC filings (OpenSecrets, 2025), and it is the largest of the three filed channels covered here.

OpenSecrets' directional split is:

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- $20,786,780 opposing Democrats
- $14,067,863 supporting Democrats
- $3,043,662 opposing Republicans
- $0 supporting Republicans

Spending against Democratic candidates came to more than half of the cycle total. The four directional figures sum to $37,898,305, about $38,105 above the total in the same tabulation. The split and the total are therefore two published figures, not one decomposition.

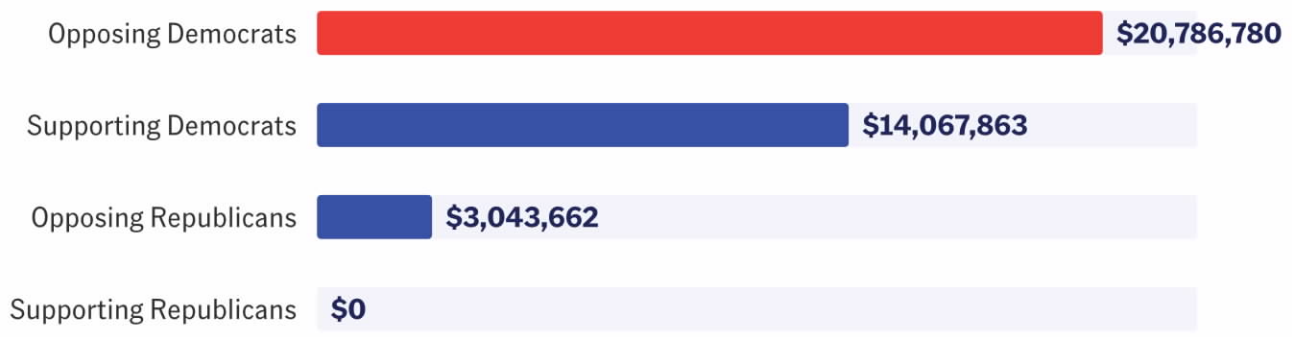
The spending was concentrated. About $14.6 million, $14,593,635 in OpenSecrets' candidate-level tabulation, went into a single House race, New York's 16th District in 2024, which is more than a third of the cycle total.

Independent expenditures are defined in 52 U.S.C. 30101(17). They are spending that expressly advocates the election or defeat of a clearly identified candidate and is not made in coordination with that candidate or the campaign. The money is spent about a race rather than given to a campaign. Unlike the PAC's direct contributions, it carries no per-candidate cap.

The filings record direction and amount. They do not record effect: whether any expenditure changed a result is not a field on an FEC report. As with the PAC, the super PAC's filings form a separate channel, and their total is not added to AIPAC's lobbying income.

United Democracy Project spending by direction

2024 CYCLE; DIRECTIONAL FIGURES SUM TO $37,898,305, AGAINST A REPORTED TOTAL OF $37,860,200



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Source: OpenSecrets, 2025, United Democracy Project (FEC C00799031) independent expenditures, 2024 cycle.

Does any public register record Israeli government money reaching AIPAC?

The Senate lobbying form instructs filers to count "all payments to the registrant by any other entity for lobbying activities on behalf of the client." AIPAC's **four** 2025 reports name AIPAC itself as the only client and record no outside firm compensated (Senate Office of Public Records, 2026).

AIPAC's website states the organization's own position. It describes AIPAC as an American organization supported by American members and donors, and states that the Israeli government neither funds nor directs it. That is AIPAC's statement about itself.

Neither the Senate lobbying register nor the Department of Justice's FARA register carries a payment from the Israeli government to AIPAC. The four 2025 LD-2 reports name no client other than AIPAC, and the FARA register held no AIPAC record among its 536 active and 6,540 terminated entries on 19 August 2026.

Each register has limits:

- **The LD-2:** reports an income total, not the identity of whoever supplied it. It is a self-declared estimate, certified by the filer and posted unverified.
- **The FARA list:** records who has registered. It does not record who was or was not obliged to.

The two registers therefore document what AIPAC filed and what the Department listed. They neither establish nor rule out a funding or direction relationship beyond those filings.

The comparison set in the FARA register stands alongside this. The two Israel-linked registrants, World Zionist Organization - American Section, Inc. and Jewish Agency - American Section, Inc., appear on the foreign-agents list under their own names as American arms of Israel-based parents. AIPAC appears on the Senate lobbying register under its own name, as its own client.

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Methodology and limitations

The evidence comes from three source types.

Primary and official records:

- The Senate Office of Public Records' Lobbying Disclosure Act register at lda.senate.gov: AIPAC's registrant record (Senate ID 2718-12) and its four 2025 LD-2 reports, retrieved and read 19 August 2026.
- The Department of Justice FARA Unit's eFile active and terminated registrant lists. These were searched on 19 August 2026 for the name "American Israel Public Affairs Committee" and the strings "AIPAC" and "American Israel."
- Federal Election Commission committee records for C00797670 and C00799031, and the Internal Revenue Service exempt-organization master file entry for the American Israel Education Foundation.
- Statutory text quoted from uscode.house.gov: 2 U.S.C. 1604, 22 U.S.C. 611 and 613, and 52 U.S.C. 30101 and 30116.

Aggregator tabulations: OpenSecrets' tabulations of Senate and FEC filings, a campaign-finance and lobbying aggregator:

- the 2025 ranked lobbying field, read 19 August 2026
- the AIPAC PAC's 2023 to 2024 candidate recipients, on FEC data released 6 February 2025
- United Democracy Project's 2024 independent expenditures

Press analysis of official filings: The Guardian's analysis of House ethics travel filings, published 2 June 2026. The aggregate is attributed to the outlet as its own tabulation.

AIPAC's website is cited only as the organization's own statement of its position.

Limitations:

- **LD-2 figures are self-declared** and posted unverified. The quarter of each report was identified from the register's filing-period field and signature dates, because the print view does not show which quarter box is checked.

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- **OpenSecrets matches the register.** OpenSecrets' AIPAC figures match the register to the dollar, and the register is cited for them.
- **No numeric rank is stated.** OpenSecrets publishes only 20 rows.
- **The PAC's party shares** as published sum to 99.64%.
- **United Democracy Project's directional figures** exceed its reported total by about $38,105.
- **The Guardian's counts are floors**, stated as "at least."
- **The FARA eFile database is incomplete for earlier decades.** It contains no record for the American Zionist Council, the body ordered to register in the early 1960s, so it supports no claim about that period.

Lobbying income, PAC contributions and independent expenditures fall under three different statutes and are never summed here. Throughout, the measured object is the filed record: who filed, under which statute, naming which client, for what amount. None of these registers records influence, access, intent or effect.

Conclusion

Who stands behind AIPAC, on the public record? Its own filings give a literal answer: AIPAC stands behind AIPAC. Its four 2025 LD-2 reports name it as its own client, against $3,757,105 in self-reported lobbying income.

The record connects AIPAC to Israel through travel and to American politics through money:

- At least 78 House members travelled to Israel on AIEF-sponsored trips after 7 October 2023.
- Its PAC gave $3,037,900 to US candidates under a $5,000 per-election cap.
- Its affiliated super PAC reported $37,860,200 in independent expenditures, more than half of it opposing Democrats.
- AIPAC's self-reported lobbying income comes to about 28% of the smallest total in Washington's top-20 field.

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On the foreign-agents register, two American sections of Israel-based bodies appear, and AIPAC does not. The portrait is of an American organization pressing a position on Israel through American channels, filed under American statutes, with the alignment visible in where the trips go and where the money lands.

The registers can show the sponsor of a flight and the direction of an expenditure. They cannot show the content of a briefing or the source of a donor's conviction. If the relationship between a domestic advocacy group and a foreign government is to be settled from documents rather than from inference, what would a register have to record that these four do not?

Frequently Asked Questions

What is the American Israel Education Foundation?

The Guardian (2026) describes the American Israel Education Foundation as a charitable affiliate of AIPAC, and the IRS exempt-organization file lists it under section 501(c)(3) (Internal Revenue Service, 2026). Under the 2007 congressional travel rules, a lobbying organization may generally sponsor only single-day travel, while a 501(c)(3) may sponsor longer trips. The Guardian reports that this status lets AIPAC fund overseas travel that federal rules bar lobbying organizations from funding.

Does AIPAC hire outside lobbying firms?

OpenSecrets' 2025 AIPAC profile records 10 named lobbyists and $0 paid to outside firms (OpenSecrets, 2026). The Senate register likewise reports no outside firm compensation for the year. All of AIPAC's reported 2025 lobbying is in-house.

Is United Democracy Project the same committee as AIPAC's PAC?

No: the FEC lists them as two committees, C00797670 for the AIPAC PAC and C00799031 for United Democracy Project, the first registered as a lobbyist/registrant PAC and the second as an independent expenditure-only committee (Federal Election Commission, 2026). The PAC gives directly to candidates within statutory limits. The super PAC makes independent expenditures, which by statute are not coordinated with any campaign.

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Which Israel-linked bodies have left the FARA register?

The Department of Justice's terminated list includes the following Israel-linked registrants:

- American Section of the Jewish Agency for Israel (no. 208, 1943 to 1971)
- Israel Information Services (no. 543, 1948 to 1971)
- Israel Government Tourist Office (no. 620, 1950 to 1988)
- Zionist Advocacy Center (TZAC Inc.) (no. 6676, 2019 to 2020)

These records show that Israel-linked registrations have appeared on the list across eight decades.

How much did all federal lobbying total in 2025?

OpenSecrets reports $5.1 billion in federal lobbying for calendar year 2025, across 13.7 thousand lobbyists and 88.7 thousand LD-2 reports (OpenSecrets, 2026). The $5.1 billion is a rounded figure as published, so any share calculated from it is approximate.

Why does OpenSecrets label AIPAC "Pro-Israel"?

"Pro-Israel" is an industry category OpenSecrets constructed for its own analysis (OpenSecrets, 2026). It is not a classification used by the filer or by the government. AIPAC's own description on the Senate registrant record is "Lobby focused on U.S. Middle East foreign policy."

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Israel's own 2005 review counted 105 unauthorized outposts and state funds behind them. What the agreement, the audits and the counts record.

Settlements Oslo Accords Area C Outposts Official Records



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Settlement activity ran alongside the political processes rather than pausing for them, and the sharpest record of it is Israel's own: the opinion prepared for the Prime Minister's Office in March 2005 counted **105 unauthorized outposts** in the West Bank and Gaza, 71 of them established before March 2001. That same opinion found that state bodies and public money had financed building that no cabinet had approved, and recorded NIS 71,870,000 spent by one ministry between 2000 and 2004. The unit counts that circulate about later years come from different bodies measuring different objects over different periods, and they differ from one another by more than thirteenfold. The question underneath the record is a plain one: did the building stop while the talking went on, and what in the signed text was meant to stop it?

Key Findings

- The opinion prepared for the Prime Minister's Office in March 2005 recorded 105 unauthorized outposts, with 15 standing on private Palestinian property and 39 on mixed land, and concluded that "State and public authorities took part in breaking the law."
- The Ministry of Construction and Housing's own reported outlay on unauthorized outposts between 2000 and 2004 was NIS 71,870,000, a figure the opinion says does not reconcile with the ministry's own working schemes.
- The Israeli-Palestinian Interim Agreement of 28 September 1995 transferred "all civil powers and responsibilities, including planning and zoning" in Areas A and B, while in Area C it transferred only "civil powers and responsibilities not relating to territory."
- Israel's Central Bureau of Statistics recorded 2,534 housing starts in Judea and Samaria in 2013, 123% above the 1,133 it recorded for 2012, in a provisional figure released on 3 March 2014.
- No Israeli government body was found publishing a running count of settlement housing approvals; Israel's published official series on the territory are population counts and construction starts from the Central Bureau of Statistics.

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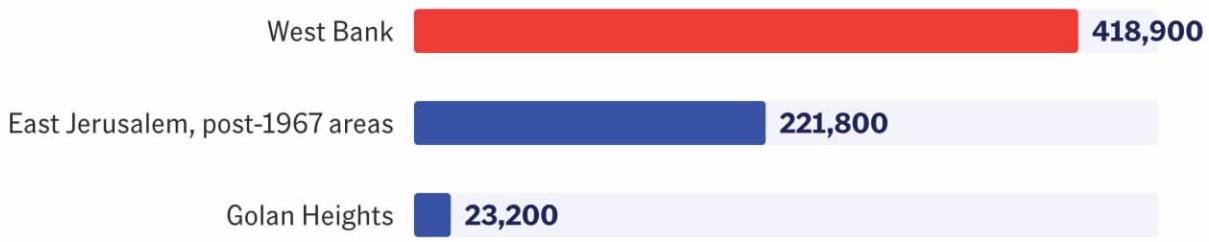
How much did the settler population grow during the Oslo years?

The demographer Sergio DellaPergola counted **418,900** Jews living in the West Bank at the beginning of 2019, in the American Jewish Year Book's annual estimate of world Jewish population by territory. He reports that figure on its own line, apart from the population living inside Israel's pre-1967 borders, and that decision to separate the lines is itself a finding about how this population is counted.

Of the 6,665,600 core Jews in DellaPergola's 2019 estimate, 6,001,700 lived within the pre-1967 borders, 221,800 in East Jerusalem neighbourhoods incorporated after 1967, 23,200 on the Golan Heights and 418,900 in the West Bank. These are one demographer's estimates published in an academic yearbook, not a government count.

Jews living outside Israel's pre-1967 borders

CORE JEWISH POPULATION BY TERRITORY, BEGINNING OF 2019



Source: Sergio DellaPergola, World Jewish Population, 2019, American Jewish Year Book, vol. 119.

The interval figures that circulate for the negotiating years come from two monitoring organizations rather than from any official series. B'Tselem stated in its 2002 report that the number of settlers in the West Bank increased by almost 100% on the 1993 figure between 1993 and 2000. Peace Now's thirty-year retrospective, published in 2023, puts the settler population of the West Bank and East Jerusalem at about 250,000 in 1993 and nearly 700,000 in 2023.

Both are those organizations' own counts on their own definitions, and the two are not one series. The first covers the West Bank; the second covers the West Bank together with East

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Jerusalem, which is a larger territory holding a population DellaPergola reports separately. A rise measured across one of those geographies cannot be read forward into the other without saying which boundary is being used.

Is it often said that negotiations never slowed settlement?

Yes, and the direction is not in dispute. B'Tselem stated in 2002 that the political process between Israel and the Palestinians "did not impede settlement activities," and put the rise in West Bank settlers between 1993 and 2000 at **almost 100%** on its own count. What the signed agreement itself provides about planning is quoted far less often than the growth figures are.

Peace Now is the publisher of the headline figure most often used to carry the point, the rise from about 250,000 settlers in 1993 to nearly 700,000 in 2023, in its 2023 retrospective. The claim rests on those two monitoring counts, and the reframe is not that they are wrong but that the instrument they are set against says something more specific than a general undertaking to stop.

The Israeli-Palestinian Interim Agreement, signed in Washington on 28 September 1995, divides the West Bank into three areas. Article XI(2) provides that in Areas A and B "all civil powers and responsibilities, including planning and zoning" are transferred to the Palestinian Council. In Area C, the same article provides that "Israel will transfer to the Council civil powers and responsibilities not relating to territory," and Article XVII(2) gives the Council territorial jurisdiction over the West Bank "except for Area C." Article XII(5) then defines the term directly: "'the Settlements' means, in the West Bank the settlements in Area C."

So the agreement left planning and zoning in Area C with Israel and located the settlements inside that area by definition. Its restraint clause is Article XXXI(7): "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." That clause is symmetrical on its face and binds both parties, and the agreement attaches no percentage to Area C at all. The figure of roughly 60% of the West Bank, which the Arab Center Washington DC policy

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analysis of 7 May 2026 states with a link to an aid charity's explainer rather than to a measuring body, is a later measurement by somebody else.

Article XXXI(5) set permanent status negotiations to commence no later than 4 May 1996, and Annex I set three further redeployments completing 18 months after the Council's inauguration. That is what the text promises, not a record of what followed.

Did construction peak while talks were underway in 2013 and 2014?

Israel's Central Bureau of Statistics recorded **2,534** housing starts in Judea and Samaria in 2013, against 1,133 in 2012, an increase of 123%, in a table released on 3 March 2014. The Bureau is the measuring body; its table was carried in 2014 press reports, including one in +972 Magazine written under the observation that talks and construction ran together.

The years are the ones in which the last sustained round of Israeli-Palestinian negotiations was conducted, and the relationship on the record is coincidence in time. Nothing in the Bureau's series speaks to cause in either direction, and the series was not built to.

What makes the figure useful is what it counts. A construction start is building begun on the ground: the narrowest and most physical of the three quantities that circulate in this subject, and the only one of them that Israel's own statistical office publishes. The other two are a plan advanced through a stage of a planning process, and a housing unit approved by a decision. Those three can move in different directions in the same year, because a plan advanced in one year may be approved in another and built in a third, or never built at all.

Two qualifications travel with the 2013 figure. The Bureau marks it provisional in the release, set against a revised figure for 2012, so a later edition may restate it. And the same table records 44,343 starts across Israel as a whole in 2013, so the settlement figure is a 123% rise within a series that is 5.7% of the national total, which is a different statement from a rise in the national series itself.

The wider point the series makes is structural. Israel publishes a construction-start series and a population series for this territory. It does not publish the approval series that the

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international reporting is built on, which is why the Israeli official record and the monitoring record on the same subject look like counts of different things.

What did Israel's own commissioned review find about state funding?

The opinion prepared at the request of the Prime Minister's bureau and published in March 2005 recorded **105** unauthorized outposts in Judea, Samaria and Gaza, and immediately qualified the figure: it "probably does not reflect the true number of outposts in the area." Its central finding is stated in the government's own English text.

"The problem is State and public authorities took part in breaking the law," the opinion says. "They are the ones who financed construction without a resolution by the political echelon, in contrary to government resolutions, with no legal planning status, sometimes not on State owned land, sometimes on private Palestinian property or on survey land."

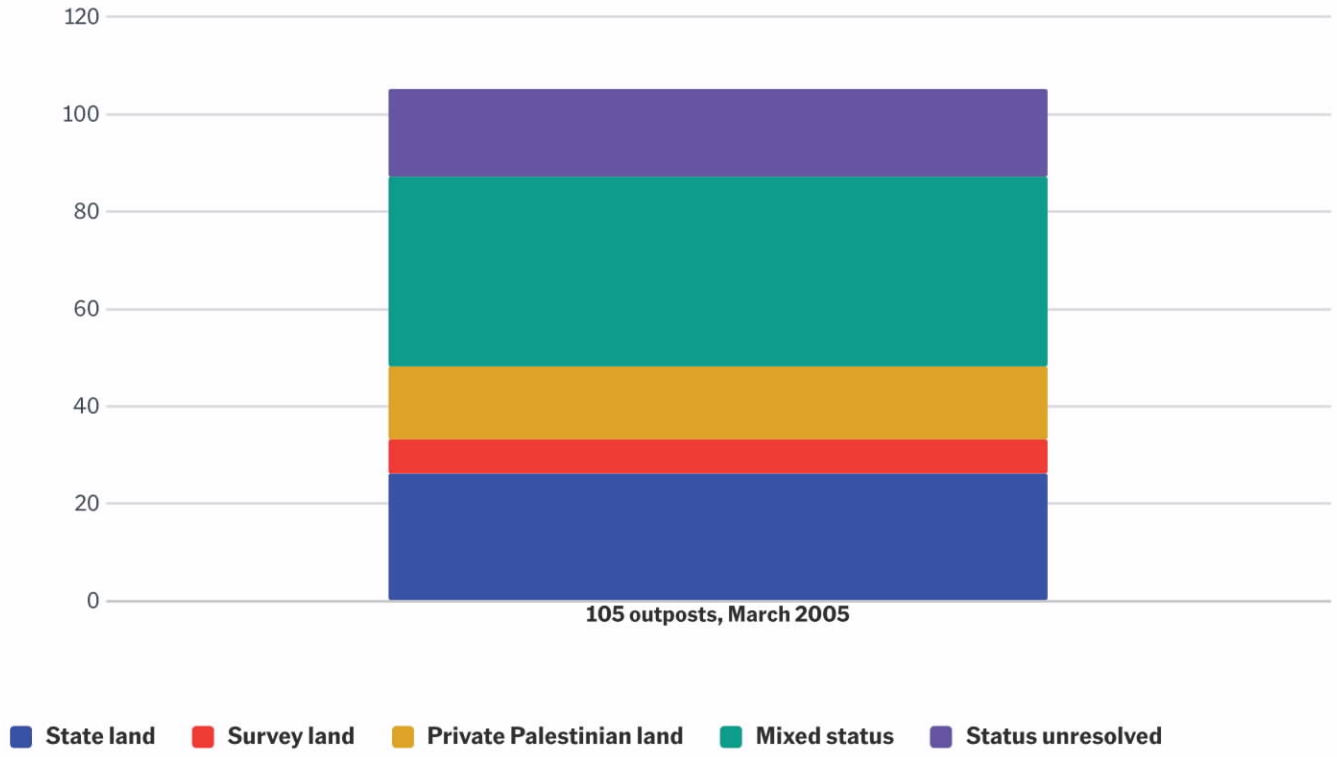
The test it applies is a government resolution of 1979, taken after the Supreme Court's judgment in the Elon Moreh case, that Israeli settlements "shall be established only on State land." The defining feature of an outpost, in the opinion's own words, is that "there was no government decision to establish it, and in any case no authorized political echelon approved its establishment."

Land status of 105 unauthorized outposts

AS RECORDED IN THE OPINION PUBLISHED BY THE PRIME MINISTER'S OFFICE, MARCH 2005; THE 18 UNRESOLVED ARE THE REMAINDER OF 105, NOT A PRINTED FIGURE

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Source: Prime Minister's Office of Israel, 2005, Summary of the Opinion Concerning Unauthorized Outposts.

The opinion gives four land categories and totals none of them: 26 outposts on State land, 7 on survey lands, 15 on private Palestinian property and 39 on mixed lands, part State, part survey and part owned by Palestinians. Those four account for 87 of the 105, leaving 18 whose land status the opinion records as unresolved.

On timing, it records 71 outposts established before March 2001, 24 afterwards, and 10 whose date it had yet to establish. On money, it gives NIS 71,870,000 as the outlay of the Ministry of Construction and Housing on unauthorized outposts between 2000 and 2004, expressly "figure stated by the Ministry of Construction & Housing," which the opinion notes does not settle with that ministry's own working schemes. On materials, it records that 90 of the 140 caravans placed in the territories under the 2003 acquisition went to unauthorized outposts, with a further 64 conveyed to unauthorized outposts between August and December 2004.

What does Israel's state auditor record about enforcement in the district?

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Israel's State Comptroller published a follow-up audit of the police district covering Area C in May 2022 and found several deficiencies raised in an earlier audit still unrectified, among them the investigation of falsified real-estate transactions. The district opened **12,865** cases in 2020 for offences of disturbing public order, security violations and damage to property.

The audit ran from February to August 2021 with supplementary examinations to November 2021, and covered the Israel Police, COGAT, the Civil Administration and the IDF. It found some earlier deficiencies rectified, including the district Control Center's staffing and shielding, and others not: bulletproof vehicles unsuited to the district's missions and unchanged in kind and number as at June 2021, most ceramic vests past their plate expiry date, and the transfer of Palestinian vehicle and driver licensing information from the Civil Administration to the police.

What the audit does not publish is as important as what it does. It carries no complaint, investigation, indictment or conviction count for offences by Israeli civilians against Palestinians, and the Comptroller published the report while imposing confidentiality on sections of it, so every count in it is a floor over a partially published document.

A decade earlier, a commission appointed by the Prime Minister and the Minister of Justice in February 2012 had signed a report on the legal status of building in the same territory. It recommended that the status of settlements built without a government decision "can be legalized without requiring a further decision by the government or any of its ministers," on the reasoning that their establishment "was carried out with the knowledge, encouragement and tacit agreement of the most senior political level," and advised that "the state is advised to refrain from carrying out demolition orders, since it brought about the present situation through its own actions." Its own closing line leaves the outcome open: "Should the government decide to adopt our recommendations, it will be necessary to implement those principles in detail." There is no officially published full English text of that report; the only full English version in circulation was produced by a legal advocacy organization that had made submissions to the commission.

The judicial record runs the other way on particular sites. In HCJ 8887/06, decided 2 August 2011, the Supreme Court ordered the evacuation of the outpost of Migron, recording that the State did not dispute that the land was "registered lands under private Palestinian

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ownership" and that the outpost was illegal. Migron had been established in May 2001, two months after the cut-off the 2005 opinion used to date its outposts, without any government resolution.

How does Israel's statistical yearbook treat the settlements?

Israel's Central Bureau of Statistics counts these localities inside its national totals. Its Jerusalem Day release of 3 June 2024 reports the city's population passing one million at the end of 2023, with **39.5%** of residents Arabs, counting the East Jerusalem neighbourhoods annexed after 1967 as a single municipal population alongside the rest of the city.

A 2020 review by Sivan Hirsch-Hoefler and Lihi Ben Shitrit, published by POMEPS and not peer-reviewed, traces how that treatment developed in the Yearbook itself. East Jerusalem moved into the general population count for Israel proper in the 1968 edition. A 1970 footnote folded settlers into Israel's total as "Israeli residents in the Administrated Territories." By 1983 settlement localities were counted in the total number of Israeli localities, and in 1997 the separate territories chapter was removed. The authors call this a "normalization of settlements," which is their analytic framing and not the Bureau's.

Series	How the territory is treated	Source
CBS Jerusalem Day release, 2024	Annexed East Jerusalem counted inside a single municipal population, **39.5%** of it Arab	Israel Central Bureau of Statistics, 2024
CBS Statistical Abstract, from 1997	Separate territories chapter removed; settlement localities inside the total number of Israeli localities from 1983	Hirsch-Hoefler and Ben Shitrit, 2020
World Jewish Population estimate, 2019	Pre-1967 borders, East Jerusalem, Golan and West Bank reported as four separate lines; **418,900** in the West Bank	DellaPergola, 2019

The same review records that the Bureau excludes unrecognized outposts from its counts, and that a locality straddling the Green Line can be placed by the Bureau in Israel's South District while the monitoring organizations count it as a settlement.

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The consequence for anyone asking this question is a records asymmetry. The population of these localities is published annually by Israel's own statistical office, inside a national series, with no line for the settlements as such. The approvals are not published by that office at all.

Why do the approval counts differ by an order of magnitude?

The gap is more than thirteenfold, and it is a gap between reporting periods, geographies and measured objects rather than between two estimates of one quantity. The UN Secretary-General's quarterly report of 24 June 2026 records **4,750** housing units advanced or approved in the West Bank including East Jerusalem between 14 March and 12 June 2026, a span of three months.

The European Union's own 2025 settlement report, issued by the Office of the EU Representative on 6 July 2026, carries full-year figures for 2025: 27,941 housing units advanced for settlement in the West Bank according to Peace Now, and 35,370 advanced in East Jerusalem according to Ir Amim. Those two sum exactly to 63,311, which is the combined figure that appears in the reporting.

Three things differ between the two. The first is the period: one figure covers a three-month window in 2026 and the other covers the 2025 calendar year. The second is the geography: one figure is given for a combined territory and the other is assembled from two territorial counts made by two different organizations. The third is the measuring body: the smaller figure is reported by an intergovernmental body's own tracking, the larger is assembled from two monitoring organizations' counts on their own definitions.

The verb is the fourth difference, and it is the one most easily missed. The same 27,941 appears in two documents published in 2026 under two different descriptions: "advanced" in the European Union's 2025 settlement report, and "approved" in Amnesty International's 2026 report, which also attributes it to Peace Now. A plan advanced through a stage of a planning process and a unit approved by a decision are not the same object, and neither is a housing start of the kind the Central Bureau of Statistics counts.

None of this makes any one figure the correct one. It makes the denominator and the definition part of the figure, so that a sentence citing 63,311 and a sentence citing 4,750 are

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answering different questions and cannot be set against each other as a rise or a fall.

How many new settlements and outposts were approved in 2025?

The European Union's 2025 settlement report, issued in July 2026, records **54** new official settlements approved in 2025. The same report gives 86 new outposts erected during that year, which is a count of a different object: an outpost is a structure placed on the ground, and an approval is a decision taken by an authority.

That distinction has a documented Israeli precedent. The 2005 opinion defined an unauthorized outpost as one established with no government decision and no approval by an authorized political echelon, and located it at least a few hundred metres from an existing settlement, so a structure inside or adjoining a recognized settlement fell outside its 105. Any later outpost count rests on a similar definitional choice, and the choice governs the number.

On plans, Amnesty International's 2026 report, citing Peace Now, states that plans for 50,785 settlement housing units were promoted between 2023 and 2025. That figure spans three years and counts plans promoted, which is a third object again, distinct both from the 54 settlements approved and from the 86 outposts erected.

So the 2025 record, read in its own terms, holds at least four quantities: settlements approved, outposts erected, units advanced or approved, and units planned across a multi-year window. They are not stages of one series and cannot be summed. A reader given only one of them has been given a true number about a narrow object, and a reader given several without their definitions has been given an apparent contradiction that is really a difference in what was counted.

The 1979 government resolution that settlements be established only on State land, recorded in the 2005 opinion, remains the Israeli benchmark against which an outpost is classed as unauthorized in the first place. That benchmark makes the outpost count a count of building that Israel's own stated rule did not authorize, which is a different and narrower thing than a count of all settlement construction.

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Does Israel publish its own running count of settlement approvals?

No Israeli government body was found publishing a running count of settlement housing approvals. The published official Israeli series covering this territory are population counts and construction starts from the Central Bureau of Statistics, and the unit-level approval figures that circulate trace to Peace Now and Ir Amim rather than to any Israeli register.

The international series is not old either. The UN High Commissioner for Human Rights' report of February 2024 states that approximately 24,300 housing units in existing settlements were advanced or approved between November 2022 and October 2023, "the highest on record since monitoring began in 2017." Systematic tracking that begins in 2017 cannot answer a question about 1993 to 2000, and no unit-level approval series for the Oslo years was located on any side.

That absence shapes what can be said about the period the question asks about. For those years, the Israeli official record consists of one-off documents rather than a series: an opinion commissioned in 2005, a commission report signed in 2012, an audit chapter published in 2022, and court judgments on named sites. The State Comptroller's output form makes the point in its own words, that "the findings of the audit report and its recommendations are valid as of the date of its presentation." That is a chapter, not a tracker.

What exists instead, continuously and officially, is the population count. The Central Bureau of Statistics has folded settlers into its national totals since a 1970 Yearbook footnote, and DellaPergola's yearbook estimate breaks the same population back out by territory. So the most durable Israeli official measure of settlement over the political processes is a measure of people living there, and the measure of what was approved for building is held by other bodies, on their own definitions, for the last nine years only.

Methodology and limitations

This report draws on five kinds of source, each labelled where it is used. The signed instrument is the Israeli-Palestinian Interim Agreement of 28 September 1995, quoted from the English text published by the Israeli Ministry of Foreign Affairs, which is a party to it.

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The Israeli official records are the opinion published by the Prime Minister's Office in March 2005, the State Comptroller's follow-up audit of May 2022, and Central Bureau of Statistics releases. The court records are the judgment of 22 October 1979 in HCJ 390/79 and the judgment of 2 August 2011 in HCJ 8887/06. The academic sources are DellaPergola's 2019 yearbook chapter and the 2020 POMEPS review by Hirsch-Hoefler and Ben Shitrit, which is a think-tank review and not peer-reviewed. Monitoring-organization and intergovernmental reporting is named in the body, with the measuring body identified, and is not carried here as a measurement.

Limits, in the sources' own terms. The 105 outposts is a floor, since the opinion states it "probably does not reflect the true number," and the 18 unresolved is arrived at by subtracting the four published land categories from that total rather than from a figure the opinion prints. The NIS 71,870,000 is the spending ministry's own reported figure off a partial list. The State Comptroller published the 2022 chapter with confidentiality imposed on sections of it. The 2012 commission report has no officially published English text, the full English version in circulation having been produced by a legal advocacy organization that made submissions to that commission. The 2013 construction-start figure is marked provisional in the Bureau's release of 3 March 2014.

On comparability: the two monitoring series for settler population cover different territories, one the West Bank and the other the West Bank with East Jerusalem, and cannot be spliced into one line. The three quantities used across the 2013 to 2025 sections, construction starts, plans advanced and units approved, are three different objects, and no source read here reconciles them. The 4,750 and the 63,311 cover different reporting windows and different geographies and are not two readings of one figure. Systematic UN tracking of approvals begins in 2017, so no unit-level approval series exists for the 1990s on any side.

This report measures the record, not the conduct: it sets out what each body published, when, and on whose definitions. Where online or documentary activity runs alongside a dated event, the relationship stated is coincidence in time, and no causal claim is made.

Conclusion

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Did the building stop while the talking went on? On the records each body publishes, it did not, and the most exacting account of that is Israel's own. The opinion published by the Prime Minister's Office in March 2005 counted 105 outposts and said plainly that "State and public authorities took part in breaking the law," with NIS 71,870,000 reported by one ministry across 2000 to 2004, 90 of 140 caravans placed under the 2003 acquisition sent to unauthorized outposts, and 15 outposts standing on private Palestinian property. The signed agreement of 28 September 1995 had left planning and zoning in Area C with Israel and defined the settlements as the settlements in Area C, so the instrument that was meant to govern the interval assigned the power over that land to one side and set a permanent status deadline of 4 May 1996 that the record does not show being met.

The counts since are numerous and they do not agree, because they are not counting one thing. Israel's statistical office records construction starts, 2,534 of them in 2013. The UN records 4,750 units in a three-month window of 2026, and the European Union's report 54 settlements and 86 outposts in 2025. The monitoring organizations record 27,941 units and 35,370 units in the same year across two territories, and 50,785 planned across three. Each figure is defensible on its own definition and none of them can be added to another. Meanwhile the population is counted continuously and officially, and counted inside Israel's national totals, so the durable Israeli measure of settlement is a measure of people rather than of permissions.

That asymmetry is the finding, and it raises a question the record itself cannot close. When the quantity a signed agreement was meant to constrain is counted only by bodies outside the state that acts, and the quantity the state counts is the one the agreement did not address, what is a reader looking at: a gap in statistical practice, or the shape of the thing being measured?

Frequently Asked Questions

Which areas of the West Bank did the 1995 agreement put under Palestinian planning control?

Areas A and B only. Article XI(2) of the Israeli-Palestinian Interim Agreement of 28 September 1995 transfers "all civil powers and responsibilities, including planning and

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zoning, in Areas A and B" to the Palestinian Council, while in Area C it transfers only "civil powers and responsibilities not relating to territory." Article XVII(2) gives the Council territorial jurisdiction over the West Bank "except for Area C."

What is the difference between a settlement and an outpost in the Israeli record?

A government decision. The opinion published by the Prime Minister's Office in March 2005 defines an unauthorized outpost as one where "there was no government decision to establish it, and in any case no authorized political echelon approved its establishment," and adds a distance test, that it sit at least a few hundred metres from an existing settlement. That second condition means the count excludes unauthorized construction inside or adjoining a recognized settlement.

Why do Area C percentages differ between sources?

Because the signed agreement states none. Areas A and B are defined in Article XI(3) of the 1995 Interim Agreement by a red line and shading on an attached map, and Area C is defined residually as what is left, so any share of the West Bank attributed to Area C is a later measurement by some other body. The Arab Center Washington DC policy analysis of 7 May 2026 states around 60% and links it to an aid charity's explainer rather than to a measuring body.

Has an Israeli court ever ordered an outpost removed?

Yes. In HCJ 8887/06, decided 2 August 2011, the Supreme Court ordered the evacuation of the outpost of Migron, recording that the State did not dispute the land was "registered lands under private Palestinian ownership" and that the outpost was illegal. In HCJ 9949/08, decided 25 December 2014, the Court ordered the removal of the outpost of Amona within two years on the same ground.

What does "advanced" mean in settlement unit counts?

It means a plan moved through a stage of a planning process, which is not the same as an approval and not the same as building begun. The same 27,941 units for 2025 appear in the European Union's 2025 settlement report as "advanced" and in Amnesty International's

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2026 report as "approved," both attributed to Peace Now. Israel's Central Bureau of Statistics counts a third object, construction starts.

Which Israeli series covers settlements over the longest period?

The population series. A 2020 review by Hirsch-Hoefler and Ben Shitrit records that East Jerusalem entered the general population count for Israel proper in the 1968 Statistical Abstract, that a 1970 footnote folded settlers into Israel's total, and that by 1983 settlement localities were counted among Israeli localities. The separate territories chapter was removed in 1997.

Did any Israeli commission recommend authorizing outposts retroactively?

A commission appointed in February 2012 by the Prime Minister and the Minister of Justice recommended that settlements built without a government decision "can be legalized without requiring a further decision by the government or any of its ministers," and advised the state to refrain from carrying out demolition orders. Its own closing paragraph leaves adoption open, and no full official English text of the report was published.

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The 2005 Sasson Report, the 2012 Levy Report, a 2016 High Court order and the UN inquiry: what each document records about outposts and enforcement.

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Is Settler Colonialism in the West Bank as Bad as People Say? Reading the Official Registers, the Planning Data and the Demolition Counts

Israel's own register, EU planning and demolition data, the two totals that diverge by 18,518 units, and where the label is disputed but the counts are not.

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HANOVER INSTITUTE

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 NOVEMBER 16, 2026

Do Western outlets cover Gaza's dead differently? What the coverage studies counted

Two monitoring groups counted the same broadcaster and reached opposite results. What each coverage study measured, and against which denominator.

Media Bias | Gaza Casualties | Content Analysis | Media Monitoring | Casualty Counting



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The largest published measurement puts the gap at 33 to 1: the Centre for Media Monitoring reported in 2025, from more than 35,000 BBC articles and broadcast segments over twelve months, that Israeli deaths received 33 times more coverage per fatality than Palestinian deaths in BBC articles. A second organisation counting the same broadcaster over an overlapping window reports the imbalance running the other way: CAMERA found 35% of more than 2,500 BBC headlines critical of Israel against 11% critical of Hamas. Both counts stand, because neither measures what the other measures.

Key Findings

- Israeli deaths received 33 times more coverage per fatality than Palestinian deaths in BBC articles, and 19 times more in BBC television and radio, in a study of more than 35,000 BBC articles and broadcast segments over twelve months, on the Centre for Media Monitoring's 2025 count, against tolls of 42,010 Palestinians and 1,246 Israelis.
- CAMERA coded the headlines of more than 2,500 BBC News articles published between 7 October 2023 and 7 October 2025 and reported 35% critical of Israel against 11% critical of Hamas, on CAMERA's own definition of critical.
- The Gaza Ministry of Health's list to 30 June 2024 carried 28,185 named records with complete data, 22,368 from its own hospital records and 5,817 from notification by relatives, with a further 9,715 deaths the ministry stated were not yet complete.
- The figure most often quoted for the accuracy of Gaza casualty reporting, a discrepancy of 1.5% to 3.8% in previous conflicts, appears in a 2024 Lancet correspondence in a sentence that carries no citation, and reproduces exactly from three dated number pairs printed in an Associated Press explainer of 26 October 2023 that prints no percentage at all.
- Total media exposure to the Israeli-Palestinian conflict did not directly predict ethnic stereotypes among 89 Jewish American and 180 Arab American high-school students surveyed by Huesmann and colleagues in 2012; the association ran through identification with the groups as portrayed.

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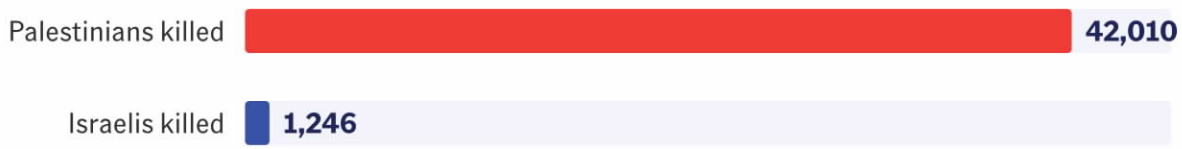
How much coverage did each side's deaths receive per fatality?

Israeli deaths received **33 times more coverage per fatality** than Palestinian deaths in BBC articles, on the Centre for Media Monitoring's 2025 study of more than 35,000 BBC articles and broadcast segments across twelve months of the war. The Centre is a British media-monitoring organisation applying its own coding frame, and the figure is its own calculation rather than a peer-reviewed measurement.

The same study puts the figure for BBC television and radio at 19 times. The denominators matter as much as the numerator. The Centre's ratio divides coverage by deaths, and the death figures it used were 42,010 Palestinians and 1,246 Israelis for 7 October 2023 to 6 October 2024, counts it did not measure itself. That is a fatality ratio of about 34 to 1 for the same period.

Recorded deaths behind the coverage ratio

TWELVE MONTHS OF THE WAR, AS COUNTED FOR A STUDY OF BBC OUTPUT



Source: Centre for Media Monitoring, 2025.

A per-fatality ratio behaves differently from the volume figures most readers encounter. It rises when coverage of one side rises and it rises when deaths on the other side rise, so the same output can produce a very different ratio if the casualty figures are revised. The Centre's 33 is therefore a statement about the relationship between two series, not about the quantity of BBC coverage of Gaza, which was large in absolute terms across the period.

Three further limits sit on the figure. It covers one broadcaster, so it establishes nothing about the New York Times, CNN, the Associated Press or Reuters. It covers twelve months, and the Centre published no continuation, so it speaks to no later period. And it counts items, which

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is a unit that treats a two-minute bulletin and a long feature alike, and which says nothing about placement, length, headline wording or the agent named in a headline.

Is it often said Western outlets humanise Israeli victims more?

It is often said that Israeli victims are named while Palestinian deaths are counted. A 2026 study in TRT Akademi, the peer-reviewed academic journal of Turkey's public broadcaster, coded **160 items** from the New York Times, BBC, CNN and the Guardian published between October 2024 and October 2025 and reported depersonalised language, passive construction and selective sourcing around Palestinian casualties. It publishes no numeric ratio.

Two further named studies run in the same direction. AlShebli, Casara and Maass (2025), in a preprint posted as arXiv:2510.06453 that has not been peer-reviewed, analysed 14,280 articles from the New York Times, BBC, CNN and Al Jazeera English across the war's first year and found the odds of a story individualising a victim 14.7% lower for Palestinians than Israelis at the BBC, 28.7% lower at CNN and 41.3% lower at the New York Times. Thussu and Chatterjee (2026), in Third World Quarterly, is peer-reviewed, and its argument is about framing and context rather than a count of items; the casualty figures it works with are figures it relays from UN agencies and press reporting rather than figures it measured.

So the direction the named studies run in is consistent, and stating that is not the same as stating a magnitude. The TRT Akademi study's 160 items across four outlets over thirteen months is a sample about one two-hundredth the size of the Centre for Media Monitoring's, and its method is qualitative coding of language features rather than enumeration, which is why it reports patterns and not a rate. A finding that passive construction recurs is a finding about grammar in a sample. It cannot be converted into a claim that Israeli victims were named some number of times more often per death: the preprint counts individualised mentions, but no study read here divides namings by deaths.

The Centre for Media Monitoring's version of the humanisation claim is quantified too, and it concerns victim profiles rather than language.

Do story counts track the death counts?

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No, on the two pairings published with both halves in view. The Centre for Media Monitoring reported in 2025 that the BBC ran almost equal numbers of humanising victim profiles for Israelis and Palestinians, 201 and 279, across a twelve-month period in which the casualty figures it worked from stood at about **34 Palestinian deaths for every Israeli death**.

The widely circulating version of this claim is the second pairing, and it comes from the 2025 preprint named above. AlShebli, Casara and Maass report that the BBC, CNN and the New York Times ran a close to one-to-one ratio of Palestinian to Israeli casualty stories, against roughly 20 Palestinian casualties for every Israeli casualty by the end of the first year. Two details travel with it: "casualties" there means deaths and injuries, not deaths alone, and the stories counted are victim narratives within articles, not whole articles.

The Centre's two findings are arithmetically the same observation seen from two sides. If deaths differ by a factor of about 34 and item counts or profile counts do not differ by anything like that factor, then coverage per fatality differs by approximately the same factor. The Centre's near-parity in profiles and its 33 to 1 coverage ratio are one measurement, not two independent confirmations of a pattern.

What a story count cannot register is also worth stating plainly. It treats every item as one unit, so it is blind to length, placement, repetition within a bulletin and the number of readers or viewers reached. Two outlets producing identical item counts can produce entirely different volumes of attention, and none of the studies read here measures audience reach.

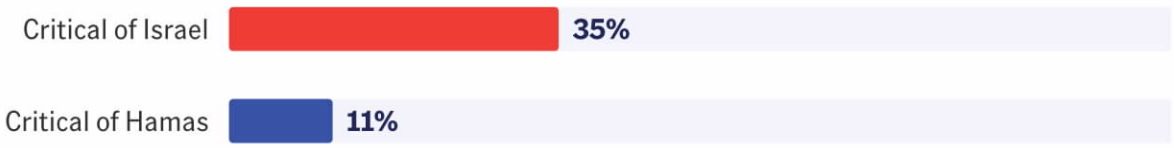
Which monitoring groups find the bias runs the other way?

CAMERA, the Committee for Accuracy in Middle East Reporting in America, coded the headlines of more than 2,500 BBC News articles published between 7 October 2023 and 7 October 2025 and reported **35% critical of Israel against 11% critical of Hamas**. CAMERA performed the coding itself and states an advocacy mission, so the share rests on its own judgment of what counts as critical.

Share of BBC headlines coded as critical
MORE THAN 2,500 HEADLINES, 7 OCTOBER 2023 TO 7 OCTOBER 2025

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Source: CAMERA, 2025; coding by CAMERA.

The same 2025 study counts 45 headlines over those 24 months featuring claims of genocide, famine or starvation in Gaza, and 21 headline uses of the words starving or starvation. Those are raw counts within the corpus, which CAMERA puts at 2,533 stories, and CAMERA reports them as counts rather than shares.

CAMERA's 2023 study of CNN takes a different approach again. It counted the 99 new articles in CNN's Middle East section between July and September 2023 and divided regional population figures from the World Bank by that count, reporting 324,316 Israelis and Palestinians per CNN Middle East article. That is CAMERA's own calculation from its own article count set against a third party's population data, and it measures coverage volume per head of population; the article also sets article counts against ACLED conflict fatalities without printing a per-fatality figure for Israel.

NGO Monitor's Annual Report 2024, published in 2025, works on a different object entirely. It reports 157 groups in the United States linked to what it identifies as an anti-Israel network, with over 3,000 connections, and 111 groups in Canada with over 1,800 connections, alongside $28 million in government funding to NGOs that it says was cut as a direct result of its own work. Those are self-reported counts of organisations, with inclusion criteria the report does not state, and they are not a measurement of any outlet's coverage.

Are the two sets of studies counting the same thing?

No. The measurements named in this report use **six different units**: coverage items per fatality, share of headlines, population per article, coded passages in a small sample, individualised victim mentions, and personal details per post. None shares a denominator with another, so none of their figures can be added, divided into one another, or ranked.

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Body and year	What it counted	The denominator	Source type
Centre for Media Monitoring, 2025	More than 35,000 BBC items over 12 months	**Deaths**, 42,010 and 1,246	Monitoring organisation
CAMERA, 2025	Headlines of more than 2,500 BBC articles	**Headlines** in the corpus	Monitoring organisation, advocacy mission
CAMERA, 2023	99 CNN Middle East articles, July to September 2023	**Population**, from World Bank figures	Monitoring organisation, advocacy mission
TRT Akademi, 2026	160 items from four outlets, October 2024 to October 2025	**None published**	Peer-reviewed journal
AlShebli and colleagues, 2025	Victim mentions in 14,280 articles, four outlets	**Casualties**, deaths and injuries	Preprint
Elmasry, 2024	436 Instagram posts by five broadcasters, 7 to 16 October 2023	**Posts**, not deaths	Peer-reviewed journal

That table explains how two organisations can count the same broadcaster and publish opposite findings without either arithmetic being wrong. A per-fatality ratio is driven hard by the fatality denominator, which differed by a factor of about 34. A share-of-headlines figure is driven by the headline denominator and by whoever defines the coding category. Coverage can be weighted toward Israeli deaths on a per-death basis while a larger share of the headlines that assign criticism at all assign it to Israel. Neither result refutes the other, because they answer separate questions.

Nothing in the record establishes a shared codebook across these bodies. Each built its own categories, and none publishes a mapping onto another's, which means the figures cannot be pooled into a single estimate of coverage asymmetry. This is the recurring problem with what published counts actually measure in this subject: the disagreement between two totals is frequently a disagreement about the unit, visible only when both denominators are stated.

How do outlets attribute the Gaza casualty figure?

To the Gaza Ministry of Health, which publishes the underlying records. Its list to 30 June 2024, the ministry stated on 24 July 2024, carried **28,185 named records with complete**

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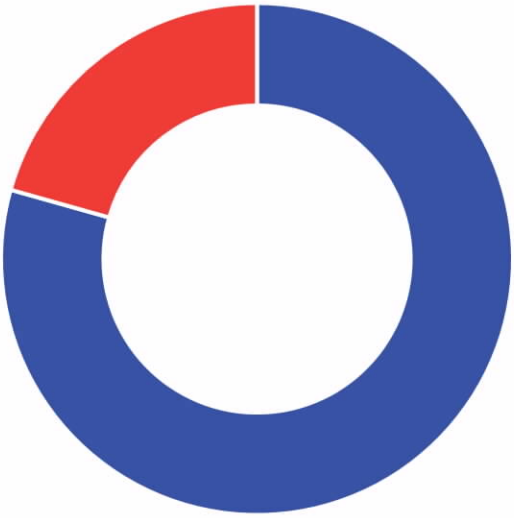
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data.

Of those, 22,368 came from its own hospital records and 5,817 from notification by relatives, and in the same statement the ministry put a further 9,715 deaths as not yet complete.

How 28,185 completed records were sourced

GAZA MINISTRY OF HEALTH LIST TO 30 JUNE 2024



Ministry hospital records Notification by relatives

Source: Gaza Ministry of Health, list published 24 July 2024.

The ministry is a party to the war reporting its own count, and it publishes its own exclusions. In a statement of 7 January 2024, never withdrawn, it recorded five: the missing and bodies trapped under rubble are not counted; the unidentified who reached hospitals are not counted; the unidentified whose bodies Israel handed over are not counted; those buried by their families without passing through a hospital are not counted; and victims in Gaza and North Gaza after the information system stopped in November 2023 are not counted. What the ministry publishes about its own count is therefore narrower than a census of the dead, by its own account.

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One published assessment exists. Huynh, Chin and Spiegel published a Lancet correspondence in 2024, editorially reviewed rather than peer-reviewed, titled No evidence of inflated mortality reporting from the Gaza Ministry of Health. Its title is an absence claim and not a verification, and its own text states that mortality "might have been under-reported by the Gaza MoH due to decreased capacity."

The sentence most often lifted from that letter is the one with the weakest support in it. It reports discrepancies between ministry reporting and independent United Nations analyses of 1.5% to 3.8% in previous conflicts, and that sentence carries no citation, though the letter cites the Associated Press explainer below for the sentence before it. Those percentages reproduce exactly from three dated pairs printed in an Associated Press explainer of 26 October 2023, which prints no percentage of its own: 1,440 against 1,385 in 2008, 2,310 against 2,251 in 2014, and 260 against 256 in 2021. Each divides on the ministry's own count as denominator, and the letter's 8.0% figure for 2014 comes from the same page's Israeli Foreign Ministry comparison.

No count exists, in any study read here, of how often a given outlet attaches a caveat to the figure.

Does the asymmetry appear in images as well as words?

One peer-reviewed content analysis of the war's imagery appears among the sources carried here: Elmasry (2024), in Journalism & Mass Communication Quarterly, coded 436 Instagram posts by five Western broadcasters in the war's first ten days. It reports 0.47 personal details per post about Israeli victims against 0.14 about Palestinian victims, and no coverage-per-fatality comparison.

That is a different object of measurement in three respects at once. The denominator is posts rather than deaths, so a result cannot be expressed per fatality. The unit is a coded post, with its caption and video, rather than an article or broadcast segment, so it cannot be set beside the Centre for Media Monitoring's item count. And the platform is a social feed with its own distribution and its own moderation, so an outlet's Instagram output is not its editorial output, and a finding about one does not transfer to the other.

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The two text-side studies measure different things again. The TRT Akademi study codes language features, passive construction and sourcing, in its 160-item sample. The Centre for Media Monitoring counts humanising victim profiles, which are items rather than photographs. Neither counts images.

So the humanisation argument, as it is usually made, spans three separate measurements that have never been run against a common denominator: whether a victim is named, whether a victim is pictured, and how many items each death produces. Naming has been counted, by the 2025 preprint and the Instagram study, but only the third has been quantified per fatality, and only for one broadcaster over one year. The photographic version of the claim is not measured at the per-death level anywhere in this record, and recording that is the accurate answer to the question rather than an extrapolation from the verbal findings to the visual ones.

Where do the content analyses disagree about method?

Sample sizes across these studies differ by a factor of more than **two hundred**: the Centre for Media Monitoring's 2025 study codes more than 35,000 BBC items, against the 160 items across four outlets in the 2026 TRT Akademi study. Their designs differ as sharply as their scale.

Taken in turn, and by name. The Centre for Media Monitoring is a monitoring organisation, not peer-reviewed, coding to a frame of its own, with casualty denominators taken from a body that measured them separately. CAMERA's 2025 and 2023 studies are advocacy-mission monitoring, self-coded, with "critical" defined by the coder in one case and a population denominator imported from the World Bank in the other. The TRT Akademi study of 2026 is peer-reviewed, is qualitative, publishes no ratio, and rests on a sample small enough that a handful of items shifts any pattern it reports. The AlShebli preprint of 2025 has not been through peer review and counts victim mentions against a casualty baseline that includes injuries. The Instagram content analysis of 2024 is peer-reviewed and measures a different medium. The Third World Quarterly article of 2026 is peer-reviewed and is an argument about framing that relays casualty figures rather than counting coverage.

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The claims that survive each design are narrower than the claims the studies are usually cited for. A per-fatality volume asymmetry survives for one broadcaster across one twelve-month window. A headline-criticism asymmetry survives for the same broadcaster across a two-year window on one organisation's coding. A qualitative pattern of depersonalisation survives for a 160-item sample from four outlets over thirteen months.

None of the three supports a statement about Western media as a whole, and the two BBC studies do not converge on a single number for the BBC, because they never counted the same thing. Where the literature is thin is also visible: no study read here covers the wire services, Reuters and the Associated Press, whose copy supplies much of what smaller outlets publish.

What has been measured about exposure to this coverage?

One measurement of exposure and attitudes appears in the peer-reviewed literature carried here, and it found no direct effect. Huesmann, Dubow, Boxer, Souweidane and Ginges surveyed **89 Jewish American and 180 Arab American high-school students** in a 2012 study and reported that total media exposure to the Israeli-Palestinian conflict did not directly predict ethnic stereotypes.

What the study did find was an indirect association. The relationship ran through identification with the groups as portrayed in the media rather than through the volume of exposure itself. Both groups held more negative stereotypes about the out-group than the in-group, with ethnic identity correlating at r = -0.70 with an implicit measure of negative stereotypes about Arab versus Jewish youth. The authors report associations, not causes, and the design is cross-sectional.

Two limits bound how far that finding reaches. It measured adolescents in two specific communities in the United States, not a general audience. And it was published in 2012, more than a decade before October 2023, in a media environment without the platforms and volumes that the Instagram and wire-era studies above describe, so it cannot speak to exposure to coverage of the current war.

That leaves a gap worth stating directly. The coverage asymmetries measured by the Centre for Media Monitoring in 2025 and by CAMERA in 2025 have not been paired, in any study

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read here, with a measurement of what audiences exposed to that coverage came to believe about Jews, Israelis or Palestinians. The bias literature measures output. The attitudes literature measures people. Nothing in this record joins them for this war, and the one study that attempted the join for an earlier period found the path ran through who the viewer already identified with.

Methodology and limitations

This report draws on the source types below, each labelled where it appears. Monitoring organisations supply the two largest coverage counts: the Centre for Media Monitoring's 2025 study of more than 35,000 BBC items, and CAMERA's 2025 and 2023 studies of BBC headlines and CNN articles, with CAMERA and NGO Monitor stating advocacy missions and coding their own material. Peer-reviewed journals supply the TRT Akademi study of 2026, the Instagram content analysis of 2024, the Third World Quarterly article of 2026 and the Huesmann study of 2012. One preprint, AlShebli, Casara and Maass (2025), arXiv:2510.06453, is labelled as such at every use. One item, the Huynh, Chin and Spiegel piece of 2024, is Lancet correspondence, editorially reviewed rather than peer-reviewed, and PubMed carries no abstract for it.

Casualty figures throughout are attributed to the bodies that published them. The 42,010 and 1,246 used as denominators in the coverage ratio are figures the Centre for Media Monitoring used without measuring them, and its published summary does not name their source. The record counts of 28,185, 22,368, 5,817 and 9,715 are the Gaza Ministry of Health's own published counts, from a party to the war, with the ministry's own five stated exclusions attached.

The scope is the coverage and the counting. What is measured here is published output, the unit each counting body used, and the denominator each ratio rests on. Whether any particular editorial judgment was correct is a different question from how many items were produced, and no figure in this report bears on it.

Three limits are visible in the evidence itself. The per-fatality and headline-share studies both examine the BBC; the 2025 preprint adds the New York Times and CNN against a casualty baseline but publishes no per-fatality ratio, and no figure exists for Reuters or the

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Associated Press. The windows end by 2025 in every case. And the widely repeated pairing of a roughly one-to-one story ratio against a roughly 20 to 1 ratio comes from a preprint, compares casualty-related victim narratives rather than whole articles, and uses casualties, deaths and injuries together, rather than deaths.

Conclusion

Two organisations counted the same broadcaster's Gaza coverage and published findings that point in opposite directions. Both are right about what they counted. The Centre for Media Monitoring divided coverage by deaths across more than 35,000 BBC pieces and got 33 to 1 for articles against a fatality ratio of about 34 to 1. CAMERA divided coded headlines by headlines across more than 2,500 BBC articles and got 35% against 11%. Change the denominator and the direction of the answer changes with it.

What the measurements establish, taken together, is narrower and firmer than the argument that surrounds them. Coverage volume on one broadcaster did not scale with the death counts over one twelve-month window, and the same study found near-parity in humanising victim profiles across a period whose casualty figures differed by a factor of about 34. A smaller qualitative sample of 160 items from four outlets found depersonalised language around Palestinian casualties and published no rate. A separate body of counting finds criticism concentrated in the other direction at the headline level. The casualty figure every outlet attributes is the Gaza Ministry of Health's own, published in name-by-name lists whose completed portion split 22,368 to 5,817 by channel at the end of June 2024, alongside the ministry's own statement of what it does not count. And the accuracy claim most often attached to that figure, 1.5% to 3.8%, traces to an uncited sentence that reproduces three number pairs from a news explainer.

The Institute's subject is what feeds antisemitism, and this is where the measurement stops short of the question people are actually arguing about. Huesmann and colleagues found in 2012 that exposure did not predict stereotyping directly, and that the association ran through who the viewer already identified with. If that holds for coverage of this war, then a per-fatality ratio describes what was broadcast and not what was absorbed, and the argument over media bias is partly an argument about arithmetic standing in for a harder one. No study

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in this record has yet put the next question to a sample: which of these counts, if any, changes what a reader ends up believing about Jews, Israelis or Palestinians?

Frequently Asked Questions

How is coverage per fatality calculated?

It divides a count of coverage by a count of deaths. The Centre for Media Monitoring's 2025 figure of 33 divides BBC article coverage by the tolls of 42,010 Palestinians and 1,246 Israelis, so it moves when either series moves, and a revision to the casualty figures changes the ratio without any change in what was broadcast.

Which body's casualty figures do the media-monitoring studies use?

The Centre for Media Monitoring used 42,010 Palestinian and 1,246 Israeli deaths without measuring them, and its published summary does not name their source. The Palestinian toll in circulation rests on the Gaza Ministry of Health's published records, which the ministry compiles as a party to the war and publishes with its own stated exclusions.

Is the Gaza Ministry of Health's count a complete record of the dead?

No, on the ministry's own account. It stated in January 2024 that it does not count the missing, bodies under rubble, the unidentified who reached hospitals, those buried by families outside hospitals, or deaths in Gaza and North Gaza after its information system stopped in November 2023, and at 30 June 2024 it reported 9,715 further deaths as not yet complete.

What is the difference between the source types cited here?

The 2024 Instagram content analysis in Journalism & Mass Communication Quarterly and the 2012 Huesmann study are peer-reviewed. The 2025 AlShebli, Casara and Maass paper, arXiv:2510.06453, is a preprint that has not been peer-reviewed. The 2024 Huynh, Chin and Spiegel item is Lancet correspondence, which is editorially reviewed rather than peer-reviewed.

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Do any of these studies cover outlets other than the BBC?

Five do. The 2026 TRT Akademi study covers the New York Times, BBC, CNN and the Guardian across 160 items, CAMERA's 2023 study covers 99 CNN articles, the 2025 preprint covers the New York Times, CNN and Al Jazeera English alongside the BBC, the Instagram study covers five broadcasters' accounts, and the Third World Quarterly article reads the New York Times. No study read here measures Reuters or the Associated Press.

Does any of this evidence cover the period after 2025?

No. The Centre for Media Monitoring's window is twelve months and CAMERA's runs to 7 October 2025, and neither organisation published a continuation in the record carried here, so no per-fatality or headline-share figure exists for coverage after those dates.

Which of the counting bodies state an advocacy mission?

CAMERA and NGO Monitor both state advocacy missions and code their own material, which is why their figures are labelled as monitoring counts rather than measured shares. The Centre for Media Monitoring is a media-monitoring organisation applying its own frame, and TRT Akademi is the peer-reviewed academic journal of Turkey's public broadcaster.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

What war crimes does the ICC accuse Israeli leaders of? 7 counts sought, 5 crimes named

The ICC's 21 November 2024 warrants for Netanyahu and Gallant name 2 war crimes and 3 crimes against humanity; the Prosecutor had sought 7 counts.

International Criminal Court | War Crimes | Arrest Warrants | Rome Statute | Gaza



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The International Criminal Court's Pre-Trial Chamber I issued arrest warrants on 21 November 2024 for Benjamin Netanyahu and Yoav Gallant that name **2 war crimes**, starvation as a method of warfare and intentionally directing an attack against the civilian population, alongside 3 crimes against humanity: murder, persecution and other inhumane acts. These are accusations at the arrest-warrant stage, on a standard of reasonable grounds to believe, and no trial has taken place. The list is shorter than the 7 counts the Prosecutor applied for on 20 May 2024, and the judges stated they could not determine that all elements of extermination were met. The same proceedings produced warrant applications against 3 Hamas leaders, and none of those remains live.

Key Findings

- On 21 November 2024, the International Criminal Court's Pre-Trial Chamber I issued warrants for Netanyahu and Gallant naming 2 war crimes and 3 crimes against humanity, for conduct "from at least 8 October 2023 until at least 20 May 2024" (International Criminal Court, Pre-Trial Chamber I, 2024).
- The Prosecutor's applications of 20 May 2024 listed 7 counts against the two, including extermination; the Chamber stated it "could not determine that all elements of the crime against humanity of extermination were met" (International Criminal Court, Office of the Prosecutor, 2024; International Criminal Court, Pre-Trial Chamber I, 2024).
- On 24 April 2025 the Appeals Chamber reversed the ruling on Israel's article 19(2) jurisdiction challenge and remanded it; on 15 December 2025 it confirmed, by majority, the ruling on Israel's article 18(1) challenge (International Criminal Court, Pre-Trial Chamber I, 2024).
- COGAT, an Israeli Ministry of Defense unit and a party to the events reporting its own count, published a truck-level record containing 32,946 aid trucks between 21 October 2023 and 31 May 2024 (COGAT, 2026).
- The IDF Military Advocate General's Corps reported, as its own count at 3 August 2024, 74 criminal investigations opened, under a stated threshold in which civilian harm "in

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most cases" does not by itself indicate criminal suspicion (Israel Defense Forces, Military Advocate General's Corps, 2024).

Which war crimes do the ICC arrest warrants name?

The International Criminal Court's Pre-Trial Chamber I named **2 war crimes** in its public summary of 21 November 2024: "the war crime of starvation as a method of warfare" and "the war crime of intentionally directing an attack against the civilian population." The warrants were issued for Benjamin Netanyahu, "Prime Minister of Israel at the time of the relevant conduct", and Yoav Gallant, "Minister of Defence of Israel at the time of the alleged conduct".

The same summary names 3 crimes against humanity: "murder, persecution, and other inhumane acts." Pre-Trial Chamber I set the period as conduct "from at least 8 October 2023 until at least 20 May 2024, the day the Prosecution filed the applications for warrants of arrest" (International Criminal Court, Pre-Trial Chamber I, 2024).

The standard, reasonable grounds to believe, is not a conviction: the two men named are suspects before the Court, not defendants found guilty.

The warrants themselves are not public. Pre-Trial Chamber I stated that "The arrest warrants are classified as 'secret', in order to protect witnesses and to safeguard the conduct of the investigations." It released a summary because "conduct similar to that addressed in the warrant of arrest appears to be ongoing". Every crime in the table below is therefore the Chamber's own public summary of a classified document, and that summary gives no Rome Statute article numbers.

Crime named in the summary	Category	Source
Starvation as a method of warfare	**War crime**	ICC Pre-Trial Chamber I, 2024
Intentionally directing an attack against the civilian population	**War crime**	ICC Pre-Trial Chamber I, 2024
Murder	**Crime against humanity**	ICC Pre-Trial Chamber I, 2024

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Crime named in the summary	Category	Source
Persecution	**Crime against humanity**	ICC Pre-Trial Chamber I, 2024
Other inhumane acts	**Crime against humanity**	ICC Pre-Trial Chamber I, 2024

The Chamber issued two further decisions the same day, rejecting challenges Israel had brought to the proceedings.

Who asked for the warrants, and which charges were sought?

ICC Prosecutor Karim A.A. Khan KC applied to Pre-Trial Chamber I on 20 May 2024 for warrants against Netanyahu and Gallant on **7 counts**, according to his Office's statement of that date, for crimes "committed on the territory of the State of Palestine (in the Gaza strip) from at least 8 October 2023". An application is an allegation by one organ of the Court, not a judicial finding.

The statement names "Benjamin NETANYAHU, the Prime Minister of Israel, and Yoav GALLANT, the Minister of Defence of Israel" and lists each count with its Rome Statute article (International Criminal Court, Office of the Prosecutor, 2024). Four counts are war crimes and three are crimes against humanity. Several are worded as alternatives joined by "or", so one count can carry two articles.

Count, as the Prosecutor worded it	Rome Statute article	Source
Starvation of civilians as a method of warfare	**8(2)(b)(xxv)**	ICC Office of the Prosecutor, 2024
Wilfully causing great suffering, or cruel treatment	**8(2)(a)(iii)** or 8(2)(c)(i)	ICC Office of the Prosecutor, 2024
Wilful killing, or murder as a war crime	**8(2)(a)(i)** or 8(2)(c)(i)	ICC Office of the Prosecutor, 2024
Intentionally directing attacks against a civilian population	**8(2)(b)(i)** or 8(2)(e)(i)	ICC Office of the Prosecutor, 2024

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Count, as the Prosecutor worded it	Rome Statute article	Source
Extermination and/or murder	**7(1)(b)** and 7(1)(a)	ICC Office of the Prosecutor, 2024
Persecution	**7(1)(h)**	ICC Office of the Prosecutor, 2024
Other inhumane acts	**7(1)(k)**	ICC Office of the Prosecutor, 2024

The extermination count includes deaths "in the context of deaths caused by starvation". The Prosecutor sought liability "both as co-perpetrators and as superiors pursuant to Articles 25 and 28 of the Rome Statute."

Because the warrants are classified, the Rome Statute article numbers attached to the case in public discussion come from this statement and not from the warrants the judges issued. The article text for the first count, as the Rome Statute sets it out at article 8(2)(b)(xxv), is "Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions" (Rome Statute, 1998).

The statement also records that the Prosecutor convened "a panel of experts in international law" to support his Office's review of the evidence, and warns that the Office "will not hesitate to act pursuant to article 70 of the Rome Statute" against attempts to impede or intimidate the Court.

Which requested charges did the judges decline to include?

Pre-Trial Chamber I's summary of 21 November 2024 omits extermination, one of the **7 counts** the Prosecutor sought: on the material "covering the period until 20 May 2024, the Chamber could not determine that all elements of the crime against humanity of extermination were met." The Prosecutor had tied extermination to deaths from starvation.

The Chamber's public summary lists 5 crimes against the Prosecutor's 7 counts (International Criminal Court, Pre-Trial Chamber I, 2024; International Criminal Court,

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Office of the Prosecutor, 2024). Besides extermination, the summary does not list the war crimes of wilful killing or murder, or of wilfully causing great suffering or cruel treatment. Murder survives, but in the Chamber's summary it appears as a crime against humanity, the category the Prosecutor had paired with extermination.

A second limit sits inside a crime the Chamber did name. On the war crime of intentionally directing an attack against the civilian population, Pre-Trial Chamber I stated that "the material provided by the Prosecution only allowed it to make findings on two incidents". The Chamber's finding on that crime therefore rests on two incidents.

Count applied for, 20 May 2024	In the Chamber's summary, 21 November 2024	Source
Extermination, article 7(1)(b)	**Not listed**; elements could not be determined	ICC Pre-Trial Chamber I, 2024
Wilful killing, or murder as a war crime	**Not listed** as a war crime; murder listed as a crime against humanity	ICC Pre-Trial Chamber I, 2024
Wilfully causing great suffering, or cruel treatment	**Not listed**; other inhumane acts listed as a crime against humanity	ICC Pre-Trial Chamber I, 2024

The comparison runs between two public documents, the Prosecutor's statement and the Chamber's summary, because the warrants are secret. A crime missing from the summary is missing from the Chamber's public account of what it issued; the classified text has not been released.

Are Netanyahu and Gallant accused as perpetrators or as superiors?

Pre-Trial Chamber I's summary of 21 November 2024 attributes **4 crimes** to Netanyahu and Gallant "as co-perpetrators", namely starvation as a method of warfare, murder, persecution and other inhumane acts, and attributes one, intentionally directing an attack against the civilian population, to them "as civilian superiors". The two forms of liability describe different alleged conduct.

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Co-perpetration, under article 25 of the Rome Statute, alleges that a person committed a crime jointly with others. Superior responsibility, under article 28, sets out when a superior is criminally responsible for crimes committed by subordinates under that superior's effective authority and control (Rome Statute, 1998). On the summary's terms, the attack-on-civilians crime is the one in which Netanyahu and Gallant are accused not of committing the act but of answering for it as civilian superiors.

The Prosecutor had applied for both modes across his counts, "both as co-perpetrators and as superiors pursuant to Articles 25 and 28 of the Rome Statute" (International Criminal Court, Office of the Prosecutor, 2024). The Chamber assigned one mode to each crime in its public summary (International Criminal Court, Pre-Trial Chamber I, 2024).

Form of liability alleged for each crime

NETANYAHU AND GALLANT; EACH PATH IS ONE CRIME IN THE PUBLIC SUMMARY. CAH: CRIME AGAINST HUMANITY



Source: International Criminal Court, Pre-Trial Chamber I (2024), public summary of 21 November 2024.

Two further legal settings shape the accusation. Pre-Trial Chamber I stated that it applied the law of international armed conflict to the war crimes. The Prosecutor's application had cited

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alternatives covering both kinds of conflict, article 8(2)(b)(i) for international armed conflict and 8(2)(e)(i) for non-international armed conflict, and the Chamber's choice resolves which body of law its summary rests on.

For the crimes against humanity, the Chamber found that they were "part of a widespread and systematic attack against the civilian population of Gaza." That contextual element is what article 7 requires for an act such as murder or persecution to be charged as a crime against humanity rather than as an ordinary offence.

Do the ICC warrants include a genocide charge?

None of the **7 counts** the ICC Prosecutor listed on 20 May 2024, and none of the 5 crimes in Pre-Trial Chamber I's summary of 21 November 2024, is the crime of genocide, which the Rome Statute defines separately in article 6. The ICC case concerns individual criminal responsibility for war crimes and crimes against humanity.

The genocide question has been taken up in other forums, which make different kinds of determination and are distinct from the ICC case. The genocide accusation against Israel runs through two of them.

The Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, a fact-finding body of the UN Human Rights Council, concluded "on reasonable grounds" in conference room paper A/HRC/60/CRP.3, dated 16 September 2025, that Israeli authorities and security forces "have committed and are continuing to commit" four of the acts listed in the Genocide Convention in Gaza. It stated that its analysis "relates solely to the determination of genocide under the Genocide Convention as it relates to the responsibility of the State of Israel". The same paper concluded that President Isaac Herzog, Prime Minister Netanyahu and then Defence Minister Gallant "have incited the commission of genocide". That is a finding on state responsibility by a commission, not a criminal charge against any person.

The same Commission concluded earlier, in report A/HRC/56/26 of 14 June 2024, that "Israel has used starvation as a method of war", and in the same report that members of the military wings of Hamas and other Palestinian armed groups committed acts on 7 October

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2023 that "constitute war crimes". Those are the Commission's conclusions, made outside the ICC's procedure.

The International Court of Justice, in South Africa v. Israel, indicated provisional measures in orders of 26 January, 28 March and 24 May 2024. Those orders concern the obligations of states under the Genocide Convention. The 26 January order states at paragraph 30 that "At the present stage of the proceedings, the Court is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred."

The three tracks therefore produce three kinds of document: warrants for individual arrest, a commission's conclusions on a state, and interim orders between two states in an unresolved case. The ICC warrants are the only one of the three that accuses named individuals of crimes, and genocide is not among them.

Did the same ICC proceedings also target Hamas leaders?

The ICC Prosecutor applied on 20 May 2024 for warrants against **3 Hamas leaders** in the same situation, ICC-01/18, according to his Office's statement: Yahya Sinwar, Mohammed Diab Ibrahim Al-Masri, known as Deif, and Ismail Haniyeh, for crimes "committed on the territory of Israel and the State of Palestine (in the Gaza strip) from at least 7 October 2023".

The statement gives their roles as "Head of the Islamic Resistance Movement ("Hamas") in the Gaza Strip" for Sinwar, "Commander-in-Chief of the military wing of Hamas, known as the Al-Qassam Brigades" for Deif, and "Head of Hamas Political Bureau" for Haniyeh (International Criminal Court, Office of the Prosecutor, 2024). The counts included extermination under article 7(1)(b), murder, taking hostages under article 8(2)(c)(iii), rape and other acts of sexual violence, torture, cruel treatment and outrages upon personal dignity. The statement attributes to them "the killing of hundreds of Israeli civilians" on 7 October 2023 "and the taking of at least 245 hostages".

On 21 November 2024, the day it issued the Netanyahu and Gallant warrants, Pre-Trial Chamber I issued a warrant for Deif, "the highest commander of the military wing of Hamas (known as the al-Qassam Brigades) at the time of the alleged conduct". It named the crimes against humanity of "murder; extermination; torture; and rape and other form of sexual

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violence" and war crimes including "taking hostages; outrages upon personal dignity" (International Criminal Court, Pre-Trial Chamber I, 2024). Extermination, left out of the Israeli warrants, appears in the Deif warrant.

Person, role as the Court states it	What happened on the Court's record	Source
Ismail Haniyeh, Head of Hamas Political Bureau	Application withdrawn **9 August 2024**, after his death was confirmed	ICC Pre-Trial Chamber I, 2024
Yahya Sinwar, Head of Hamas in the Gaza Strip	Application withdrawn **25 October 2024**, after his death was confirmed	ICC Pre-Trial Chamber I, 2024
Deif, commander of the al-Qassam Brigades	Warrant issued 21 November 2024; proceedings terminated **26 February 2025**	ICC Pre-Trial Chamber I, 2024

The Court's situation page records that Pre-Trial Chamber I "terminated proceedings against Mohammed Diab Ibrahim Al-Masri (Deif) following the Prosecution's notification of his death." On the Court's own record after 26 February 2025, the warrants for Netanyahu and Gallant are the ones in the situation that remain.

How has Israel challenged the Court's jurisdiction over the case?

Pre-Trial Chamber I recorded **2 challenges** by Israel on 21 November 2024 and rejected both unanimously: one to the Court's jurisdiction under article 19(2), which it called "premature", and one under article 18(1), holding that "no new notification to the State of Israel was required." The first ruling was later reversed on appeal; the second has been confirmed.

On article 19(2), the Chamber held that "States are not entitled to challenge the Court's jurisdiction under article 19(2) prior to the issuance of a warrant of arrest." On article 18(1), it recalled that the Prosecution had notified Israel of the investigation "in 2021" (International Criminal Court, Pre-Trial Chamber I, 2024).

On 24 April 2025 the Appeals Chamber held that the Pre-Trial Chamber "committed an error of law by failing to sufficiently address Israel's argument that it was entitled to make a jurisdictional challenge under article 19(2)(c) of the Statute". It reversed the decision and

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"remanded the matter to the Pre-Trial Chamber for a new ruling on the substance of Israel's challenge to the jurisdiction of the Court." It dismissed as moot Israel's request to suspend the two warrants. On article 18(1), by majority, it found Israel's appeal inadmissible.

On 1 August 2025 Israel filed a "Consolidated Reply to Observations on Israel's Article 19(2) Jurisdictional Challenge", showing the remanded challenge still being briefed. On 15 December 2025, in judgment ICC-01/18-481, the Appeals Chamber confirmed the 21 November 2024 article 18(1) decision "By majority, Judge Luz del Carmen Ibáñez Carranza and Judge Solomy Balungi Bossa dissenting".

Jurisdiction and notice: the procedural record

SITUATION IN THE STATE OF PALESTINE, ICC-01/18



Source: International Criminal Court, Pre-Trial Chamber I (2024), with the Appeals Chamber rulings of 2025; International Criminal Court, Office of the Prosecutor (2024).

The jurisdiction itself rests on Palestine's accession. According to the Court, the Rome Statute "entered into force for The State of Palestine on 1 April 2015", and on 5 February 2021 Pre-Trial Chamber I held, "by majority, that the territorial scope of this jurisdiction extends to Gaza and the West Bank, including East Jerusalem." The Court record reviewed here, through the 15 December 2025 judgment, shows no new ruling on the substance of Israel's remanded article 19(2) challenge, and no withdrawal of the warrants.

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What does Israel's own aid record count for the warrant period?

COGAT, the Israeli Ministry of Defense unit that coordinates entry into Gaza and a party to the events reporting its own count, published a truck-level workbook containing **32,946 trucks** between 21 October 2023 and 31 May 2024, a span that overlaps the warrant period, which runs to 20 May 2024. The record bears on aid access to Gaza during the period the starvation allegation covers.

The total is the Institute's tally of the workbook's rows, one per truck, in its "Crossings" sheet (COGAT, 2026). By content, the rows divide into 22,281 food, 4,556 shelter equipment, 2,243 medical equipment, 1,935 water and 1,931 mixed items, which sum exactly to 32,946. By crossing label, 18,371 rows read Kerem Shalom, 13,359 "Nitzana\Rafah", 1,111 Erez and 105 JLOTS, the temporary United States pier.

Aid trucks by content, COGAT truck-level record

32,946 TRUCKS, 21 OCTOBER 2023 TO 31 MAY 2024; A PARTY'S OWN COUNT



Food Shelter equipment Medical equipment Water Mixed items

Source: COGAT (2026), "Crossings" sheet of the Humanitarian Aid workbook; rows tallied by the Hanover Institute. Published by a party to the events, not independently verified.

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The count and the weight rest on different bases. COGAT states that tonnage "is based on the self-declaration of humanitarian organizations and private sector providers", while "pallet number are counted and contents are compared to the coordination requests" during security clearance. The truck count is COGAT's own physical tally at its own crossings; tonnage from the same file is a sum of shippers' declarations, and none is cited here.

The rows fall on 193 operating days inside a 224-day span; 24 of the 31 dates with no rows are Saturdays. COGAT publishes no daily average, and the two denominators give different ones. The label "Nitzana\Rafah" fuses an Israeli inspection point with the Egypt-Gaza crossing, so it cannot show where a truck entered. The truck-level series ends on 31 May 2024 although the file remained the portal's "Humanitarian Aid" link in September 2026.

The workbook counts trucks admitted. It records no measure of need inside Gaza, of distribution after entry or of consumption.

What does Israel state about its precautions toward Gaza's civilians?

Israel's Ministry of Foreign Affairs reported in a FAQ updated to 8 December 2023, as a party's own cumulative count, that the IDF had sent **over 15 million text messages** urging people in Gaza "to temporarily leave areas of hostilities and individual targets", alongside pre-recorded calls, leaflets and individual phone calls. Each figure is a floor, and the four channels are not summed.

Warning channel	Count to 8 December 2023 (Israel's own)	Source
Text messages	**over 15 million**	Israel Ministry of Foreign Affairs, 2023
Pre-recorded phone calls	**over 12 million**	Israel Ministry of Foreign Affairs, 2023
Leaflets airdropped	**over 4.5 million**	Israel Ministry of Foreign Affairs, 2023
Individual phone calls	**over 45,000**	Israel Ministry of Foreign Affairs, 2023

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The Ministry describes "a detailed map of Gaza, with designated numbers for specific neighborhoods," and a "Civilian Harm Mitigation Unit" of commanders, intelligence officers, Arabic speakers and legal advisers that "constantly monitors in real time the implementation of these evacuation recommendations" (Israel Ministry of Foreign Affairs, 2023). An IDF targeting presentation describes a comparable map: a Southern Command team built "a layered map which divides Gaza into 630 sectors," making "continuous assessments of the population presence" in each (Israel Defense Forces, undated). The deck is undated and mixes 2014 examples with material datable to February 2024; it publishes no count of cancelled strikes beyond "Many strikes were cancelled due to unexpected presence of civilians." The sector map is the deck's most detailed account of civilian presence.

The Ministry's legal paper, updated to 2 November 2023, sets out the standard Israel applies. "If the attack results in more collateral damage than expected, this does not necessarily indicate a violation: compliance is conduct-oriented, not result-oriented." It states that "the IDF does not assume that there are no civilians in areas or sites where advance warnings had been given," and that no warning is legally required where, for example, "the strike is aimed at a militant who may exploit the warning to escape" (Israel Ministry of Foreign Affairs, 2023).

These are Israel's own statements of its procedure and legal position, published by a party to the events. None is a finding about any strike, including the 2 incidents on which Pre-Trial Chamber I based its finding on attacks against civilians.

How many criminal investigations has Israel's military opened itself?

The IDF Military Advocate General's Corps reported **74 criminal investigations** opened in connection with the Gaza war as at 3 August 2024, its own count of its own processes, published by a party to the events and not independently verified. The count is of investigations opened, not of findings, indictments or convictions.

By subject, the Corps' own figures divide the 74 into 44 concerning the death of detainees held by the IDF, 13 alleged pillaging or stealing, 8 alleged detainee mistreatment, 6 alleged illegal use of force and 3 alleged destruction of civilian property without military necessity

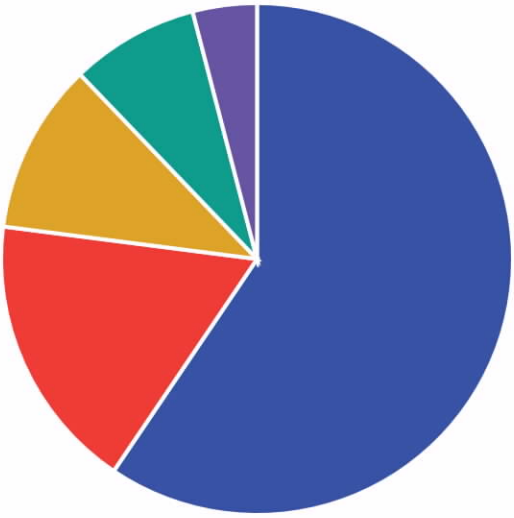
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(Israel Defense Forces, Military Advocate General's Corps, 2024). It also reports over 1,000 incidents referred to the General Staff's Fact-Finding and Assessment Mechanism, with hundreds still under assessment at the time of writing.

Criminal investigations opened, by subject

74 INVESTIGATIONS AS AT 3 AUGUST 2024; THE IDF'S OWN COUNT



Detainee deaths **Pillaging or stealing** **Detainee mistreatment** **Illegal use of force** **Destruction of property**

Source: Israel Defense Forces, Military Advocate General's Corps (2024). A party's own reported counts, not independently verified.

The threshold that produces the count is stated by the Corps itself. In armed conflict, it writes, "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 ratio of 74 investigations to over 1,000 referred incidents is a function of that standard.

On its own independence, the Corps states that "The MAG is subject only to the law on professional matters and operates with full independence," with decisions that "can be

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challenged on appeal in front of Israel's Attorney General, as well as before the Israeli Supreme Court." None of the 5 investigation categories is labelled in the terms of the 5 crimes in Pre-Trial Chamber I's summary, so the two lists cannot be matched one to one.

Methodology and limitations

The report draws on three kinds of primary record. The first is the International Criminal Court's own public record: Pre-Trial Chamber I's press summaries of 21 November 2024 (decisions ICC-01/18-374 and ICC-01/18-375 and the warrant summaries), the Appeals Chamber press release of 24 April 2025, the operative part of judgment ICC-01/18-481 of 15 December 2025, the situation page, and the Prosecutor's statement of 20 May 2024. The second is Israel's own published record: the Ministry of Foreign Affairs FAQ of 8 December 2023 and legal paper of 2 November 2023, an undated IDF targeting presentation, the Military Advocate General's Corps page updated 3 August 2024, and COGAT's truck-level workbook. The third is the Rome Statute's text. The UN Commission of Inquiry and the International Court of Justice are named for their stated conclusions only.

The warrants are classified, so every crime attributed to them comes from the Chamber's public summary, which carries no article numbers; the article numbers come from the Prosecutor's application. The standard is reasonable grounds to believe, the arrest-warrant threshold. The Court record read here, through the 15 December 2025 judgment and Israel's 1 August 2025 reply, contains no ruling on the remanded article 19(2) challenge.

The COGAT totals are counts of rows in the published workbook, which ends on 31 May 2024; content and crossing partitions each sum exactly to the total. Tonnage, which COGAT states rests on supplier self-declaration, and figures from COGAT's live dashboard, which depend on unstated filter settings, are not used. The Ministry's warning counts are cumulative floors across channels that may reach the same people. The IDF presentation publishes no counts and mixes 2014 and 2024 material. The Corps' counts are investigations opened under its stated threshold. Every Israeli figure is a party's own count and is not independently verified.

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Conclusion

So what war crimes does the ICC accuse Israeli leaders of? Two: starvation as a method of warfare and intentionally directing an attack against the civilian population, alongside three crimes against humanity, murder, persecution and other inhumane acts, all named by Pre-Trial Chamber I on 21 November 2024 on the reasonable-grounds standard, with no trial held.

The record around that answer is sharper than the list. The Prosecutor sought 7 counts and the judges' public summary carries 5; extermination fell away, and the attack-on-civilians crime rests on findings on two incidents. Netanyahu and Gallant are accused as co-perpetrators of four crimes and as civilian superiors of one. Genocide is in none of the ICC documents. Warrants against 3 Hamas leaders were sought the same day, one was issued, and none survives on the Court's record. Israel's jurisdiction challenge is back before the Pre-Trial Chamber after a reversal on appeal. Israel's own records, a party's own counts, show 32,946 trucks in COGAT's truck-level file and 74 criminal investigations opened under a stated threshold.

The warrants are sealed, the Court's authority over the case is still being argued on remand, and the accused state's own registers count trucks admitted and investigations opened rather than what happened to people in Gaza. If a pending jurisdiction ruling can decide whether these accusations are ever tested at trial, how much weight should a public summary of sealed warrants carry in the meantime?

Frequently Asked Questions

Where did the Prosecutor say the 7 October 2023 attacks took place?

The ICC Prosecutor's statement of 20 May 2024 names six locations: "Kfar Aza; Holit; the location of the Supernova Music Festival; Be'eri; Nir Oz; and Nahal Oz." These locations appear in the applications against the three Hamas leaders, which are allegations by the Prosecutor rather than findings of the Chamber.

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Does Israel consider itself bound by the Additional Protocols to the Geneva Conventions?

Israel's Ministry of Foreign Affairs stated on 2 November 2023 that Israel "abides by all applicable rules of customary international law, including those embodied in conventions to which it is not a party (such as the 1977 Additional Protocols to the Geneva Conventions)." This is Israel's own statement of its legal position as a party to the conflict.

Whom does Israel say it targets?

Israel's Ministry of Foreign Affairs wrote on 2 November 2023 that "the IDF only targets persons who are members of organized armed groups or civilians directly participating in the hostilities." The statement describes Israel's stated rule of distinction and is not a finding about any attack.

Do IDF legal advisers answer to field commanders?

Israel's Ministry of Foreign Affairs stated on 2 November 2023 that "IDF legal advisers are not subject to the IDF chain of command on professional matters, but report directly to the Military Advocate General." The IDF presentation places "Legal review" as one of 9 stages in its targeting process, before "Commanders' Approval", as the party's own description of its procedure.

What is the Fact-Finding and Assessment Mechanism?

According to the IDF Military Advocate General's Corps in 2024, the Mechanism was created during the 2014 Gaza conflict on a recommendation of the Turkel Commission and now operates as "a permanent body which conducts factual assessments." Its role is to assess incidents before any decision on criminal investigation.

How many crossings into Gaza did COGAT list after October 2023?

COGAT listed five inspection points and three transfer and offloading points in a document of 15 December 2025, stating that "Prior to October 7th, only two crossings operated for transferring goods into the Gaza Strip." Those are a party's own descriptions, and COGAT's December 2025 list names Zikim rather than the Erez label used in its 2024 workbook.

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Which IDF warnings were not legally required, on Israel's account?

Israel's Ministry of Foreign Affairs wrote on 2 November 2023 that where circumstances do not permit, "such as when the strike is aimed at a militant who may exploit the warning to escape, or when there is insufficient time to provide a warning... there is no legal requirement to do so." It added that the IDF had "in some cases made individual phone-calls to occupants of targets".

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

What did the ICJ find on apartheid in the occupied territory? Paragraph 229 and the nine votes around it

The ICJ's 2024 opinion found a breach of the treaty article on racial segregation and apartheid. What paragraph 229 says, and where the votes fall.

International Court of Justice | Advisory Opinion | Racial Segregation | Apartheid | International Law



In its Advisory Opinion of 19 July 2024, the International Court of Justice held at paragraph 229 that Israel's legislation and measures in the West Bank and East Jerusalem "constitute a breach of Article 3" of the International Convention on the Elimination of All Forms of Racial Discrimination. That article condemns "racial

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segregation and apartheid" in a single clause, and the paragraph does not say which of the two terms the breach meets. The finding sits in the Court's reasoning, not among the nine separately voted subparagraphs of its dispositif, whose narrowest margin is **11 votes to 4**. Among named holders, a 2001 NGO declaration applied the word "apartheid" to Israel. South Africa's 2023 Application against Israel at the Court, a contentious case, is founded on the Genocide Convention.

Key Findings

- The International Court of Justice (2024) held at paragraph 229 of its Advisory Opinion of 19 July 2024 that Israel's legislation and measures "impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities" and breach Article 3 of the 1965 racial discrimination convention.
- The opinion's dispositif, paragraph 285, carries nine separately voted subparagraphs with four different majorities. These run from unanimity on jurisdiction to 11 votes to 4 on unlawful presence, and none restates the Article 3 finding (International Court of Justice, 2024).
- COGAT's own permit instrument, updated to 8 February 2022, describes Judea and Samaria as "a closed military area." It sets a ceiling of 74,300 permits for home construction work in Israel, which is not a count of permits issued. The document is a party's own published policy (COGAT, 2022).
- South Africa's Application of 28 December 2023 founds the Court's jurisdiction on Article IX of the Genocide Convention, and its text contains zero references to the 1973 Apartheid Convention. Apartheid appears in the Application as South Africa's own characterisation of background (Republic of South Africa, 2023).
- Part I of the Truth and Reconciliation Commission's 1998 enumeration of apartheid legislation contains 120 entries naming Acts of the South African Parliament. That figure is a count of the list, not a total the Commission prints (Truth and Reconciliation Commission of South Africa, 1998).

Did the Court find Israel breached the ban on racial segregation?

Yes, in the Court's own words. The International Court of Justice held at paragraph 229 of its 19 July 2024 Advisory Opinion that Israel's legislation and measures "impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the

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settler and Palestinian communities." It held that they "constitute a breach of Article 3" of the 1965 racial discrimination convention.

Article 3 of the Convention, adopted by the General Assembly on 21 December 1965, reads in full: "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction." The article names the two practices in one clause. Paragraph 229 cites the article as a whole. Its own descriptive word for Israel's measures is "separation," and it does not state whether that separation constitutes segregation, apartheid or both.

The Article 3 holding follows a broader one. At paragraph 223, the Court held that "the régime of comprehensive restrictions imposed by Israel on Palestinians in the Occupied Palestinian Territory constitutes systemic discrimination based on, inter alia, race, religion or ethnic origin." It found this to violate four provisions:

- Articles 2(1) and 26 of the International Covenant on Civil and Political Rights
- Article 2(2) of the International Covenant on Economic, Social and Cultural Rights
- Article 2 of the racial discrimination convention

The analysis leading to paragraph 223 takes up residence permits, restrictions on movement and the demolition of property. Israel's own instruments and courts have published records on the last two.

Two features of the opinion bound what paragraph 229 establishes. First, the paragraph is a step in the reasoning on the questions the General Assembly put to the Court, and the operative clause the judges voted on does not repeat it. Second, the opinion is advisory. It arose on a General Assembly request under Article 65 of the Court's Statute, not on a contentious case between parties, and it binds no state.

The Court records its text as "Done in English and in French, the English text being authoritative." The quoted wording of paragraphs 223 and 229 is therefore the governing text, not a translation.

Who says Israel practises apartheid, and since when?

The NGO Forum of the World Conference against Racism made this declaration on **3 September 2001**, in paragraph 162: "We declare Israel as a racist, apartheid state in which Israels [sic] brand of apartheid as a crime against humanity has been characterized by separation and segregation, dispossession, restricted land access, denationalization, 'bantustanization' and inhumane acts."

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That text is not the Durban Declaration adopted by governments on 8 September 2001. No issuing body publishes it: the Conference never adopted it, the Forum had no continuing secretariat, and every readable copy sits with a third party. "Zionism" appears in the NGO text and nowhere in the adopted one. The Forum's Programme of Action calls for "complete and total isolation of Israel as an apartheid state as in the case of South Africa."

In 2013, John Dugard and John Reynolds wrote in the peer-reviewed European Journal of International Law that "there are indeed strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory" (Dugard and Reynolds, 2013, at 912). Dugard's own author note records that he served as Special Rapporteur on the human rights situation in the Occupied Palestinian Territory from 2001 to 2008. He was writing on the mandate he had held.

South Africa's Application to the Court, signed on 28 December 2023, refers at paragraph 2 to Israel's "75-year-long apartheid." That wording is South Africa's characterisation, written as a party pleading its own case (Republic of South Africa, 2023).

The 2024 opinion engages the same treaty article: paragraph 229 found a breach of the one treaty article that names racial segregation and apartheid together.

The differences lie in the word and in the map. The 2001 declaration speaks of Israel as a whole, the 2013 article of the occupied territory, and the 2023 Application of 75 years. The Court's paragraph 229 speaks of "near-complete separation" in two areas, the West Bank and East Jerusalem, and uses the word "separation" where the three holders use "apartheid."

Which of the Court's conclusions carry a recorded vote?

The International Court of Justice recorded a separate vote on each of the nine subparagraphs of paragraph 285 of its 19 July 2024 opinion. Its two central conclusions carried the narrowest margin, **11 votes to 4**: that Israel's continued presence in the Occupied Palestinian Territory "is unlawful," and that Israel is obliged to end that presence "as rapidly as possible."

The nine subparagraphs carry four different majorities:

- **Unanimous:** the Court's jurisdiction.
- **14 votes to 1:** compliance with the request; the obligation "to cease immediately all new settlement activities, and to evacuate all settlers"; and the obligation "to make reparation for the damage caused."
- **12 votes to 3:** that all States are "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; the same duty for international organizations, including the United Nations; and that

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the General Assembly and Security Council "should consider the precise modalities and further action required."

The dissents are recorded by name in the dispositif:

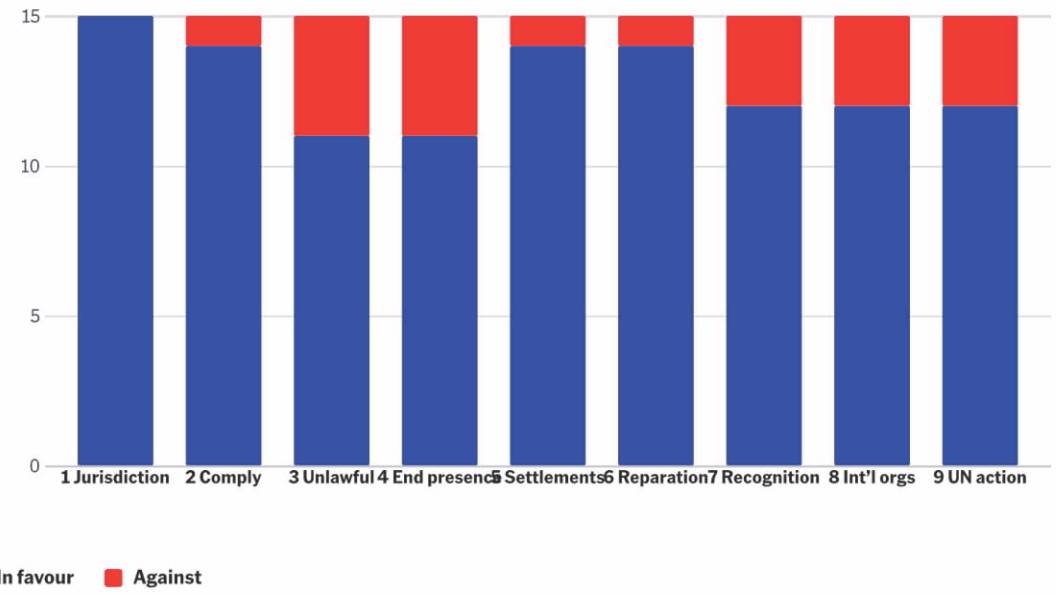
- Vice-President Sebutinde voted against subparagraphs (2) through (9) and appended a dissenting opinion.
- Judges Tomka, Abraham and Aurescu voted against (3) and (4).
- Judges Abraham and Aurescu also voted against (7), (8) and (9).

A margin from one subparagraph does not transfer to another. The 14-to-1 tally on settlement activity says nothing about the 11-to-4 tally on unlawful presence.

None of the nine subparagraphs restates the systemic-discrimination finding of paragraph 223 or the Article 3 finding of paragraph 229. Those findings carry no tally of their own. They sit in the reasoning that supports the operative clause, and any margin attached to them would be borrowed from a different subparagraph.

Votes on each operative subparagraph, paragraph 285

ADVISORY OPINION OF 19 JULY 2024, BENCH OF 15 JUDGES; SUBPARAGRAPHS NUMBERED AS IN PARAGRAPH 285



Source: International Court of Justice, 2024, Advisory Opinion of 19 July 2024, paragraph 285.

Does the separation finding cover Gaza as well?

The International Court of Justice confined its Article 3 separation finding, in paragraph 229 of the 19 July 2024 opinion, to "the West Bank and East Jerusalem." In the same opinion, it

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treats the Occupied Palestinian Territory as "from a legal standpoint... a single territorial unit," with Gaza inside that unit.

On Gaza, the Court records that "By 2005, Israel had completed the withdrawal of its army and the removal of the settlements in the Gaza Strip." It then holds that "Israel's withdrawal from the Gaza Strip has not entirely released it of its obligations under the law of occupation. Israel's obligations have remained commensurate with the degree of its effective control over the Gaza Strip."

The separation finding is framed around two named groups, "the settler and Palestinian communities." On the Court's own account, the Gaza settlements were removed in 2005. Paragraph 229 states its finding for the two areas in which, on that account, settler communities remained.

The systemic-discrimination finding at paragraph 223 is phrased more widely. It concerns the "régime of comprehensive restrictions imposed by Israel on Palestinians in the Occupied Palestinian Territory," the term the Court uses for the single territorial unit. The two findings therefore differ in territorial scope as well as in the treaty provisions they cite.

Finding in the opinion	Territorial scope stated	Source
Systemic discrimination, **paragraph 223**	Occupied Palestinian Territory	International Court of Justice, 2024
Breach of Article 3, **paragraph 229**	West Bank and East Jerusalem	International Court of Justice, 2024
Obligations in Gaza after **2005**	Commensurate with effective control	International Court of Justice, 2024

The Court's treatment of duration bears on all three rows. It states that "the passage of time does not release the occupying Power from the obligations that it bears," and that "The fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law."

What do Israel's own permit rules say about leaving the West Bank?

COGAT is the Israeli Ministry of Defense unit that administers Palestinian movement. It opens its permit instrument, updated to **8 February 2022**, with this clause: "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." The clause cites a 1967 military order as its basis.

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The 2024 opinion's discrimination analysis takes up restrictions on movement. COGAT's permit instrument is the restricting authority's own text on one part of that subject: movement out of the West Bank into Israel, to Gaza and abroad. It is a party's own published policy. It records what COGAT authorised itself to issue, not what happened to anyone, and it is not an account of movement inside the West Bank.

The standing employment quotas for Judea and Samaria, on page 32 of COGAT's own instrument, include:

- home construction, 74,300
- industry and services, 8,550
- agriculture, 6,650
- hotel industry, 2,000
- restaurant industry, 2,000

Each row carries the criterion "Age 22, married" unless the document notes otherwise.

A quota is a ceiling. Not one of these figures is a permit issued, a person who crossed, or a person refused. The document prints no total.

One category is uncapped. Employment in industrial zones and in the Israeli communities of Judea and Samaria is approved outside the Seam Zone "from age 18 and up, with no quota and with no restriction regarding personal status." The seasonal-agriculture clause sets out how quotas change: "The quotas may be changed in accordance with a request... Each change requires separate approval from head of COGAT."

The instrument is dated and has been overtaken in practice. Its edition predates the suspension of Palestinian work permits after 7 October 2023, and no later edition appeared on gov.il when it was searched on 10 September 2026. Its quotas describe the regime as COGAT published it in February 2022, not as it stands now.

Standing employment quotas, Judea and Samaria
COGAT'S OWN PUBLISHED CEILINGS, EDITION OF 8 FEBRUARY 2022; CEILINGS, NOT PERMITS ISSUED

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Source: COGAT, 2022, Status of Authorizations, p. 32; a party's own published instrument.

How has Israel's Supreme Court treated punitive home demolitions?

Israel's Supreme Court, sitting as the High Court of Justice in HCJ 8091/14 HaMoked v. Minister of Defense, denied on **31 December 2014** a petition to declare punitive demolition under Regulation 119 unlawful. In the same judgment, at paragraph 23, it held that disproportionate use "which amounts to collective punishment that is prohibited under international law, is precluded."

The Court quoted the regulation "in its current language." Under that text, a Military Commander may order "the forfeiture to the Government of Israel of any house, structure, or land" connected with listed offences, and "may destroy the house or the structure." That wording names the State of Israel and the Defence Minister, so it is not the 1945 Mandate text. The judgment is quoted here in the Cardozo Israeli Supreme Court Project's English translation; the Hebrew is authoritative.

On the statutory footing, Justice Hayut wrote that the regulation "currently forms part of Israel's positive law," maintained "by virtue of the Preservation of Laws clause under section 10 of Basic Law: Human Dignity and Liberty." Section 10 reads, in the Knesset's English: "This Basic Law shall not affect the validity of any law that existed prior to the inception of the Basic Law." The Knesset labels that translation unofficial.

The judgment cuts both ways.

- **The limit the Court set.** At paragraph 27, the Court made continued deference conditional: proportionality "does not allow us to continue to assume forever" that demolition deters, "unless all of the data that properly confirms that hypothesis is presented to us for our review."

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- **The security establishment's own doubt.** The judgment records the finding of the Major General Shani Committee that the measure "is 'eroded'" as a deterrent.
- **The distance between text and practice.** Justice Sohlberg called it "draconian authority," while noting that the regulation "as written, does not reflect the actual situation on the ground."

The only use count in the record is the State's own, a party's own account presented to the Court. Since 2005, it said, the military commander had exercised the authority "only several times," itemised as orders and buildings, not persons.

The 2024 opinion's discrimination analysis also addresses the demolition of property. The 2014 judgment is the Israeli court record on one demolition instrument. It is distinct from demolitions under planning law, which are decided by a different authority and on a different scale.

What segregation did South Africa legislate when Article 3 was drafted?

The Truth and Reconciliation Commission of South Africa listed **120** entries naming Acts of the South African Parliament in Part I of Chapter 13 of its 1998 Report, its enumeration of discriminatory legislation. That total is the Institute's count of the list, since the Commission prints none. It is a floor: further Acts appear inside chronology entries without headed entries of their own.

The Commission's descriptions show what legislated segregation consisted of:

- **Population Registration Act No 30 of 1950:** "Required people to be identified and registered from birth as belonging to one of four distinct racial groups."
- **Group Areas Act No 41 of 1950:** "Provided for areas to be declared for exclusive use of one particular racial group. It became compulsory for people to live in an area designated for their classification group."
- **Reservation of Separate Amenities Act No 49 of 1953:** "Allowed for public facilities and transport to be reserved for particular race groups."

On the Commission's own dates, all three regimes were in force when the General Assembly adopted the Convention in December 1965. The Group Areas Act No 41 of 1950 had by then been repealed by its successor, the Group Areas Act No 77 of 1957, which was in turn repealed by the Group Areas Act No 36 of 1966. That chain ended only with the Abolition of Racially Based Land Measures Act No 108 of 1991. The Population Registration Act ran until 1991 and the Separate Amenities Act until 1990.

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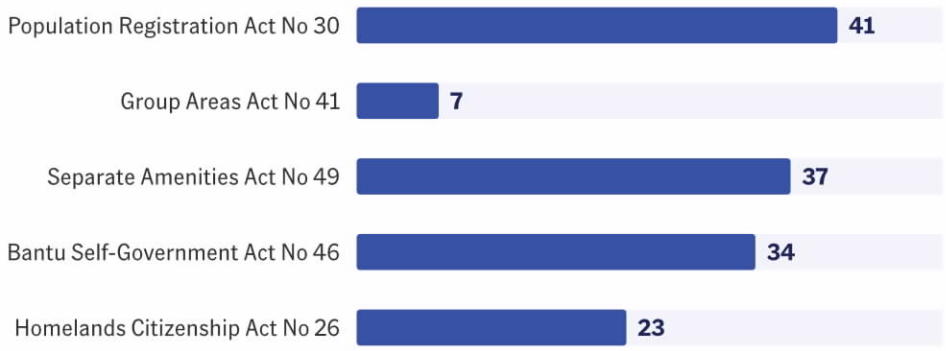
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Those statutes classified people by race and reserved residence and amenities by race in their own text. The Court's paragraph 229 describes legislation and measures that "impose and serve to maintain a near-complete separation" between groups it names as communities, "settler and Palestinian." For South Africa's statute book, the Commission recorded each Act by number, date and repealing statute.

The Commission wrote in 1998 that it "affirms its judgement that apartheid, as a system of enforced racial discrimination and separation, was a crime against humanity." That is a statutory commission's stated judgement, not a court's finding.

Five segregation statutes: years from enactment to repeal

DATES AS THE COMMISSION RECORDS THEM; GROUP AREAS ACT NO 41 (1950 TO 1957) WAS REPEALED BY A SUCCESSOR ACT



Source: Truth and Reconciliation Commission of South Africa, 1998, Report Volume One, Chapter 13.

Is any court case now asking whether apartheid occurred?

South Africa's Application of 28 December 2023, instituting a contentious case against Israel at the International Court of Justice, founds jurisdiction at paragraph 17 on Article IX of the Genocide Convention. Its text contains **zero** references to the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid. South Africa is a party pleading its own case.

The Application records at paragraph 11 that "Neither South Africa nor Israel has entered any reservation to Article IX." Apartheid enters the pleading as background:

- Paragraph 2 places the alleged acts "in the broader context of Israel's conduct towards Palestinians during its 75-year-long apartheid."
- Paragraph 4 refers to "a background of apartheid, expulsion, ethnic cleansing, annexation, occupation."
- Paragraph 35 describes "what constitutes an apartheid regime."

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Paragraph 35's footnote 140 rests on a treaty body's concluding observations, a Special Rapporteur's report, Amnesty International, B'Tselem, Addameer and a 2009 study by South Africa's Human Sciences Research Council. It cites no apartheid instrument and no judgment. The Application states no reason for the treaty it pleads.

The Court issued orders in that case on 26 January, 28 March and 24 May 2024. In the 26 January order, at paragraph 30, it stated that it "is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred" at that stage. Such a finding "could be made by the Court only at the stage of the examination of the merits."

The 2024 opinion, the document in which paragraph 229 appears, arose on General Assembly resolution A/RES/77/247 of 30 December 2022, under Article 65 of the Statute. It is advisory and is not a judgment between parties. The Court's Article 3 finding therefore rests in an advisory text. South Africa's contentious case pleads a different treaty, and apartheid appears there only in the applicant's narrative.

Where do legal scholars split on reading the finding as apartheid?

John Dugard and John Reynolds argued in the European Journal of International Law in **2013**, at page 889, that international law "appears sufficiently broad to understand Jewish Israelis and Palestinian Arabs as distinct groups." Their reason was that the question of racial groups is "a sociological rather than a biological one."

That reading is relational and hedged. It treats the two groups as distinct in relation to one another and says the law "appears" broad enough. At page 884, the authors addressed the 1973 Convention's reference to apartheid "as practised in southern Africa." They argued that "while the Convention may have been drafted with prevailing circumstances in southern Africa in mind, it was not intended to be confined to those circumstances."

The same issue of the journal carries a peer-reviewed reply by Yaffa Zilbershats, "Apartheid, International Law, and the Occupied Palestinian Territory: A Reply to John Dugard and John Reynolds" (Zilbershats, 2013, pages 915 to 928). She argues that the analysis conflates sovereign territory with belligerent occupation and sets aside the context of armed conflict.

Both articles are legal argument and carry no measured figure. They predate the opinion by 11 years. Their dispute concerns the questions on which any reading of paragraph 229 as apartheid turns:

- whether the group element of the 1973 Apartheid Convention reaches Jewish Israelis and Palestinian Arabs;

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- whether the law of occupation, rather than a sovereign's treatment of its own territory, frames the analysis.

Paragraph 229 rests on Article 3 of the 1965 Convention, which names segregation and apartheid without defining either. The 2024 text therefore leaves both questions where the 2013 exchange found them.

Methodology and limitations

This report is assembled from primary and official records, peer-reviewed legal scholarship, and one artifact of advocacy discourse, each labelled by type.

The 2024 opinion. The International Court of Justice's Advisory Opinion of 19 July 2024 is the subject document. It was read from the Court's own text, including paragraphs 223, 229, 274 to 280 and the dispositif at paragraph 285. Vote tallies come from the dispositif. The Court's press release reproduces the conclusions without margins and is marked unofficial. The Court's provisional-measures orders of 26 January, 28 March and 24 May 2024 are named as dated steps, and their content is quoted only from the 26 January order's paragraph 30.

Israeli records. Three are used:

- **COGAT (2022).** The 68-page edition updated to 8 February 2022 is a party's own published instrument. Its figures are ceilings, not counts, and the document prints no total.
- **HCJ 8091/14 (2014).** The judgment was read in the Cardozo Israeli Supreme Court Project's English translation. Its paragraph numbers are cited because the translation's page numbers are garbled.
- **Basic Law: Human Dignity and Liberty.** It is quoted in the Knesset's English translation, current to 1 May 2022, which the Knesset labels unofficial.

South African records. The Truth and Reconciliation Commission's Volume One was read directly. The figure of 120 is a count of the Part I entries naming Acts of Parliament: of 150 dated entries, 30 are chronology entries. South Africa's 2023 Application was read in full, and its absence of any reference to the 1973 Convention was established by full-text search.

The NGO Forum Declaration. It is treated as an object of study, never as evidence of any fact. It was read from three independent third-party copies, because no issuing body publishes it. Its Declaration paragraph numbers are stable across copies; its Programme of Action numbers are not, so that text is quoted rather than cited by paragraph.

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Scholarship. The two journal articles from 2013 are peer-reviewed legal argument, not measurement.

Limitations. The meaning of paragraph 229 as between segregation and apartheid is contested in the published literature cited here, and the opinion's text does not resolve it. The COGAT edition predates the October 2023 suspension of work permits.

Conclusion

What did the Court find regarding apartheid and racial segregation in the occupied territory? It found, at paragraph 229, that Israel's legislation and measures maintain "a near-complete separation" between settler and Palestinian communities in the West Bank and East Jerusalem. It held that this breaches Article 3, the article that condemns racial segregation and apartheid together. It chose the word "separation" and named neither term as the one met.

The record around that sentence is consistent across every axis read here:

- **Where the finding sits.** It lies in the reasoning, unvoted, beside a dispositif whose central conclusions carried 11 votes to 4.
- **Where it applies.** It is narrower in territory than the systemic-discrimination finding that precedes it, stopping short of Gaza.
- **Israel's own records.** COGAT's own instrument, a party's own published policy, described the West Bank as a closed military area in its 2022 edition, citing a 1967 order. Israel's Supreme Court in 2014 upheld the demolition power while making its future deference conditional on effectiveness data.
- **The comparison case.** South Africa's statute book carried at least 120 Acts the Commission listed as discriminatory legislation.
- **The contentious case.** South Africa's case against Israel at the Court pleads genocide, not apartheid.
- **The scholarship.** The 2013 exchange in a single journal issue splits on exactly the elements the Court's phrasing leaves open.

Paragraph 229 places Israel's measures under an article whose two nouns have carried different legal weight since 1965, and it rests in an opinion that binds no one. Is the space between "separation" and "apartheid" a gap the record will close, or is that space itself the measure of how far international law has reached on this question?

Frequently Asked Questions

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Why does the press release not give the vote margins?

The Court's press release 2024/57 reproduces the opinion's conclusions in prose but omits every vote tally. The Court marks it "Unofficial" and states that its press releases "do not constitute official documents." The margins appear only in paragraph 285 of the opinion itself.

Did the 2024 opinion replace the Court's 2004 Wall opinion?

No. The 2024 opinion cites the Court's Advisory Opinion of 9 July 2004 on the construction of a wall throughout, and at paragraph 155 "reaffirms", citing it, its conclusion on the settlements. The two are separate opinions given 20 years apart.

Which obligations did the Court call erga omnes?

At paragraph 274, the Court listed "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." It also listed "certain of its obligations under international humanitarian law and international human rights law." Erga omnes obligations are owed to the international community as a whole.

What must other states distinguish in their dealings with Israel?

At paragraph 278, the Court described a duty to distinguish "between the territory of the State of Israel and the Palestinian territory occupied since 1967." It reasoned from its own 1971 opinion on Namibia.

Does Basic Law: Human Dignity and Liberty contain an equality clause?

No. A case-insensitive search of the Knesset's English text returns zero occurrences of "equal" and of "discrimin." The rights it enumerates are dignity, life and body; property; personal liberty; exit and entry; and privacy. The absence is a fact about the text, not a finding about how the State treats anyone.

Is the English or the French text of the opinion authoritative?

The English. The opinion closes: "Done in English and in French, the English text being authoritative." Paragraphs 223 and 229 are therefore quoted here in their governing language.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

What did the International Court of Justice rule on Israel's occupation? Nine votes, paragraph by paragraph

On 19 July 2024 the ICJ held, by 11 votes to 4, that Israel's continued presence in the Occupied Palestinian Territory is unlawful. The full vote record.

International Court of Justice | Advisory Opinion | Occupation | Settlements | Israeli Supreme Court



On 19 July 2024 the International Court of Justice advised, by **11 votes to 4**, that Israel's continued presence in the Occupied Palestinian Territory (the Court's term) "is unlawful". That was the narrowest of the 4 majorities recorded across the 9 separately voted subparagraphs of the opinion. The obligation to cease new

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settlement activity carried 14 votes to 1, and the duty of other states not to recognise the situation carried 12 votes to 3. The opinion answered a request from the UN General Assembly rather than a case between two states. Israel's own Supreme Court ordered settlers off registered private land in 1979 and again in 2011, on the facts of each case.

Key Findings

- The International Court of Justice held, by 11 votes to 4 on 19 July 2024, that Israel's continued presence in the Occupied Palestinian Territory "is unlawful". By the same margin, it held that this presence must end "as rapidly as possible" (International Court of Justice, 2024).
- Four different majorities decided the 9 subparagraphs of paragraph 285 (International Court of Justice, 2024):
  - unanimity on jurisdiction;
  - 14 to 1 on settlements and reparation;
  - 12 to 3 on the duties of states and international organizations;
  - 11 to 4 on unlawful presence.
- Judge Tomka voted against the unlawful-presence finding but joined the majority on settlements, reparation and third-state duties. Vice-President Sebutinde voted against 8 of the 9 subparagraphs (International Court of Justice, 2024).
- Israel's Supreme Court ruled 5 to 0 on 22 October 1979, in the Elon Moreh case, that one requisition order was invalid as to the petitioners' plots. It expressly left Article 49(6) of the Fourth Geneva Convention undecided (Israeli Supreme Court, 1979).
- On 2 August 2011 Israel's Supreme Court issued a final order to evacuate the Migron outpost by 31 March 2012. The State had conceded that the land was registered private Palestinian property (Israeli Supreme Court, 2011, 2014).

What did the Court conclude about the occupation in July 2024?

The International Court of Justice held on 19 July 2024, by **11 votes to 4**, that Israel's continued presence in the Occupied Palestinian Territory "is unlawful". The finding sits in paragraph 285(3) of its advisory opinion. Fifteen judges voted, so the finding carried 11 of the 15 members of the bench.

Paragraph 285(4) carried the same margin of 11 to 4. It states that Israel is under an obligation "to bring to an end its unlawful presence in the Occupied Palestinian Territory as

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rapidly as possible." The operative words name no calendar date.

The word "immediately" does appear in the dispositif, but in the next subparagraph, on settlements. Paragraph 285(5), carried 14 votes to 1, sets an obligation "to cease immediately all new settlement activities, and to evacuate all settlers." Paragraph 285(6), also 14 votes to 1, sets an obligation "to make reparation for the damage caused." The opinion therefore uses two different time words for two different obligations, and each was carried by a different majority.

The dispositif is paragraph 285, and the Court voted on each of its subparagraphs separately. The opinion is published at ICJ Reports 2024, page 753. It closes with the attestation "Done in English and in French, the English text being authoritative", so the English quotations of the opinion in this report are from the governing text and not from a translation.

The holdings are the Court's. What the record adds to them is the tally: how many of the 15 judges stood behind each sentence. That tally varies from subparagraph to subparagraph, as the sections below set out.

Who asked the Court whether the occupation is lawful, and when?

The UN General Assembly requested the opinion in resolution A/RES/77/247 of **30 December 2022**. The International Court of Justice delivered its answer about 19 months later, on 19 July 2024 (International Court of Justice, 2024). The request asked the Court two questions on the legal consequences of Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem.

On the core premise, the record is direct. The Court did conclude, by 11 votes to 4, that Israel's continued presence in that territory is unlawful.

How the question reached the Court shapes what the answer is. The opinion arose under Article 65 of the Court's Statute, which lets authorised organs ask for advisory opinions. It is not a contentious case, in which one state sues another and the Court decides between them. No state filed the 2024 proceedings against Israel, and Israel did not appear as a respondent in the sense that a contentious case uses the word.

Before reaching the merits, the Court took two preliminary votes, both recorded in paragraph 285:

- **Jurisdiction (subparagraph 1).** The Court found unanimously that it had jurisdiction to give the opinion.

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- **Whether to answer (subparagraph 2).** The Court decided by 14 votes to 1 to comply with the request. Vice-President Sebutinde cast the vote against.

A court with jurisdiction can still decline to give an advisory opinion, so the second vote records a separate choice. One judge would have declined to answer at all.

The procedure also explains a feature of the dispositif. The opinion identifies obligations for Israel, for all states, for international organizations and for the UN's political organs. It does this because the General Assembly asked about legal consequences generally, not about a dispute between two named parties. The same Court was hearing a contentious case concerning Gaza in 2024, South Africa v. Israel, under different rules of procedure. The section on binding effect sets the two side by side.

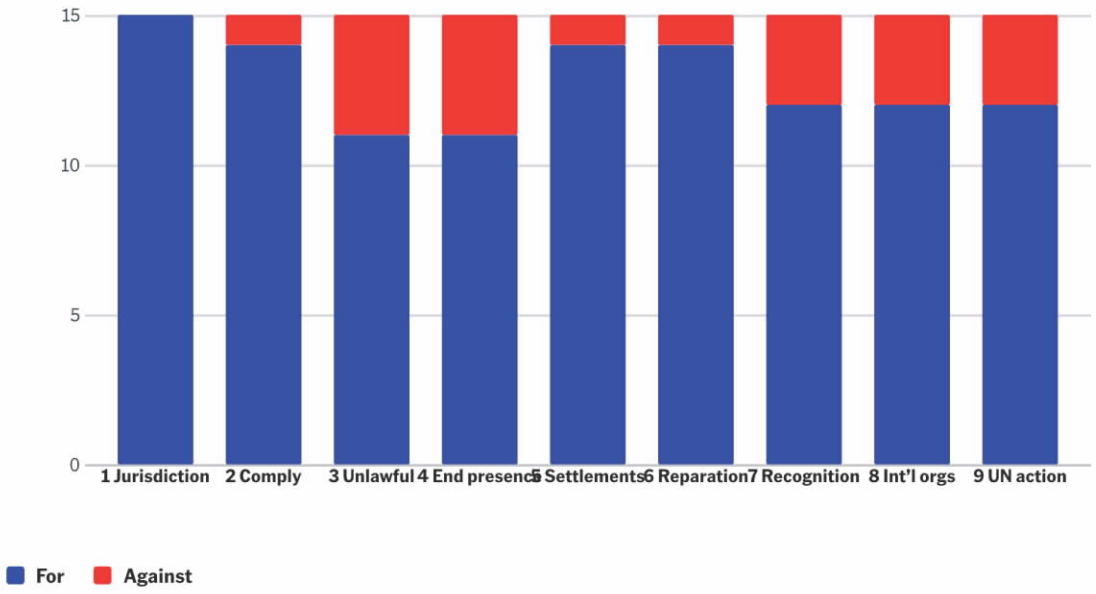
Did the judges agree on every part of the ruling?

No. The International Court of Justice decided the ruling by **4 different majorities**.

The International Court of Justice decided the 9 subparagraphs of paragraph 285 with these splits: unanimity, 14 to 1, 12 to 3 and 11 to 4.

The finding that Israel's presence is unlawful, and the obligation to end it, drew the fewest votes in the opinion (International Court of Justice, 2024).

Votes for and against each subparagraph of paragraph 285
ADVISORY OPINION OF 19 JULY 2024, BENCH OF 15 JUDGES; SUBPARAGRAPHS NUMBERED AS IN PARAGRAPH 285



Source: International Court of Justice, 2024, Advisory Opinion of 19 July 2024, paragraph 285.

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The four majorities group the subparagraphs as follows:

- **Unanimous:** jurisdiction, subparagraph (1).
- **14 to 1:** the decision to comply with the request, subparagraph (2); ending settlement activity and evacuating settlers, (5); reparation, (6).
- **12 to 3:** non-recognition and non-assistance by states, (7); the same duty for international organizations including the United Nations, (8); consideration of further action by the General Assembly and Security Council, (9).
- **11 to 4:** unlawful presence, (3); the obligation to end it, (4).

The settlement and reparation findings drew 3 more votes than the finding that the presence itself is unlawful. The 14 to 1 margin is the one most easily attached to the whole opinion, and it describes subparagraphs (2), (5) and (6) only. Applied to paragraph 285(3), it would overstate the central holding by 3 judges.

The groupings also show that the judges did not divide along a single line. A judge could reject the unlawful-presence finding and still vote for the settlement obligation, and three judges did exactly that. The next section names them.

Which judges voted against the unlawfulness finding?

Four judges voted against paragraph 285(3): **Vice-President Sebutinde and Judges Tomka, Abraham and Aurescu**, according to the dissents the International Court of Justice recorded on 19 July 2024. Those four did not vote together on the rest of the dispositif. Only one of them, Vice-President Sebutinde, voted against the settlement and reparation obligations.

Judge	Voted against	Joined the majority on
Vice-President Sebutinde	**Subparagraphs (2) to (9)**	(1) jurisdiction
Judge Tomka	**(3) and (4)**	(1), (2), (5) to (9)
Judge Abraham	**(3), (4), (7), (8), (9)**	(1), (2), (5), (6)
Judge Aurescu	**(3), (4), (7), (8), (9)**	(1), (2), (5), (6)

Source: International Court of Justice, 2024, Advisory Opinion of 19 July 2024, paragraph 285.

Three patterns follow from the table:

- **Judge Tomka** dissented only on unlawful presence and the obligation to end it. He joined the majority on settlements, reparation, non-recognition, the duty of international organizations and further UN action.

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- **Judges Abraham and Aurescu** voted identically. They dissented on unlawful presence and on all three third-party findings, and voted with the majority on settlements and reparation.
- **Vice-President Sebutinde** voted against every subparagraph after jurisdiction, including the decision to give the opinion at all. She appended a dissenting opinion.

This is why the margins move as they do. The 14 to 1 votes on settlements and reparation lost only Vice-President Sebutinde. The 12 to 3 votes on third-party duties lost her plus Judges Abraham and Aurescu. The 11 to 4 votes on unlawful presence lost those three plus Judge Tomka.

The judges are named here as the authors of their recorded votes, which the Court publishes in the dispositif. A recorded vote shows where a judge stood on each subparagraph. It does not show why, and no reasoning is attributed here to any dissenting judge beyond the vote itself.

Is the 2024 opinion binding on Israel?

The International Court of Justice gave the 2024 opinion under **Article 65** of its Statute, on a General Assembly request. It is therefore an advisory opinion, not a judgment between parties. The Court's own orders in South Africa v. Israel, issued the same year, attach "binding effect" to measures addressed to a party to a contentious case (International Court of Justice, 2024).

In its order of 26 January 2024, paragraph 83, the Court described how binding effect works in a contentious case. It wrote that orders under Article 41 of the Statute "have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed." In its order of 28 March 2024, paragraph 44, it cited Article 59 of the Statute: a judgment has "no binding force except between the parties."

Feature	Advisory opinion, 19 July 2024	Orders in South Africa v. Israel, 2024	Source
How the case began	**General Assembly request, Article 65**	Application by South Africa against Israel	International Court of Justice, 2024
Who is addressed	Israel, all states, international organizations, UN organs	**Parties to the case only**	International Court of Justice, 2024
Binding effect stated	Not a judgment between parties	**"binding effect"** for parties addressed, Article 41	International Court of Justice, 2024

The contrast is the Court's own. The opinion uses the vocabulary of obligation: Israel is "under an obligation" to end its presence, and all states are "under an obligation not to

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recognize as legal" the situation. Its last subparagraph switches register, saying the General Assembly and Security Council "should consider" further action.

Those obligations are stated in an advisory proceeding with no respondent party. The 2024 opinion is therefore accurately described as the Court's answer to the General Assembly's questions. It is not accurately described as an order made against Israel, and the opinion itself contains no order addressed to Israel as a litigant.

Which obligations did the Court say Israel had breached?

Paragraph 274 of the International Court of Justice's 2024 opinion names **2 obligations erga omnes**, meaning obligations owed to the international community as a whole, among those it found Israel violated. They are respecting the Palestinian people's right to self-determination, and the prohibition on using force to acquire territory (International Court of Justice, 2024).

The Court's wording, in full, is that "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 same paragraph opens by stating that "the obligations violated by Israel include certain obligations erga omnes." The enumeration therefore has two layers:

- **Named specifically:** self-determination and the prohibition on acquiring territory by force.
- **Named by category:** "certain" obligations under international humanitarian law and international human rights law. That sentence does not list which ones.

The erga omnes classification connects to the third-party findings. In paragraph 280, the Court tied the duty of international organizations to "the serious breaches of obligations erga omnes under international law." The breaches named in paragraph 274 are the basis the Court gave for extending consequences beyond Israel. That reasoning carried 12 votes to 3, not 11 to 4.

The Court also addressed the length of the occupation, which began in 1967. It wrote: "The fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law." It added that "the passage of time does not release the occupying Power from the obligations that it bears, including the obligation to refrain from exercising acts of sovereignty."

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Read together, these passages show that the Court did not rest the unlawfulness finding on duration alone. Paragraph 274 locates the breaches in specific obligations. The passages on duration state that time neither ends an occupation's legal character nor releases the occupying power from its duties.

What does the ruling ask of other states and the UN?

The International Court of Justice found by **12 votes to 3** that all states are "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. The finding is paragraph 285(7) of its 2024 opinion. Vice-President Sebutinde and Judges Abraham and Aurescu dissented.

The reasoning sits in paragraph 279, which the Court wrote this way: "in view of the character and importance of the rights and obligations involved, all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory. They are also under an obligation not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory."

The Court addressed three sets of actors beyond Israel, each by 12 votes to 3:

- **States**, under paragraph 285(7), as quoted above.
- **International organizations, including the United Nations**, under paragraph 285(8). Paragraph 280 extends "the duty of non-recognition specified above" to them.
- **The General Assembly and Security Council**, under paragraph 285(9). These organs "should consider the precise modalities and further action required."

Paragraph 278 makes the state duty concrete. In their dealings with Israel, Member States must distinguish "between the territory of the State of Israel and the Palestinian territory occupied since 1967." The Court reasoned from its 1971 Namibia opinion, an earlier advisory opinion that set out third-state duties toward territory held unlawfully. What that distinction means in trade and treaty practice is examined in a separate report on third-state duties.

The margin matters for how these duties are reported. Judge Tomka, who dissented on unlawful presence, voted for all three third-party findings. Judges Abraham and Aurescu, who voted with the majority on settlements and reparation, voted against all three.

The third-party findings therefore carried 1 vote more than the unlawful-presence finding they depend on, and 2 votes fewer than the settlement obligation.

Does the ruling apply to Gaza and East Jerusalem?

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The International Court of Justice treated the Occupied Palestinian Territory, East Jerusalem included, as "from a legal standpoint... a single territorial unit". It also held that Israel's obligations in Gaza after its **2005** withdrawal "remained commensurate with the degree of its effective control" (International Court of Justice, 2024).

On Gaza, the Court set out the factual premise first: "By 2005, Israel had completed the withdrawal of its army and the removal of the settlements in the Gaza Strip." It then gave the legal consequence: "Israel's withdrawal from the Gaza Strip has not entirely released it of its obligations under the law of occupation. Israel's obligations have remained commensurate with the degree of its effective control over the Gaza Strip."

The standard is graduated, not uniform. On the Court's own wording, the obligations Israel bears in Gaza rise and fall with the control it exercises there. The settlement obligation in paragraph 285(5) has no current object in Gaza in the Court's own account, since the Court records that the settlements there were removed by 2005.

East Jerusalem falls inside the single territorial unit. That places it within the duty in paragraph 278 to distinguish Israel's territory from "the Palestinian territory occupied since 1967". As the next section sets out, Israel's own legislation treats Jerusalem differently.

The 2024 opinion is not the Court's first on this territory. It cites the Court's advisory opinion of 9 July 2004 on the Legal Consequences of the Construction of a Wall throughout, and at paragraph 155 "reaffirms", citing it, its conclusion on the settlements. The two are separate opinions, given 20 years apart in response to separate General Assembly requests:

- **The 2004 opinion** concerned the barrier.
- **The 2024 opinion** concerns the policies and practices of the occupation as a whole.

A finding from one is not a finding of the other. The vote margins reported here are the 2024 margins only. How the word "occupation" is defined and applied across the territory is the subject of a separate report on what the term designates.

What does Israel's own record say about the territory in question?

Israel's Central Bureau of Statistics counted about **10.148 million** residents in September 2025 (Israel Central Bureau of Statistics, 2025). This is an official count published by a party to the events. On the Bureau's own stated scope, the total includes residents of East Jerusalem and West Bank settlers, a scope choice that differs from the international convention.

Read beside paragraph 278 of the 2024 opinion, the Bureau's count draws the line differently. The Court asked states to distinguish Israel's territory from territory occupied since 1967.

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Israel's national population total counts residents of both inside one figure.

Israel's statute book draws the same line differently. The Knesset's Basic Law: Israel as the Nation-State of the Jewish People (Knesset, 2018) is quoted here from a translation the Knesset itself labels unofficial. Two clauses bear directly on the territory the Court addressed:

- **Clause 3:** "The complete and united Jerusalem is the capital of Israel."
- **Clause 7:** "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation."

Record	Text or figure	Source
National population total	**About 10.148 million**, including East Jerusalem residents and settlers, the Bureau's own count	Israel Central Bureau of Statistics, 2025
Basic Law, clause 3	**"The complete and united Jerusalem is the capital of Israel."**	Knesset, 2018
Closed-area order, 1967	**"a closed military area"**, entry and exit by permit only, COGAT's own published instrument	COGAT, 2022

The military record runs on a third legal frame. COGAT, the Israeli Ministry of Defense unit that administers the permit regime and so a party to the events, published a permit instrument updated to 8 February 2022. Its opening clause rests on the Order Concerning Closed Areas (West Bank Area) (Amendment) (No. 34), 1967. Under that order, 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" (COGAT, 2022). The instrument records what COGAT authorised itself to issue as of that date, not conditions after it.

None of the three documents answers the opinion. The Basic Law dates from 2018 and the permit instrument from February 2022, both before the opinion. The Bureau's 2025 release is a statistical count that makes no reference to it.

Has Israel's Supreme Court ever ordered settlers off occupied land?

Yes. Israel's Supreme Court, sitting as the High Court of Justice, ruled **5 to 0** on 22 October 1979 in the Elon Moreh case, HCJ 390/79. It declared Order of Possession 16/79 invalid as to the petitioners' plots and ordered the respondents to vacate from those lands "the civilian settlers who settled on them" (Israeli Supreme Court, 1979).

The ground was specific to the facts. Deputy President Landau, who wrote the leading opinion, found that "the initiative came from the political echelons, which then reached out

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to the Chief of the General Staff for his professional opinion." Applying a dominant-purpose test, he held that "the military consideration was subordinate to the primary, political decision to build the settlement."

He added a second, independent ground: a military administration cannot create "'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."

The same judgment set limits on what it decided, in three ways:

- **Requisition in principle.** Landau accepted that taking private land for a civilian settlement "is potentially justified under Article 52 of the Hague Regulations", the international rules governing what an occupying army may requisition.
- **The Beit El precedent.** He distinguished, rather than overruled, the 1978 Beit El case, in which the Court had upheld such a requisition.
- **The Geneva question.** The Court left Article 49(6) of the Fourth Geneva Convention, the provision on transferring an occupier's population into occupied territory, undecided.

Court rulings on settlement land, 1979 to 2024

ISRAELI SUPREME COURT JUDGMENTS AND THE 2024 ADVISORY OPINION



Source: Israeli Supreme Court, 1979; Israeli Supreme Court, 2011, 2014; International Court of Justice, 2024.

Two later rulings ordered outposts removed:

- **Migron, HCJ 8887/06.** On 2 August 2011 the Court issued "a final order requiring the State to evacuate the Outpost of Migron", setting a deadline "until March 31, 2012." The State conceded that the land was "registered lands under private Palestinian ownership."
- **Amona, HCJ 9949/08.** On 25 December 2014 the Court ordered the outpost removed within two years. On 14 November 2016 it refused the government's request for further delay (Israeli Supreme Court, 2011, 2014).

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Both halves of this domestic record stand. Israel's High Court has ordered settlers removed on findings of private ownership and improper purpose. In these judgments it did not hold settlement as such unlawful, a question the World Court's 2024 opinion answered by its own majorities. How the treaty clause and Israel's court record relate is examined in a separate report on settlements and occupation law.

Methodology and limitations

This report rests on three kinds of record, each labelled by type.

The International Court of Justice's texts. The primary document is the advisory opinion of 19 July 2024, ICJ Reports 2024, page 753. It was read in full from the Court's 107-page fascicle, whose English text the Court designates as authoritative.

- **Vote tallies** were counted from the dispositif in paragraph 285 and the dissents recorded there. They were taken from the opinion itself, not from the Court's press release, which reproduces the conclusions without the margins.
- **Separate opinions** were not drawn on. No reasoning is therefore attributed to any judge beyond the recorded vote.
- **Comparison documents.** The three South Africa v. Israel orders of 26 January, 28 March and 24 May 2024 were read in full for the Court's own statements on binding effect. The 28 March order is authoritative in French, so its English is a translation.

Israeli official records. These are labelled throughout as published by a party to the events:

- the Central Bureau of Statistics release of September 2025, whose total includes East Jerusalem residents and settlers on the Bureau's stated scope;
- the Knesset's 2018 Basic Law, in a translation the Knesset marks unofficial;
- COGAT's permit instrument, updated to 8 February 2022, which predates the opinion and the events of October 2023.

Israeli Supreme Court judgments. No official English text exists for any of the three:

- **Elon Moreh** is quoted from the Cardozo Israeli Supreme Court Project's unofficial translation, made from a Hebrew version prepared by Nevo Press, and the Hebrew governs. That translation prints the date as October 10, 1979. 1 Cheshvan 5740 corresponds to 22 October 1979, the date used here.
- **Migron** is quoted from the Judicial Authority's own translation, marked "subject to editorial and textual changes".
- **Amona** exists in Hebrew only and is reported from the Law Library of Congress summary.

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A recorded vote shows where a judge stood, not the reasoning behind the position. A domestic judgment decides the case before it and publishes no series or rate.

Conclusion

So what did the Court rule? By 11 votes to 4, the International Court of Justice advised that Israel's continued presence in the Occupied Palestinian Territory is unlawful and must end "as rapidly as possible". The answer came in an advisory proceeding the General Assembly started, not in a judgment against a respondent state.

The record behind that sentence has more than one layer:

- **Majorities.** The widest substantive majorities, 14 to 1, attach to ending settlement activity and to reparation, not to the presence finding.
- **Third parties.** The duties of other states and the UN carried 12 to 3.
- **The judges.** The four dissenters split three ways, and Judge Tomka rejected the central holding while backing the third-party duties.
- **Gaza.** The Court made Israel's obligations there commensurate with effective control.
- **Israel's own records.** Israel's statistics count East Jerusalem residents and settlers inside the national total, and its Basic Law names united Jerusalem as the capital.
- **Israel's own courts.** Its Supreme Court has ordered settlers off private land on the facts of particular cases since 1979, and kept the treaty question out of those rulings.

The opinion's most quoted sentence is its least supported one in votes, and its most supported sentences concern settlements and reparation. A public argument about the occupation can rest on either. If it cited the full set of margins rather than the headline, would it describe a court that divided once, or a court that agreed on more than the headline suggests?

Frequently Asked Questions

In which language is the 2024 opinion authoritative?

The opinion of 19 July 2024 closes "Done in English and in French, the English text being authoritative" (International Court of Justice, 2024). The English quotations of the opinion in this report therefore come from the governing text. The March 2024 order in South Africa v. Israel is the reverse case: its French text governs.

How does the wording on settlements differ from the wording on the presence itself?

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Paragraph 285(5), carried 14 votes to 1, uses "cease immediately" for new settlement activity (International Court of Justice, 2024). Paragraph 285(4), carried 11 votes to 4, uses "as rapidly as possible" for ending the presence. The two obligations differ in both their time words and their margins.

Does Israeli law treat the Fourth Geneva Convention as binding in its courts?

In 1979 Deputy President Landau wrote that the Convention, "as part of treaty-based international law, it is not binding law in an Israeli Court". He held that the Hague Regulations, as customary law, "do indeed bind the military administration" (Israeli Supreme Court, 1979). Justice Witkon added that the Convention "does apply, though... it is not 'justiciable' in this Court."

Who carried the burden of proof in the Elon Moreh case?

Justice Witkon wrote in 1979 that "the burden is upon the respondents". In his view, a commander's assertion of military need is not a presumption: "We need not be convinced of the sincerity of the consideration, but rather of its correctness" (Israeli Supreme Court, 1979).

Did the Elon Moreh ruling annul the whole seizure?

No. Order 16/79 covered about 700 dunams, while the petitioners' registered plots totalled about 125 dunams, and the annulment ran to their plots alone (Israeli Supreme Court, 1979). Order 17/79, covering the access road, drew no order, because none of the petitioners held ownership rights in the road lands.

Were the South Africa v. Israel orders addressed to anyone besides Israel?

All measures in the three 2024 orders are addressed to "The State of Israel". Paragraph 44 of the 28 March order explains why: the Court can indicate measures only to the parties before it (International Court of Justice, 2024). In its reasoning, the Court separately called for the release of hostages "held since then by Hamas and other armed groups".

Why did the vote counts in South Africa v. Israel fall from 15 to 13?

The bench changed size across the three orders: 17 judges in January, 16 in March and 15 in May 2024 (International Court of Justice, 2024). Thirteen of 15 in May is a larger share of the bench than 15 of 17 in January.

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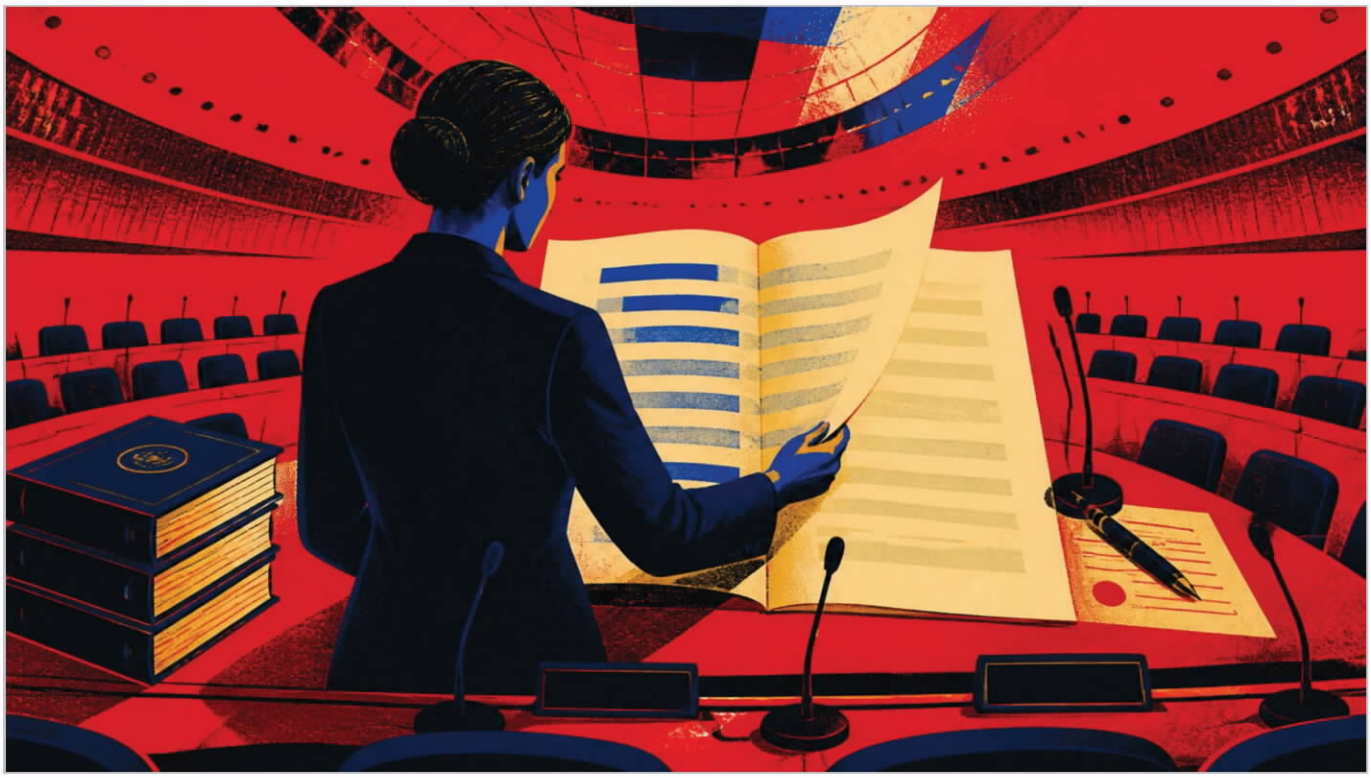
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What is the IHRA definition of antisemitism, and where does anti-Zionism fit? The 2016 text beside its two rivals

IHRA's 2016 definition is two sentences, with 11 examples on a separate line. How it and two rival texts treat Israel, Zionism and criticism.

IHRA Working Definition | Antisemitism | Anti-Zionism | Jerusalem Declaration | Nexus Document



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The International Holocaust Remembrance Alliance (IHRA) adopted, at its Plenary in Bucharest on **26 May 2016**, a "non-legally binding working definition of antisemitism" that opens: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews." Most readers bring a plainer question to the text: does opposing Zionism count as antisemitism under it? The two adopted sentences do not mention Israel. The 11 illustrations printed after them on a separate line do, hedged "taking into account the overall context," and the paragraph that introduces the Israel material adds that "criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic." The website of the Jerusalem Declaration on Antisemitism, launched in 2021 with 210 scholars as initial signatories, states in its FAQ that the IHRA text "blurs the difference between antisemitic speech and legitimate criticism of Israel and Zionism."

Key Findings

- The IHRA Plenary adopted on 26 May 2016 a two-sentence "non-legally binding working definition of antisemitism" that names Jews, their property, Jewish community institutions and religious facilities, and names no state (International Holocaust Remembrance Alliance, 2016).
- IHRA's 11 illustrative examples follow the adoption sentence on their own line, "To guide IHRA in its work, the following examples may serve as illustrations," and are introduced as cases that "could, taking into account the overall context, include, but are not limited to" the list (International Holocaust Remembrance Alliance, 2016).
- IHRA's own adoption roll names 48 UN member states, from the United Kingdom on 12 December 2016 to the Dominican Republic on 24 August 2026, and IHRA publishes no total (International Holocaust Remembrance Alliance, 2016).
- The Jerusalem Declaration on Antisemitism, launched on 25 March 2021 and "Initially signed by 210 scholars," proposes itself "as an alternative to the IHRA Definition" (Jerusalem Declaration on Antisemitism, 2021).

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- Annotators applying the IHRA definition labelled 1,250 of 6,941 English-language tweets about Jews, Israel and antisemitism, or 18%, antisemitic, in posts from January 2019 to December 2021 (Jikeli, Karali, Miehling and Soemer, 2023, preprint).

What does the IHRA working definition of antisemitism say?

The IHRA working definition runs to **two sentences**, adopted by the Plenary in Bucharest on 26 May 2016 as a "non-legally binding working definition of antisemitism." In full: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

The decision itself reads, in IHRA's English text: "On 26 May 2016, the Plenary in Bucharest decided to:" followed by "Adopt the following non-legally binding working definition of antisemitism:". IHRA publishes the text in 29 language versions and states on the same page that "in the event of any discrepancies, the English translation takes precedence."

The qualifier "non-legally binding" appears in at least three places in IHRA's own presentation: in the adoption sentence, in the lede of the web page carrying the text, and in the filename of IHRA's two-page typeset PDF, which is headed "IHRA non-legally binding working definition of antisemitism." IHRA is an intergovernmental organization of 35 Member Countries, and its Plenary is the body that took the decision.

The instrument ties criminality to national law rather than to itself. Its closing paragraph states: "Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries)." On that sentence, an antisemitic act acquires criminal status through a legislature's own statute, and the Plenary's 2016 decision creates no offence.

The two adopted sentences name Jews, Jewish and non-Jewish individuals, their property, Jewish community institutions and religious facilities. They name no state, no territory and no political movement. Israel enters the instrument in the material printed after the definition: a framing paragraph and a list of contemporary examples. The definition's core

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term, "a certain perception of Jews," is not glossed further in the adopted text, and its second sentence describes where manifestations are directed rather than what content makes them antisemitic. Everything the instrument says about Israel, Zionism or self-determination therefore sits outside the two sentences the decision quotes.

Who says the definition brands anti-Zionism as antisemitic, and since when?

The Jerusalem Declaration on Antisemitism was launched on 25 March 2021 with **210** scholars as its initial signatories, and the FAQ on its website states that the IHRA Definition "blurs the difference between antisemitic speech and legitimate criticism of Israel and Zionism." The Declaration offers itself, in its own words, "as an alternative to the IHRA Definition."

The Declaration's publisher states on its own page that it "has now more than 400 signatories." No state, parliament or intergovernmental organization adopted it. Its authority is the standing of the scholars who signed it, and it describes itself as non-legally binding. The preamble pairs its critique with an offer: "Institutions that have already adopted the IHRA Definition can use our text as a tool for interpreting it."

The preamble's own critique rests partly on a count. It states that the IHRA Definition "includes 11 'examples' of antisemitism, 7 of which focus on the State of Israel." Part of that checks directly against IHRA's text. The examples number eleven on IHRA's own web page, and IHRA's framing paragraph does say that manifestations of antisemitism "might include the targeting of the state of Israel, conceived as a Jewish collectivity." A description of the IHRA instrument as reaching Israel-related speech is an accurate description of its examples.

The count of seven is different in kind. It is the Jerusalem Declaration's own allocation of the eleven examples, and IHRA's text states no such figure. A text parse of IHRA's own typeset PDF returns the examples as unnumbered bullets, while its web page renders them 01 to 11, so any grouping of the eleven into Israel-related and other examples is an act of reading performed by whoever does the grouping. The count of seven belongs to the Jerusalem Declaration, dated 2021, in its own words.

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The Declaration also sets its own Israel-related limits. Its section B, headed "examples that, on the face of it, are antisemitic," includes guideline 7: "Holding Jews collectively responsible for Israel's conduct or treating Jews, simply because they are Jewish, as agents of Israel." Its preamble instructs that guidelines 6 to 15 "should be taken together," each read "in the light of the others and always with a view to context." Measured surveys of how attitudes toward Zionism track attitudes toward Jews are collected in the Institute's report on anti-Zionism and antisemitism.

Were the eleven examples adopted along with the definition?

IHRA's 2016 decision quotes **two sentences** after its adoption clause, and the examples follow on a separate line: "To guide IHRA in its work, the following examples may serve as illustrations:". The adoption clause, "Adopt the following non-legally binding working definition of antisemitism:", closes on a colon, and the two-sentence definition is the text that sits inside the decision's quotation marks.

In IHRA's English page and in its own two-page PDF, the sequence runs in the same order: the decision sentence, the quoted definition, then the line introducing illustrations, then a framing paragraph, then the list. The two copies agree word for word. The verb attached to the examples is "may serve as illustrations," and the stated purpose is "To guide IHRA in its work."

IHRA's FAQ on the same page describes the process in these words: "The experts in the IHRA's Committee on Antisemitism and Holocaust Denial built international consensus around a non-legally binding working definition of antisemitism, which was then adopted by the Plenary, the IHRA's decision-making body made up of representatives from all IHRA Member Countries." The FAQ names the definition as the object of adoption and does not separately mention the examples.

Whether the examples share the definition's adopted status is the question on which readings of the instrument most often divide, and the layout is the evidence on which they divide. The Jerusalem Declaration's 2021 preamble treats the examples as part of what it calls "the IHRA Definition," stating that it "includes 11 'examples'." The adopting body's own sequence places the decision, the definition and the examples in three distinct positions on the page.

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A reader can set the two sentences side by side, in the order IHRA prints them:

1. "Adopt the following non-legally binding working definition of antisemitism:"
2. "To guide IHRA in its work, the following examples may serve as illustrations:"

The first introduces the definition. The second introduces the list. Neither sentence states the relationship of the list to the decision, and IHRA's FAQ, quoted above, adds no sentence on it.

Which IHRA examples mention Israel, and how are they hedged?

IHRA's 2016 text introduces its list with **two hedges**: the examples "could, taking into account the overall context, include, but are not limited to" what follows. The first hedge makes each example context-dependent; the second makes the list non-exhaustive. An example quoted without either reads as a rule, which the introducing sentence does not make it.

The full introducing sentence reads: "Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:". The list covers settings from the workplace to religious life, and Israel appears in several entries.

Two entries sit next to each other in the list and are best read together, because the second takes its pronoun from the first:

"Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor."

"Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation."

The "it" in the second example refers to the State of Israel named in the first. Quoted alone, the double-standards example points at nothing in its own words. The first example also carries an internal structure: the general category is "Denying the Jewish people their right to self-determination," and the racist-endeavor claim follows "e.g." as one instance of it.

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IHRA's web page numbers the examples 01 to 11, while a text parse of the PDF returns them as bullets, so the instrument's own text supplies no stable numbering. Each example is identified here by its wording.

The two examples above are the ones most often quoted when the definition is applied to anti-Zionist argument, and neither contains the word "Zionism." Read with the introducing sentence, the racist-endeavor example describes a claim that could, in context, be one manifestation of antisemitism, in a list that does not claim to be complete. The examples also sit beside a framing paragraph, set out in the next section, that limits how Israel-related material is to be read.

Does the definition count criticism of Israel as antisemitic?

IHRA's 2016 framing paragraph answers in **two** sentences that travel together: "Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic." The first opens the door to Israel-related cases; the second sets a comparison test for criticism.

Each half carries a qualifier. The first says manifestations "might include" targeting of Israel, and only of Israel "conceived as a Jewish collectivity." The second is categorical ("cannot be regarded") but conditional on comparability: criticism "similar to that leveled against any other country." Quoting the first half alone presents the instrument as reaching criticism of Israel generally; quoting the second alone presents it as excluding Israel from scope. The text does neither.

The comparison test in the carve-out mirrors the double-standards example quoted above, which refers to behavior "not expected or demanded of any other democratic nation." Both measure Israel-related speech against how other states are treated.

The Jerusalem Declaration (2021) addresses the same terrain with different wording. Its guideline 15 states that political speech "does not have to be measured, proportional, tempered, or reasonable" to be protected under article 19 of the Universal Declaration of Human Rights, and that criticism "that some may see as excessive or contentious, or as

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reflecting a 'double standard', is not, in and of itself, antisemitic." Its guideline 13 adds: "even if contentious, it is not antisemitic, in and of itself, to compare Israel with other historical cases, including settler-colonialism or apartheid." Both guidelines sit in section C, headed "examples that, on the face of it, are not antisemitic."

The two texts therefore use the double-standard concept in opposite directions. IHRA lists applying double standards to Israel as a possible example of antisemitism, in context. The Jerusalem Declaration lists criticism "reflecting a 'double standard'" as not antisemitic in and of itself. Both qualify their statements, IHRA with "taking into account the overall context" and the Declaration with "in and of itself" and "on the face of it."

How do the texts phrase the Jewish right to self-determination?

Israel's Knesset enacted in **2018** the Basic Law: Israel as the Nation-State of the Jewish People, whose clause 1(b) describes Israel as "the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination." The Knesset publishes the English text as an unofficial translation. IHRA's example and the Jerusalem Declaration's guideline use the same concept in different terms.

Text	Wording on self-determination	Source
IHRA illustrative example, **2016**	"Denying the Jewish people their right to self-determination"	International Holocaust Remembrance Alliance, 2016
Basic Law, clause 1(c), **2018**	"The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People."	Knesset, 2018 (unofficial translation)
Jerusalem Declaration guideline 10, **2021**	"Denying the right of Jews in the State of Israel to exist and flourish, collectively and individually, as Jews, in accordance with the principle of equality."	Jerusalem Declaration on Antisemitism, 2021

The three formulations differ in subject and scope. IHRA's example speaks of "the Jewish people" and their right to self-determination, without naming a territory or a form. The Basic Law places the right "in the State of Israel" and states it is "exclusive to the Jewish People." The Jerusalem Declaration speaks of "Jews in the State of Israel," of a right "to exist

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and flourish, collectively and individually," and attaches the qualifier "in accordance with the principle of equality." The Declaration lists its guideline 10 in section B, as an example that, "on the face of it," is antisemitic.

The Jerusalem Declaration also states, in guideline 12, that it is not antisemitic to support "arrangements that accord full equality to all inhabitants 'between the river and the sea', whether in two states, a binational state, unitary democratic state, federal state, or in whatever form." Set beside guideline 10, the Declaration separates the existence and flourishing of Jews in Israel from any particular constitutional form of the state.

The Basic Law contains no equality clause and no individual-rights clause; that is a fact about the enacted text and carries no finding about how the State treats anyone. Clause 7 adds that "The State views the development of Jewish settlement as a national value." The definitions' treatment of self-determination is compared at greater length in the Institute's reading of three definitions on the Jewish right to a state.

How many governments have adopted or endorsed the definition?

IHRA's own adoption roll names **48** UN member states, each with a date, the earliest the United Kingdom on 12 December 2016 and the latest the Dominican Republic on 24 August 2026. IHRA publishes no total and no percentage; 48 is a count of names on the roll, read on 16 November 2026.

The roll carries its own disclaimer about what the names represent. Its footnote reads: "Different countries and organizations will use different terminology, including adopt, endorse, embrace, recognize, support, and so on." A government that "endorses" the text and a government that "adopts" it may have taken different domestic steps, and the roll groups both under one list. A sentence stating that 48 countries "adopted" the definition attributes a uniform act to a list whose publisher describes several.

The roll and IHRA's membership are separate universes. IHRA is an intergovernmental organization of 35 Member Countries, whose representatives make up the Plenary that took the 2016 decision. The adoption roll lists UN member states that have taken some domestic

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action on the text, a group that is not defined by IHRA membership. The two figures count different things.

The span of the roll, from December 2016 to August 2026, shows adoptions continuing across more than nine years after the Plenary decision. The roll records dates, not the instrument used, so it carries no information on whether a given state acted by statute, cabinet decision, ministerial statement or parliamentary resolution.

What the roll can support is narrow and checkable: a named state appears on IHRA's list with a named date. What a reader needs from the state's own records, in each case, is the act itself, since the closing paragraph of the IHRA text ties criminal consequences to acts "so defined by law," and the non-legally binding status of the 2016 text means any domestic effect comes from the domestic instrument.

Why does Israel's ministry count 1,216 adopters, not 48?

Israel's Ministry for Diaspora Affairs and Combating Antisemitism reported that **1,216** entities had ratified the IHRA working definition by the end of 2023, with 97 new adoptees during the year. The figure is the ministry's own count, compiled with the World Zionist Organization and the Jewish Agency for Israel, and is not independently verified.

The ministry's figure and IHRA's roll count different universes, on different terms. IHRA's roll names UN member states. The ministry counts "entities," a category the reported total does not restrict to states. The ministry's verb is "ratified"; IHRA's footnote lists "adopt, endorse, embrace, recognize, support, and so on." The two figures were also fixed at different times: the ministry's at the end of 2023, IHRA's roll as read in November 2026 with a latest entry dated August 2026.

Because the universes differ, the two figures are not rival totals for one quantity and are neither summed nor set against each other. The 48 answers how many UN member states appear on the adopting body's roll. The 1,216, on the ministry's own reporting, answers how many entities of all kinds the ministry counts as having ratified the text.

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The ministry published the count in The State of Antisemitism Report for 2023, an annual review produced in cooperation with the World Zionist Organization and the Jewish Agency for Israel and drawn from the ministry's own incident database. Adoption of the IHRA definition appears there as one of the ministry's tracked indicators, alongside its own programme activity. The ministry is a body of the Israeli government, which places its count in the category of a party's own reported total rather than an independent tally.

The 97 new adoptees in 2023 are also the ministry's own count, three of them countries (Latvia, Croatia and Panama). On the ministry's own figures, the 1,216 comprises 45 states, 514 nonfederal government entities, 345 institutes of higher learning and 312 organizations. A reader seeking any one adoption has to go to the adopting entity's own record of its decision.

Where does the Nexus Document draw the line on Zionism?

The Nexus Task Force's Nexus Document, in its **June 2024** revision, states under "What is Not Antisemitic?", item 1: "As a general rule, criticism of Zionism and Israel, opposition to Israel's policies, or nonviolent political action directed at the State of Israel and/or its policies should not, as such, be deemed antisemitic." IHRA's text never uses the word "Zionism"; the Nexus Document names it in a stated rule, as the Jerusalem Declaration does in its guidelines 8 and 12.

The document sets a limit on the other side. Under "What is Antisemitic?", item 9 reads: "It is antisemitic to treat Israel differently solely because it is a Jewish state, using standards different than those applied to other countries." Item 2 on the same list adds: "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." The two lists are numbered separately, so an item number identifies a sentence only together with the list it sits in.

Item 9 and IHRA's double-standards example address the same comparison with different conditions. IHRA's example refers to "requiring of it a behavior not expected or demanded of any other democratic nation," read in "the overall context." The Nexus item adds a motive condition: different treatment "solely because it is a Jewish state." Under "What is Not

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Antisemitic?", item 5 reads in part: "Paying disproportionate attention to Israel and treating Israel differently than other countries is not prima facie proof of antisemitism."

The document gives its own provenance. It states that it derives "from a White Paper drafted by the Nexus Task Force" and is "designed as a guide for policymakers and community leaders." Its trailer, in the publisher's PDF, reads: "The White Paper was published in December 2020. The Nexus Document was published in February 2021 and updated in June 2024." The quotations here are from that June 2024 revision. The Task Force is stated to be affiliated with the Center for the Study of Hate at Bard College, and the Nexus Project states on its own site that it "is fiscally sponsored by the New Israel Fund." Like the Jerusalem Declaration, it is a non-binding document adopted by no state or intergovernmental body.

How do researchers apply the IHRA examples to online posts?

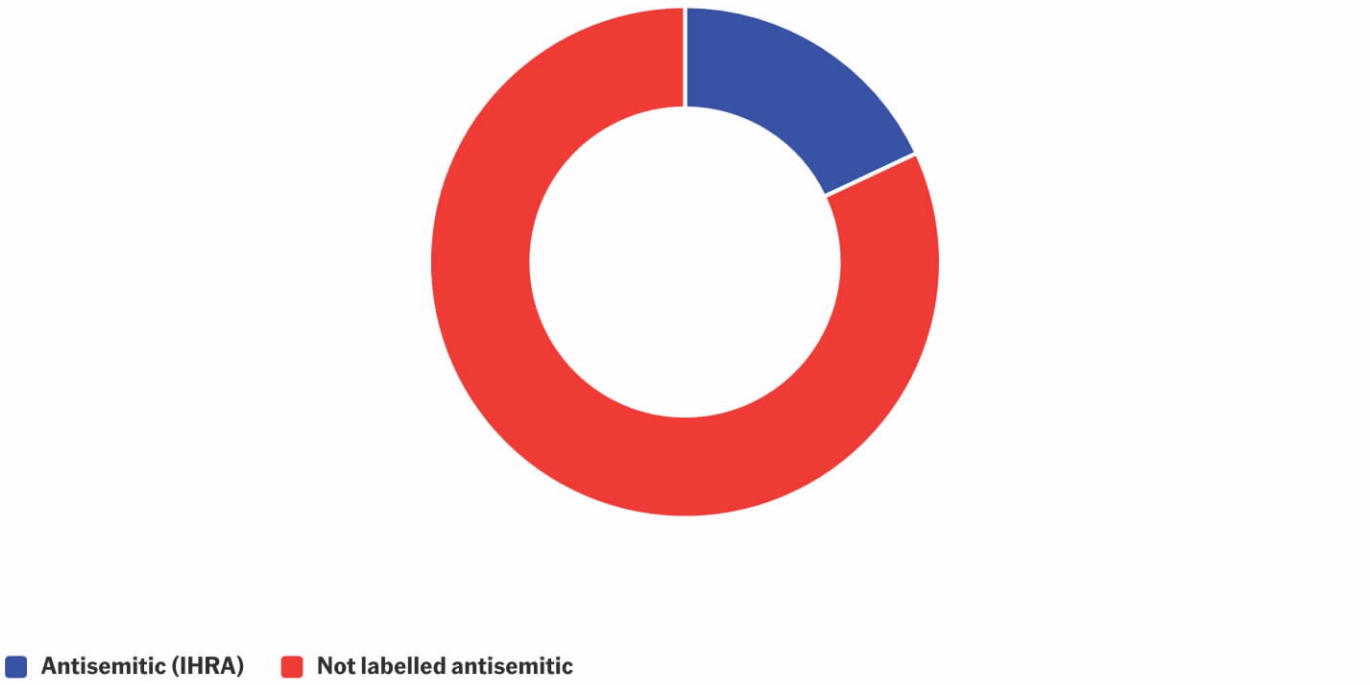
Annotators in a study led by Gunther Jikeli labelled **1,250** of 6,941 English-language tweets on Jews, Israel and antisemitism, or 18%, as antisemitic under the IHRA definition, in posts dated January 2019 to December 2021. The study, by Jikeli, Karali, Miehling and Soemer (2023), is a preprint, and its figures here come from its abstract.

Tweets labelled under the IHRA definition

6,941 ENGLISH-LANGUAGE TWEETS ON JEWS, ISRAEL AND ANTISEMITISM, JANUARY 2019 TO DECEMBER 2021, ANNOTATED

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Source: Jikeli, Karali, Miehling and Soemer, 2023, preprint (abstract-sourced). n = 6,941; the second slice is 6,941 minus 1,250.

The study is presented as a guide to high-quality annotation and a labelled dataset, which places the IHRA text in a specific working role: a coding scheme that annotators apply post by post. The corpus was drawn on three subjects at once, Jews, Israel and antisemitism, so Israel-related posts sit inside the 6,941 alongside posts about Jews and posts about antisemitism.

The abstract reports one overall share. It gives no separate rate for Israel-related tweets and no count of how often the Israel-related examples were the basis for a label, so the 18% carries no information on how the examples examined in the sections above performed against anti-Zionist content specifically. The share is a property of this sample of 6,941 tweets, selected on these subjects, and not a rate for English-language social media as a whole.

The fieldwork period also bounds the finding. The posts end in December 2021, before the October 2023 attack and the war that followed, so the measured share describes discourse in the three years before those events. It is a measurement of how one research team's

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annotators classified a defined corpus under one definition, and a different definition applied to the same posts could yield a different share.

Methodology and limitations

The evidence here is drawn from three source types. Primary and official records: the IHRA working definition (2016) and its adoption roll, read on 16 November 2026 in two copies published by IHRA itself, an English web page and a two-page typeset PDF, which agree word for word; the Knesset's 2018 Basic Law, in the Knesset's own English translation, which it labels unofficial, with amendments through 1 May 2022; and the State of Antisemitism Report for 2023 by Israel's Ministry for Diaspora Affairs and Combating Antisemitism, a government body's self-reported count. Instruments without adoption by any public body: the Jerusalem Declaration on Antisemitism (2021), read in the signatories' web text and PDF, quoted from the PDF unless stated; and the Nexus Document, quoted from the publisher's June 2024 PDF revision. Peer-review status: the tweet study by Jikeli and colleagues (2023) is a preprint, and its figures come from its abstract.

Each instrument is quoted for its own words and is cited for nothing beyond them. No application of any example to a particular campaign, utterance or person is attributed to the instrument.

Several limits attach to the record. The Jerusalem Declaration's two copies differ in six places, including punctuation and the name of the 1948 Universal Declaration; the Nexus Document's two copies differ on the White Paper's month (December or November 2020) and on several item wordings. The February 2021 original of the Nexus Document could not be retrieved, so nothing here is attributed to it. IHRA's adoption roll publishes no total, and the ministry's 1,216 is the ministry's own count, not independently verified. The tweet study reports no separate share for Israel-related posts, and its fieldwork ended in December 2021.

Conclusion

So does opposing Zionism count as antisemitism under the IHRA definition? The two sentences the Plenary adopted in 2016 never mention Israel or Zionism. The Israel material

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sits after them: illustrations introduced on their own line, hedged "taking into account the overall context" and "not limited to," framed by a paragraph that both admits the targeting of Israel "conceived as a Jewish collectivity" and excludes criticism "similar to that leveled against any other country."

Across every axis measured, the texts converge on concepts and diverge on wording. All three name a self-determination or existence limit, and each states it differently: IHRA's "the Jewish people," the Basic Law's "exclusive to the Jewish People," the Jerusalem Declaration's "in accordance with the principle of equality." All three invoke a comparison with other states, and they turn it in different directions: IHRA lists double standards as a possible example, the Declaration clears criticism "reflecting a 'double standard'" in and of itself, and the Nexus Document draws its line at different treatment "solely because it is a Jewish state." The adoption picture splits the same way, with 48 names on IHRA's roll and 1,216 entities on the Israeli ministry's own count, two universes rather than one total.

The boundary that matters in practice is the one an annotator, a university or a ministry draws when it applies a hedged example to a real sentence. In one corpus coded against the IHRA text, 18% of posts crossed it. When institutions choose where that line falls, by which text and with which hedges kept or dropped, how much of what they record as antisemitism, and how much of what antisemitism feeds on, depends on the choice of wording itself?

Frequently Asked Questions

Does the IHRA definition create a criminal offence?

No. IHRA's 2016 text states that "Antisemitic acts are criminal when they are so defined by law," naming Holocaust denial and distribution of antisemitic materials "in some countries" as examples. Criminal status comes from a national statute, and the adoption sentence describes the definition as "non-legally binding."

Does the IHRA text mention boycotts or BDS?

No. A search of the full IHRA text, definition, eleven examples and closing paragraphs, finds zero occurrences of boycott, divestment, sanction, BDS, goods, product or West Bank. Any

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reading of the definition on boycotts reasons from the self-determination and double-standards examples, since the text addresses boycotts nowhere.

What does the Jerusalem Declaration say about boycotts?

The Jerusalem Declaration's guideline 14 (2021) states that boycott, divestment and sanctions "are commonplace, non-violent forms of political protest against states" and in the Israeli case "are not, in and of themselves, antisemitic." Its preamble requires each guideline to be read "in the light of the others and always with a view to context," so the guideline makes no statement about any particular campaign.

How does the Jerusalem Declaration define antisemitism?

The Declaration's one-sentence definition (2021) reads: "Antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish)." It is set out alongside fifteen numbered guidelines in three sections, numbered continuously 1 to 15.

How does the Nexus Document define antisemitism?

The Nexus Document's June 2024 revision defines antisemitism as "anti-Jewish beliefs, attitudes, actions or systemic conditions," including "conditions that discriminate against Jews and significantly impede their ability to participate as equals." Its scope extends to systemic conditions, a category neither the IHRA definition nor the Jerusalem Declaration names in its core sentence.

Which language version of the IHRA text governs?

IHRA publishes the definition in 29 language versions and states that "in the event of any discrepancies, the English translation takes precedence." Quotations in this piece are from IHRA's English web page and English PDF, which agree word for word.

Is the Jerusalem Declaration meant to replace the IHRA definition?

The Declaration's 2021 preamble proposes itself "as an alternative to the IHRA Definition" and adds that institutions which have already adopted IHRA "can use our text as a tool for interpreting it." It therefore presents two uses for itself: a substitute text, and an interpretive companion to the IHRA one.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

Is Israel using starvation as a weapon? The crossing counts and the court record

Israel's own crossing record counts 32,946 aid trucks to May 2024 and a 79-day nil period in 2025. What the court record and intent standard hold.

Gaza Starvation Humanitarian Aid International Law COGAT



No court has issued a final ruling on whether Israel used starvation as a weapon of war in Gaza. The one interstate case, the Republic of South Africa's Application filed at the International Court of Justice on 29 December 2023, is pleaded under the Genocide Convention and has produced interim orders, not a judgment on the merits.

Israel's own crossing record, published by COGAT, a party to the events, counts 32,946 aid trucks between 21 October 2023 and 31 May 2024. Its live dashboard states that "no aid entered the Gaza Strip between March 2 to May 19 2025." The record of what entered is the restricting party's own. The legal dispute turns on the standard for inferring intent, which

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Nimer Sultany's peer-reviewed 2024 article and Marko Milanovic's 2025 commentary address from opposite directions.

Key Findings

- The Republic of South Africa's Application (Republic of South Africa, 2023) was filed on 29 December 2023 as General List No. 192. At paragraph 17 it founds jurisdiction on Article IX of the Genocide Convention. It is a state party's pleading and records what South Africa alleged. No merits judgment exists in the case.
- COGAT's truck-level record counts 32,946 trucks between 21 October 2023 and 31 May 2024, 22,281 of them classed as food, on 193 operating days within a 224-day span (COGAT, 2026). This is a party's own operational count and is not independently verified. The sums are the Institute's arithmetic on the published rows.
- COGAT's 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). On the party's own account, that is a nil period of 79 days.
- Jamaluddine and colleagues (2025, peer-reviewed) estimate 64,260 deaths from traumatic injury to 30 June 2024 (95% CI 55,298 to 78,525). Their estimate excludes deaths from food insecurity. The published lists of the Ministry of Health in Gaza, a party's own count, carry no cause-of-death column (Ministry of Health, Gaza, 2024 to 2026).
- Sultany (2024) concludes that "the threshold of intent is met" only on a reading that relaxes what he calls the "high legal requirement" of the only reasonable inference standard. Milanovic (2025, not peer-reviewed) writes that fact-finders outside criminal trials "are not bound to apply a high standard of proof or ORI."

Has any court ruled that Israel starved Gaza's civilians?

No court has ruled on the merits. The only interstate case is the Republic of South Africa's Application, filed on **29 December 2023** as General List No. 192. Paragraph 17 states that "pursuant to Article 36 (1) of the Court's Statute and Article IX of the Genocide Convention, the Court has jurisdiction." A starvation allegation before that Court is therefore argued as conduct under the Genocide Convention.

The Application is a pleading. It records what one state alleged, and at paragraph 147 South Africa "reserves the right to revise, supplement or amend the terms of this Application, as well as the grounds invoked." Paragraph 11 records that "Neither South Africa nor Israel has entered any reservation to Article IX."

The International Court of Justice has since issued three orders, dated 26 January, 28 March and 24 May 2024. The second is the one worded around hunger. On 28 March 2024 the Court indicated, unanimously on a bench of sixteen, that the State of Israel shall "take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter." The Court framed

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that measure "in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation."

Several details travel with that order:

- Judge ad hoc Barak, chosen by Israel, was among those voting in favour.
- The 28 March order is authoritative in French, so the English quoted here is a translation of the governing text.
- The orders do not settle what happened. At paragraph 30 of the 26 January order, the Court states that it "is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred," a finding it says could come "only at the stage of the examination of the merits."
- At paragraph 49, the 28 March order states that it "is without prejudice to any findings concerning the Respondent's compliance."

A second forum has acted on the specific charge of starvation. On 21 November 2024 the International Criminal Court's Pre-Trial Chamber I issued arrest warrants for Israel's prime minister and its former defence minister. The Chamber stated that it found "reasonable grounds" to believe they bore responsibility for the war crime of starvation as a method of warfare. That wording tracks the warrant test in article 58 of the Rome Statute of the International Criminal Court, which asks whether "there are reasonable grounds to believe that the person has committed a crime." A warrant precedes any trial. It is not a conviction.

Who argues Israel used starvation as a weapon, and since when?

Human Rights Watch stated the claim on **18 December 2023**, ten weeks into the war, under the headline "Israel: Starvation Used as Weapon of War in Gaza." The fullest peer-reviewed argument came later: Nimer Sultany's "A Threshold Crossed," published in the Journal of Genocide Research on 9 May 2024.

The claim has been restated on the record by other named bodies since then:

- The BMJ published a 2024 piece under the headline "Israel is using starvation as a weapon of war in Gaza."
- In July 2025, Amnesty International published "Gaza: Evidence points to Israel's continued use of starvation to inflict genocide against Palestinians."
- Also in July 2025, the UN human rights office issued a press release by UN experts titled "Thirst as a weapon."

So the claim is held by named organisations and scholarship, dated, from December 2023 onward.

Sultany is a Reader in Public Law at SOAS University of London. His article includes a section on starvation, humanitarian law and intent. In a section on how "military goals" can conceal

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genocidal intent, he argues that the vocabulary of "collateral" harm and proportionality "masks indiscriminate attacks." His conclusion is explicitly conditional: "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 by committing acts with the 'intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.'"

The interpretation he invokes is not his own coinage. Six states set it out in their Joint Declaration of Intervention of 15 November 2023 in The Gambia v. Myanmar: Canada, Denmark, France, Germany, the Netherlands and the United Kingdom. Sultany describes their argument as urging that the Court lower the "high legal requirement" of "only reasonable inference" and "instead assess genocidal acts and intentions in a more holistic way."

Two limits attach to the article:

- It carries no measurement of its own. The casualty figures it uses are relayed from other bodies.
- Its conclusion concerns genocidal intent under the Genocide Convention. The war crime of starvation as a method of warfare is a separate charge under a separate treaty.

The opposing position is published by Israel's Coordinator of Government Activities in the Territories (COGAT). Its document of 15 December 2025 is titled "Aid to Gaza: Common Misleading Claims vs. Facts." In it, COGAT states that "Prior to October 7th, only two crossings operated for transferring goods into the Gaza Strip" and lists five inspection points and three transfer points operating since, which it counts as seven because Kerem Shalom appears on both lists. These are a party's own statements about its own crossings.

How many aid trucks did Israel's own crossing record count?

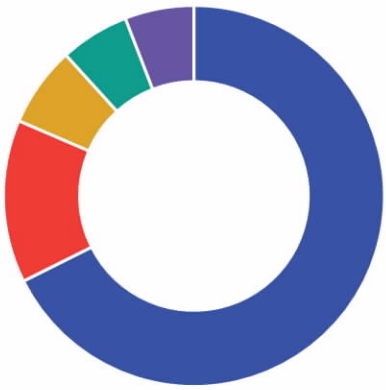
COGAT, the Israeli Ministry of Defense unit that runs the crossings, counted **32,946** aid trucks between 21 October 2023 and 31 May 2024 in its published "Humanitarian Aid" workbook, one row per truck. The figure is a party's own operational count, tallied during inspection, and is not independently verified.

The content column divides that total exactly, so the breakdown can be summed. On the Institute's arithmetic, 22,281 trucks (67.6% of the total) were classed as food.

Aid trucks by content class in COGAT's workbook
32,946 TRUCKS, 21 OCTOBER 2023 TO 31 MAY 2024; CLASSES ARE MUTUALLY EXCLUSIVE

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Food Shelter equipment Medical equipment Water Mixed Items

Source: COGAT, 2026, "Humanitarian Aid" workbook; a party's own count, not independently verified. Institute arithmetic on the published rows.

By crossing. The workbook records 18,371 trucks at Kerem Shalom, 13,359 at "Nitzana\Rafah", 1,111 at Erez and 105 at JLOTS. These are not four entry points into Gaza:

- The "Nitzana\Rafah" label fuses an Israeli inspection point with the Egypt-Gaza crossing, so it cannot show where a truck entered.
- JLOTS was the temporary United States pier, not an Israeli crossing.

By day. Trucks moved on 193 days within a 224-day span. Of the 31 dates with no rows, 24 are Saturdays. That gives 170.7 trucks per operating day, or 147.1 per calendar day. The two averages differ by 16%, and COGAT publishes neither. The record's highest day was 9 April 2024, with 467 trucks. Its lowest was 8 May 2024, with 9.

Trucks, not tons. The trucks are counted; the weights are declared. The weight column is headed "Estimated weight (tons)" and takes only eight discrete values, with 746 rows left blank. COGAT's report of 9 July 2026 states that its tonnage "is based on the self-declaration of humanitarian organizations and private sector providers." By contrast, "pallet number are counted" during security clearance.

A frozen series. The truck-level workbook ends on 31 May 2024. It was still linked from the portal's home page in September 2026, beside a dashboard updated that same day. Truck counts after May 2024 therefore come from the dashboard, not the workbook.

How much fuel did Israel record entering Gaza?

COGAT's published "Fuel" sheet records **335** fuel tanker-trucks entering Gaza between 1 November 2023 and 31 May 2024, over a contiguous 213-day daily series. This is a party's own count and is not independently verified. It is also a floor: the sheet codes nil days with both dashes and empty cells, so a blank cannot be read as a zero with certainty.

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The same sheet records 598 gas tanker-trucks over the same series. Across 213 days, the fuel figure works out to about 1.6 tanker-trucks a day on the Institute's arithmetic. COGAT does not publish that rate. The sheet gives no volume per tanker, so the count cannot be converted into litres or set against a consumption figure.

Tanker-trucks recorded on COGAT's fuel sheet
1 NOVEMBER 2023 TO 31 MAY 2024, 213 CONSECUTIVE DAYS; BOTH VALUES ARE FLOORS



Source: COGAT, 2026, "Humanitarian Aid" workbook, Fuel sheet; a party's own count, not independently verified. Institute arithmetic on the published rows.

The published file needs repair before it can be read. Days 1 to 12 of each month were stored with day and month transposed, so the first row reads as 11 January 2023, a date before the war. Days 13 to 31 survived as text. Reversing the transposition restores a series with no missing dates, which is how the 213-day range was established. The fuel column also carries 77 dashes alongside further blanks, which is why both totals are floors rather than measurements of the whole.

Fuel is counted apart from everything else COGAT publishes. Its live dashboard states that "Totals do not include fuel," so the dashboard's truck totals measure goods other than fuel.

Fuel also appears in the court record. The 28 March 2024 measure of the International Court of Justice names fuel in its list of required supplies, between "electricity" and "shelter".

When did Israel's own record show no aid entering at all?

COGAT's Aid Data dashboard, read on 10 September 2026, states: "According to the directive from the political echelon, no aid entered the Gaza Strip between March 2 to May 19 2025." Counted inclusively, that is a nil period of **79 days**, recorded in the restricting party's own words and published on its own portal.

The sentence carries three facts:

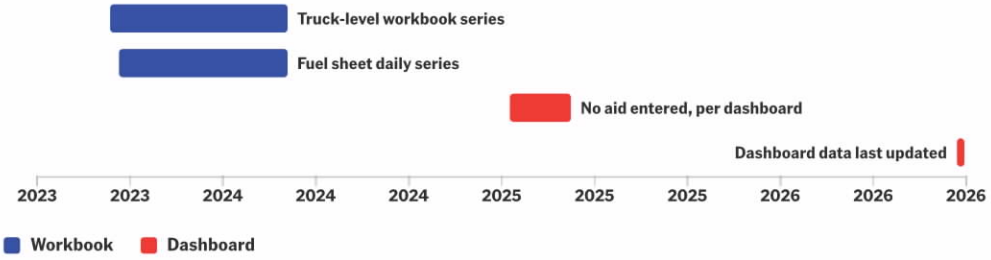
- **A total.** It records that no aid entered, not reduced entry.
- **A cause in the party's own terms.** It attributes the halt to a "directive from the political echelon," the dashboard's phrase for a decision above COGAT.
- **Dates.** The halt runs from 2 March to 19 May 2025.

The sentence records entry only. It carries no figure for stocks already inside Gaza during those weeks, and no COGAT publication in this record supplies one.

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What COGAT's published series cover, and the nil period
DATES AS STATED IN COGAT'S WORKBOOK AND DASHBOARD



Source: COGAT, 2026, Gaza Aid Data portal; a party's own record, not independently verified.

The nil period changes how every longer figure must be read. Any cumulative or average truck figure spanning 2025 crosses 79 days on which, by COGAT's own account, the count was zero. On 10 September 2026, the dashboard's route table summed to 110,815 trucks over whatever date range its filter held when read:

- 52,825 via Egypt
- 38,544 via Israel
- 9,947 via Jordan
- 9,418 via Ashdod Port
- 77 via "Israel - BNG Airport" and 4 by airdrop

A war-long daily average computed from that total, without the nil weeks stated beside it, describes no actual period of supply.

The workbook cannot test the halt, because its truck-level series ends in May 2024. The dashboard is the only COGAT publication in this record that reaches 2025. The entry standard, and how COGAT's counts compare with other bodies' measures, are read in a separate report on aid access and the enacted standard.

How many people lived in Gaza when the war began?

The Palestinian Central Bureau of Statistics (PCBS) projected Gaza's mid-2023 population at **2,226,544**. The figure is projected forward from the 1 December 2017 census rather than counted. It is the Bureau's own estimate, published by the statistical office of a party to the events, and is not independently verified. It is the population that the supply recorded in the sections above had to reach.

The census base itself recorded 1,899,291 residents, by PCBS's own account. Everything after 2017 is projection, including the age structure.

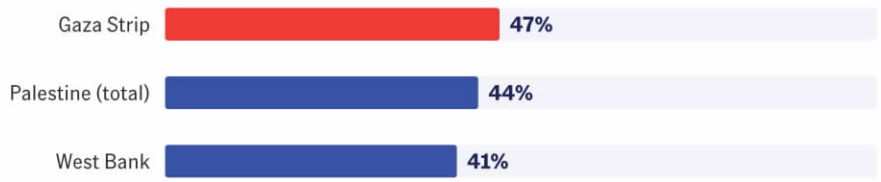
Age structure. PCBS projects that children under 18 made up 47% of Gaza's mid-2023 population, or 1,046,400 people. The comparable shares were 41% in the West Bank and about 44% across Palestine. A separate PCBS release gives 40% for Gaza. That figure is the

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share under 15, a different cut-off, not a competing estimate. The 15-to-17 band between the two contains 147,693 people.

Share of the population under 18, mid-2023
PROJECTED OFF THE 2017 CENSUS, BEFORE 7 OCTOBER 2023



Source: Palestinian Central Bureau of Statistics, 2023; a party's own projection, not independently verified.

Post-war revision. PCBS has since revised its own projections downward:

- For 2024, it gives 2,129,724, which it describes as "a decrease of 6%". Against its own pre-war table row of 2,287,558, the decrease computes to 6.9%.
- For mid-2025, it gives 2,114,301, which is 10.0% below its pre-war projection of 2,349,301.

PCBS attributes the revision to deaths, missing persons, out-migration and reduced births together. It is not a casualty count.

Economic baseline. The World Bank's September 2023 report, "Racing Against Time," sets out Gaza's labour market in the second quarter of 2023:

- 46.4% of Gaza's labour force was unemployed.
- Labour force participation was 39.9%.

Every Gaza figure in that report is relayed from PCBS, as the Bank's own source lines state. The Bank's framing of the territory is that "Two million Palestinians live in Gaza, which has been under a near-blockade and effectively cut off from the West Bank since 2007."

Do Gaza's published death counts include deaths from hunger?

Jamaluddine and colleagues, writing in The Lancet in 2025 (peer-reviewed), estimate **64,260** deaths from traumatic injury in Gaza between 7 October 2023 and 30 June 2024 (95% CI 55,298 to 78,525). The estimate counts traumatic injury only. It leaves out deaths from food insecurity, inadequate water and sanitation, and disrupted health services.

The authors state that their rate comparison holds "even when ignoring non-injury excess mortality." In other words, the hunger toll sits outside the figure, not inside it.

The method. The study combines three lists:

- Ministry hospital morgue records

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- The ministry's online mortality survey
- Social media obituaries

The Ministry of Health in Gaza reported 37,877 deaths as of 30 June 2024. That is its own count, published by a party to the war, and not independently verified. The gap of 26,383 deaths is 41% of the study's estimate, not 41% of the ministry figure.

Three Gaza death figures for the window ending 30 June 2024
THE LANCET ESTIMATE COVERS TRAUMATIC INJURY ONLY; MINISTRY FIGURES ARE REPORTED DEATHS



Source: Jamaluddine and colleagues, 2025, peer-reviewed (95% CI 55,298 to 78,525); Ministry of Health, Gaza, 2024, a party's own count, not independently verified.

The study and the ministry are not independent counts. The ministry's list to 30 June 2024 divides into two strata:

- 22,368 records labelled as ministry records
- 5,817 records labelled as notified by relatives

The first matches the study's count of 22,368 hospital-identified decedents for the same update. The second stratum corresponds to the ministry's online survey, but the study worked from the raw survey file, which yielded 7,581 unique decedents after duplicates and missing persons were removed.

What the lists record. Three of the four ministry list documents in this record carry the same fields: serial number, name, identity or document number, date of birth, sex, age and source. The April 2024 list drops date of birth and source and adds an address column. None carries a cause-of-death column, and none carries a date of death.

On 7 January 2024, the ministry stated five exclusions of its own:

- The missing and those under rubble
- The unidentified who reached hospitals
- Unidentified bodies handed back by Israel
- Burials by families outside hospitals
- Deaths in Gaza and North Gaza after its information system stopped in November 2023

The result. The peer-reviewed estimate is not built to measure deaths from hunger, and the ministry's published lists carry no field that could separate them. A related report reads how

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the ministry's registry has been tested.

What does the ceasefire's mandated report say about aid access?

The Board of Peace's report to the Security Council, document S/2026/418 of **15 May 2026**, states that violations "continue to occur on a near daily basis." It lists "continued impediments to humanitarian access" among consequences that "cannot be minimized." It gives no number for either.

Whose account it is. The Board of Peace is the transitional administration whose establishment Security Council resolution 2803 (2025) welcomed. Its report is the Board's own account of its own implementation. It was transmitted by the United States, a guarantor of the arrangement, and covers 17 November 2025 to 14 May 2026.

What the paragraph on violations contains. It gives no total, no rate, no attribution to a party and no definition of what was counted. Its phrase "civilians killed" also carries no figure.

Why the report gives no count. The resolution requests "a written report on progress," and a progress report is what the Board delivered. The absence of a violations series follows from that request.

The diversion estimate. The report gives the Board's own estimate that diversion of UN-facilitated in-kind aid fell from an estimated 90% at its peak during hostilities to approximately 1% since November 2025. The report states no method for either figure, and nowhere in the document is the 90% peak sourced. Both hedges belong with any use of the figures.

Commitments, not deliveries. The report's figure of 4,200 trucks a week is a commitment, not a delivery count.

What the report cannot be combined with. The Board counts aid distributed by United Nations agencies and humanitarian partners during the ceasefire. COGAT counts entries at its own crossings, on its own records, from 10 October 2025. The two cannot be summed. The Board's report is the first under the resolution, and a second was not yet published as of 10 September 2026, so no trend across reporting periods can be read from it. The instrument's own terms are read in a separate report on ceasefire violations and what the instrument defines.

Does proof of deprivation alone establish intent to starve?

Article 8(2)(b)(xxv) of the Rome Statute, adopted in **1998**, defines the war crime as "Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as

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provided for under the Geneva Conventions." Its first word is an intent element, which sits alongside the deprivation.

Three different standards of proof are now attached to the Gaza question:

- **Reasonable grounds.** The International Criminal Court's November 2024 warrants used the article 58 test of "reasonable grounds to believe."
- **Plausibility.** The International Court of Justice's interim orders used a plausibility test. At paragraph 54 of the 26 January 2024 order, the Court found plausible "the right of the Palestinians in Gaza to be protected from acts of genocide" and "the right of South Africa to seek Israel's compliance." That paragraph concerns rights, not violations, and paragraph 30 of the same order defers any finding of violation to the merits.
- **Beyond reasonable doubt.** A criminal conviction requires the Court to be "convinced of the guilt of the accused beyond reasonable doubt," under article 66(3) of the Rome Statute.

The dispute in the scholarship concerns how intent may be inferred when no order states it. Sultany (2024) describes the "only reasonable inference" requirement as a "high legal requirement." He sets out the six-state case for a "more holistic" assessment, and his conclusion that "the threshold of intent is met" depends on that reading being applied. His argument addresses genocidal intent, the specific intent the Genocide Convention requires, which is a narrower question than intent under the starvation article.

Milanovic, writing on EJIL:Talk! on 18 September 2025 (a law blog, not peer-reviewed), traces the test to its source: "The notion of an 'only reasonable inference' comes to international law from the jurisprudence of the first modern ad hoc criminal tribunals." He reads it as a consequence of the criminal standard of proof rather than a rule peculiar to genocide, and he states its reach: "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."

The record therefore separates two questions. The deprivation is documented in COGAT's own counts and dashboard. Whether that deprivation was intended, and on which standard of proof, is the matter on which the named authors divide.

Methodology and limitations

Sources. The evidence comes from five kinds of source, each labelled by type:

- **Party records.** COGAT's workbook was downloaded and parsed row by row, and its dashboard was read on 10 September 2026. The Ministry of Health in Gaza's four list documents and its daily reports were read on the same date.
- **A state party's pleading.** The Republic of South Africa's Application, dated 28 December 2023 and filed 29 December 2023, was read in full, including paragraphs 9 to 17, 144 and 147.

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- **Peer-reviewed research.** Jamaluddine and colleagues (2025), in The Lancet, and Sultany (2024), in the Journal of Genocide Research.
- **Named-author commentary.** Milanovic (2025), on EJIL:Talk!, the blog of the European Journal of International Law. It is editorially curated and not peer-reviewed.
- **Official statistics and reports.** The Palestinian Central Bureau of Statistics' 2023 releases, the World Bank's September 2023 report to the Ad Hoc Liaison Committee, and Board of Peace report S/2026/418.

Court orders and warrants. The three orders of the International Court of Justice (26 January, 28 March and 24 May 2024) and the International Criminal Court's warrants of 21 November 2024 are named by date. Their operative wording is quoted. No figure in this report rests on them. Treaty texts, including the Rome Statute and the Genocide Convention, are quoted as instruments.

Arithmetic. Every sum, share and daily average derived from COGAT's rows is the Institute's own arithmetic on the published file and is labelled as such. COGAT publishes none of these derived figures.

Limitations of the record:

- **COGAT's data.** The truck-level series ends on 31 May 2024. Tonnage is a banded, shipper-declared estimate, so trucks are cited and tons are not. Dashboard figures reflect whatever date filter was active when read. The fuel sheet's date column required repair, and both fuel totals are floors.
- **PCBS's population figures.** Every population figure after the 2017 census is a projection. The Bureau has revised its post-war estimates downward by 6% to 10%.
- **The Lancet estimate.** It covers traumatic injury only, carries a wide confidence interval, and is built partly on the ministry's own lists.
- **The ministry lists.** They carry no cause-of-death field, so no count of deaths from hunger appears in the record read here.
- **The Board of Peace report.** It gives no violation count, and its diversion figures state no method.
- **Party sources.** COGAT, the Ministry of Health in Gaza and PCBS are each a party to the events, or the statistical office of one, and none of their figures is independently verified.

Conclusion

So, has Israel used starvation as a weapon of war? On the record, the deprivation is documented and the intent remains in dispute.

The documentation of deprivation comes largely from the restricting party itself. COGAT's own crossing record, a party's count that is not independently verified, shows:

- 32,946 trucks in the first seven months of record, about two thirds of them classed as food

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- Fuel arriving at an average of roughly 1.6 tanker-trucks a day
- A 79-day period in 2025 when, by COGAT's own statement, "no aid entered" under a directive from the political echelon

The legal record has moved, but no court has ruled on the merits:

- The International Court of Justice unanimously ordered Israel to enable food, water and fuel "in view of... the spread of famine and starvation," while stating that it was not yet ruling on violations.
- The International Criminal Court issued warrants on "reasonable grounds," which is a test for arrest, not for guilt.

Two gaps remain in the record. The only peer-reviewed death estimate in it, 64,260 traumatic deaths, leaves hunger outside its count by design. The ministry lists, a party's own count, carry no field that could separate deaths from hunger. The ceasefire's mandated report describes impediments to aid as occurring on a "near daily basis" and attaches no number to them.

What remains open is how intent is to be read. Deprivation recorded in the restricting party's own ledger is one kind of evidence. A stated directive halting all entry for eleven weeks is another. Whether those facts allow only one reasonable inference, or whether a body outside a criminal trial may reach its view on a lower standard, is the point on which Sultany and Milanovic part. The question extends beyond this war: what any society asks of a state that records, in its own words, the closing of supply to two million people, and at what standard of proof it chooses to judge that record.

Frequently Asked Questions

Why do the vote majorities fall across the three Court orders?

The bench shrank from seventeen judges in January 2024 to sixteen in March and fifteen in May. Judge ad hoc Moseneke ceased to sit after a South African national was elected to the Court, and Judge Tomka did not sit in May. Measured against each bench, the shares barely move: thirteen of fifteen on the Rafah measure in May is 87%, against fifteen of seventeen on four of the six January measures, 88%; the other two January measures passed sixteen to one.

Did the Court direct any measure at Hamas?

None of the measures across the three 2024 orders is addressed to any party other than the State of Israel. The 28 March order explains at paragraph 44 that the Court cannot indicate measures addressed to third States or other entities, citing Article 59 of its Statute, and no Palestinian party is before the Court. In its reasoning, the Court called on 26 January 2024 for the "immediate and unconditional release" of hostages "held since then by Hamas and other armed groups", and repeated that call in both later orders.

Did the May 2024 order require Israel to halt the Rafah offensive?

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The 24 May 2024 order indicated, by thirteen votes to two, that Israel shall "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." Whether the relative clause limits the halt to action of that character is disputed. Two judges appended dissenting opinions and three appended declarations to the order.

Which crossings did COGAT say were operating after the war began?

COGAT's document of 15 December 2025 lists five inspection points: Kerem Shalom, Ashdod Port, Nitzana, Sha'ar Efrayim and Tarkumiya. It lists three transfer points: Kerem Shalom, Kisufim and Zikim. These are a party's own statements. COGAT's 2024 workbook names Erez rather than Zikim, and no COGAT document read here equates the two.

How many patients did COGAT record leaving Gaza for treatment?

COGAT's Medical response page states that "Close to 5000 ill and wounded individuals, along with escorts" left Gaza for treatment. This is a party's own figure that combines patients and escorts with no split. The same page gives conflicting accounts of the crossing used, and it carries no date.

What share of medical evacuation requests does COGAT say it approved?

COGAT's June 2026 FAQ states that it approved "over 98% of all submitted medical evacuation requests." That is an approval share of requests that reached COGAT, not a count of people who left. COGAT's own FAQ makes departure depend on a third country agreeing to receive each patient.

Was Gaza's economy shrinking before the war?

The World Bank reported in September 2023 that Gaza's economy contracted by 2.6% year on year in the first quarter of 2023, relaying PCBS data. The Bank attributed the contraction chiefly to agriculture, forestry and fishing, which "shrank by almost 30 percent after the GoI restricted the sale of Gazan fish in the West Bank in August 2022."

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

What is South Africa v. Israel about? The pleading, three orders and every recorded vote

South Africa's 2023 genocide filing against Israel, the Court's three 2024 orders indicating measures, their votes, and what the merits must still decide.

International Court of Justice | Genocide Convention | South Africa v. Israel | Gaza | Provisional Measures



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South Africa v. Israel is the case that South Africa's own Application, filed in the Registry of the International Court of Justice on 29 December 2023, titles "Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip". It rests on one treaty clause, Article IX of the 1948 Genocide Convention. The Court issued 3 orders indicating measures in 2024, on 26 January, 28 March and 24 May, each directing measures to the State of Israel. The Court stated in January that a finding of any violation "could be made by the Court only at the stage of the examination of the merits". The record also holds two tensions. Israel's own judge ad hoc voted for 3 of those measures, and no measure could reach any party other than Israel, because no other party is before the Court.

Key Findings

- South Africa's Application of 29 December 2023 founds the Court's jurisdiction on Article IX of the Genocide Convention at paragraph 17 and requests 9 provisional measures at paragraph 144 (Republic of South Africa, 2023, a party's own pleading).
- On 26 January 2024 the Court indicated 6 measures, 4 by 15 votes to 2 and 2 by 16 votes to 1. Israel's judge ad hoc voted for the incitement and humanitarian-assistance measures (International Court of Justice, 2024).
- Paragraph 30 of the January order states that the Court "is not required to ascertain whether any violations" of the Convention "have occurred". Paragraph 54 calls plausible the right of Palestinians in Gaza "to be protected from acts of genocide" (International Court of Justice, 2024).
- The core majorities fell from 15 to 14 to 13 across the 3 orders while the bench shrank from 17 to 16 to 15. The votes against stayed at 2 on each order's first operative point (International Court of Justice, 2024).
- The IDF Military Advocate General's Corps reports 74 criminal investigations opened as at 3 August 2024. This is the IDF's own count, produced under its own stated threshold and not independently verified (Israel Defense Forces, Military Advocate General's Corps, 2024).

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What legal question does South Africa v. Israel put to the Court?

South Africa's Application, filed on **29 December 2023** as General List No. 192, rests the Court's jurisdiction on a single clause, Article IX of the 1948 Genocide Convention, which it quotes in full at paragraph 10. The legal question is whether Israel has breached its obligations under that Convention in the Gaza Strip. The document is South Africa's pleading, an allegation filed under its own name, and not a finding.

Paragraph 17 states the basis verbatim: "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 state's tie to 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", the clause that sends disputes over the Convention to the Court.

The relief sought is set out at paragraph 144, which requests 9 provisional measures. Paragraph 148 keeps the claim open: "South Africa reserves the right to revise, supplement or amend the terms of this Application, as well as the grounds invoked." The Application does not invoke the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. A full-text search of the filed document returns zero occurrences of that instrument's title and zero of "1973 Convention". The Rome Statute is named 4 times and never as a cause of action. Apartheid appears as South Africa's own characterisation of background. Paragraph 2 places the alleged acts "in the broader context of Israel's conduct towards Palestinians during its 75-year-long apartheid, its 56-year-long belligerent occupation of Palestinian territory and its 16-year-long blockade of Gaza". Paragraph 35 describes "what constitutes an apartheid regime". Its footnote 140 rests that sentence on a treaty body, a Special Rapporteur, Amnesty International, B'Tselem, Addameer and a 2009 South African Human Sciences Research Council study, and cites no apartheid instrument and no judgment.

The Application gives no reason for the choice of treaty. Article IX is the compromissory clause the pleading relies on. Those who want the treaty text clause by clause can find it in the

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Institute's reading of the Genocide Convention and the Gaza question.

Who calls this a genocide case, and since when?

South Africa does. Its Application, signed at The Hague on **28 December 2023** by its Agent, Vusimuzi Philemon Madonsela, alleges "acts of genocide" at paragraph 2. It is a genocide case in that sense: it is brought under the Genocide Convention and under no other instrument. The Court's first order records how far that allegation has travelled.

The order of 26 January 2024 sets out the stage in its own words. Paragraph 30 reads: "At the present stage of the proceedings, the Court 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 of the present case." The task at this stage, the same paragraph says, is to establish whether the acts complained of "appear to be capable of falling within the provisions of the Genocide Convention". The Court held that "at least some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza" meet that description.

Paragraph 54 is the sentence most often summarised, and it has to be read beside paragraph 30. In full it reads: "In the Court's view, the facts and circumstances mentioned above are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are plausible. This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III, and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention."

In that paragraph the word "plausible" attaches to rights. No paragraph of the order attaches it to the proposition that genocide is occurring. Paragraph 36 states the threshold: the Court "is not called upon to determine definitively whether the rights which South Africa wishes to see protected exist. It need only decide whether the rights claimed by South Africa... are plausible."

The characterisation therefore has a named, dated holder. It is the Republic of South Africa, from its signature on 28 December 2023. Other states that have used the same word are

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catalogued separately in the Institute's report on who accuses Israel of genocide. The orders take the case through 3 interim steps and leave the characterisation where paragraph 30 puts it, at the merits.

How did the judges, including Israel's own, vote in January?

On 26 January 2024 the Court adopted measures by **16 votes to 1**.

Those were 2 of its 6 measures, and Judge ad hoc Barak, the judge Israel chose, voted for both.

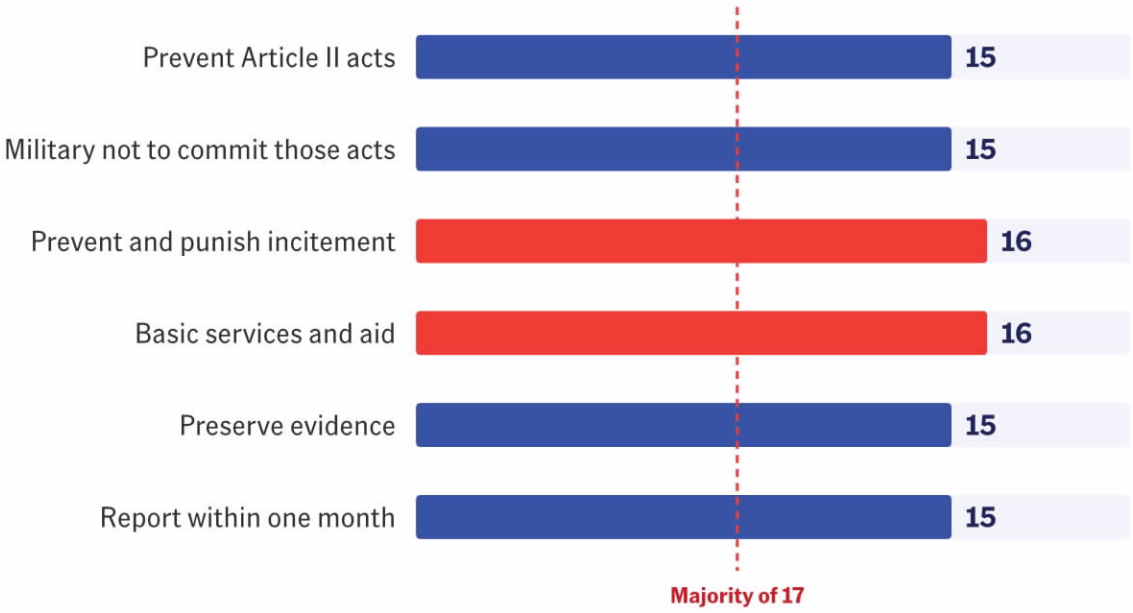
The first was the measure to "prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip". The second required Israel to enable "urgently needed basic services and humanitarian assistance".

Paragraph 86 of the order lists all 6 measures, and every one opens "The State of Israel shall". The first requires Israel to "take all measures within its power to prevent the commission of all acts within the scope of Article II" of the Convention. Article II covers killing members of the group, causing serious bodily or mental harm, inflicting conditions of life calculated to bring about the group's physical destruction, and imposing measures intended to prevent births. The second requires Israel to ensure "with immediate effect that its military does not commit any acts described in point 1". The fifth concerns the preservation of evidence, and the sixth a report to the Court "within one month". Those 4 measures passed by 15 votes to 2.

Votes in favour of each 26 January measure
BENCH OF 17; OPERATIVE CLAUSE AT PARAGRAPH 86

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Source: International Court of Justice, 2024, Order of 26 January 2024, paragraph 86.

The bench numbered 17: the Court's 15 Members plus 2 judges ad hoc, Barak for Israel and Moseneke for South Africa. Judge Sebutinde dissented from all 6 measures. On the 4 measures carried 15 to 2, Barak joined her in the minority. On the incitement and humanitarian measures she was the single dissent.

Paragraph 83 sets out what the measures carry. Orders under Article 41 of the Statute "have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed." The January order is the only one of the 3 whose official citation reads "Provisional Measures". The later 2 are formally requests for modification, and each gets its own date in what follows.

What did the Court add in March 2024, and why?

On 28 March 2024 the Court adopted a new measure **unanimously**, with Judge ad hoc Barak among its supporters. It requires Israel to ensure "the unhindered provision at scale by all concerned" of humanitarian assistance. The Court gave its reason inside the measure: "the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation."

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Paragraph 51 of the order first reaffirms the January measures by 14 votes to 2. Measure 2(a) lists what the provision covers: "food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care". It adds "increasing the capacity and number of land crossing points and maintaining them open for as long as necessary". Measure 2(b), adopted by 15 votes to 1, requires Israel to ensure that its military does not violate the protected group's rights, "including by preventing, through any action, the delivery of urgently needed humanitarian assistance". A further one-month report passed by 15 votes to 1.

Two reading notes travel with this order. "By all concerned" describes the provision and names no second addressee. The measure is directed to the State of Israel alone, for the jurisdictional reason paragraph 44 gives, set out below. The order also closes "the French text being authoritative", so its English, paragraph 51 included, is a translation. The January and May orders are authoritative in English. Paragraph 49 states that the order "is without prejudice to any findings concerning the Respondent's compliance" with the January order.

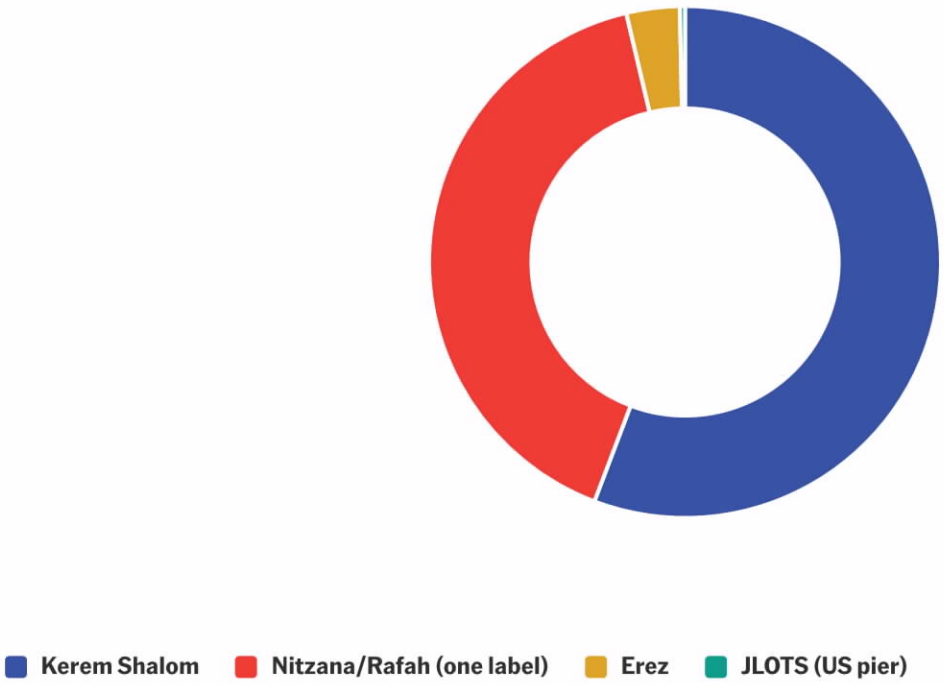
Israel publishes its own record of what entered at its crossings. COGAT, a unit of Israel's Ministry of Defense and a party to the events, counts 32,946 trucks in its truck-level workbook between 21 October 2023 and 31 May 2024. This is a party's own operational count and not independently verified. The workbook carries 4 crossing labels, and the Institute's sum of them matches the total exactly.

Trucks by crossing label in COGAT's record

21 OCTOBER 2023 TO 31 MAY 2024; 32,946 TRUCKS IN TOTAL

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Source: COGAT, 2026, Humanitarian Aid workbook, Crossings sheet; a party's own operational count, summed by the Institute.

COGAT states that its tonnage rests on "the self-declaration of humanitarian organizations and private sector providers", while pallets are counted at inspection. The truck count is COGAT's own tally, and the weights are shippers' declarations. Neither figure bears on compliance, which paragraph 49 leaves open.

Did the Court say anything about the hostages held in Gaza?

Yes, in all **3** orders. At paragraph 85 of the January order the Court said it was "gravely concerned about the fate of the hostages abducted during the attack in Israel on 7 October 2023 and held since then by Hamas and other armed groups, and calls for their immediate and unconditional release." The call appears in each order's reasoning and in no operative clause.

The 28 March order at paragraph 50 and the 24 May order at paragraph 56 each "reiterates its call for their immediate and unconditional release." The January order adds, in the same

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paragraph, that "all parties to the conflict in the Gaza Strip are bound by international humanitarian law."

Every measure in the 3 operative clauses is addressed to "The State of Israel". The March order gives the reason at paragraph 44, and the reason is jurisdictional. Quoting its own 1993 order in Bosnia and Herzegovina v. Yugoslavia, the Court recalls that a judgment has "no binding force except between the parties". It therefore "may, for the preservation of those rights, indicate provisional measures to be taken by the parties, but not by third States or other entities who would not be bound by the eventual judgment to recognize and respect those rights". Israel and South Africa are the only parties.

On that ground the Court declined the first 3 measures South Africa sought in March. These were requests that "All participants in the conflict must ensure that all fighting and hostilities come to an immediate halt, and that all hostages and detainees are released immediately", and 2 requests addressed to "All Parties to the Convention". The order states: "The Court thus cannot... indicate the first three provisional measures sought by the Applicant."

A further request in January, quoted at paragraph 11(3) of that order, had sought a mutual duty: "The Republic of South Africa and the State of Israel shall each... take all reasonable measures within their power to prevent genocide". The Court did not indicate it in that mutual form.

The record supports one statement and rules out another. No measure in the 3 orders is directed to any Palestinian party. The Court did address the conduct of Palestinian armed groups 3 times in its reasoning, each time on the hostages held "by Hamas and other armed groups".

Does the May order require a halt to all fighting in Rafah?

The 24 May 2024 order, adopted by **13 votes to 2** at paragraph 57, requires 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." How far the measure reaches turns on its final relative clause, and that scope is disputed.

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The point of dispute is grammatical. The clause beginning "which may inflict" follows both "its military offensive" and "any other action in the Rafah Governorate". Whether it qualifies the offensive as a whole or only action of the described character is the question the text leaves open. The order's English text is authoritative, so the ambiguity sits in the governing wording.

The same paragraph indicates 2 further measures, each by 13 votes to 2. Israel is to "Maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance". It is also to ensure "the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide". A further one-month report passed by the same margin.

The May order modifies the March order, not the January one. Its official citation is "Request for the Modification of the Order of 28 March 2024". It also reaffirms, by 13 votes to 2, "the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, which should be immediately and effectively implemented." The measures are therefore cumulative. Quoting May alone omits 6 January measures and 2 March measures still in force.

They also overlap. At paragraph 52 the order holds that the March measure on provision "by all concerned" already "necessitates that the Respondent maintain open land crossing points, and in particular the Rafah crossing". For that reason the measures are not a tally of independent obligations. Paragraph 55 repeats that the order "is without prejudice to any findings concerning the Respondent's compliance" with the earlier orders.

5 judges attached separate texts. Vice-President Sebutinde and Judge ad hoc Barak appended dissenting opinions, and Judges Nolte, Aurescu and Tladi appended declarations. The bench was 15, with Judge Tomka not sitting.

Did the Court's majority shrink between January and May?

No. In each order's core vote **2** judges voted against.

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The majorities fell from 15 to 14 to 13 because the bench itself fell from 17 to 16 to 15, as the Present line of each order records. Votes are read with their denominators here, and the arithmetic shows a near-constant share of the judges sitting.

Two changes in membership explain the falling numbers. Judge ad hoc Moseneke, chosen by South Africa, ceased to sit when Judge Tladi, a South African national, took office on the Court with effect from 6 February 2024. That left 16 judges in March. Judge Tomka did not sit in May, leaving 15.

Majority as a share of judges sitting

CORE VOTES IN THE THREE 2024 ORDERS



Source: International Court of Justice, 2024, Orders of 26 January, 28 March and 24 May 2024; shares computed by the Institute.

The Institute computes the shares as 88.2% in January, 87.5% on the March reaffirmation and 86.7% in May. That is a difference of 1.5 points across 4 months, with the count against fixed at 2.

The 2 votes against did not come from a fixed pair. Judge Sebutinde dissented from all 6 January measures. In March, now titled Vice-President Sebutinde, she voted for both new measures and for the reporting decision while voting against the reaffirmation. In May she dissented throughout. The two titles name one judge.

Judge ad hoc Barak's votes also varied. He voted for the January incitement measure and the January humanitarian measure, each carried 16 to 1, and he joined the unanimous March measure on humanitarian provision. That is 3 measures across the orders with the support of the judge Israel chose. In May he was in the minority of 2 and appended a dissenting opinion.

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What has Israel published about its precautions and investigations?

Israel's Ministry of Foreign Affairs published a question-and-answer document updated to 8 December 2023, 3 weeks before the Application was filed. In it the Ministry counted **over 15 million** text messages sent to civilians in Gaza. This is Israel's own figure, a party's floor cumulative to that date, and not independently verified.

The same document lists further channels in Israel's own counts: "over 12 million pre-recorded phone calls", "over 4.5 million leaflets" and "over 45,000 individual phone-calls". The channels overlap in reach and cannot be summed into a number of people warned. The Ministry describes a "Civilian Harm Mitigation Unit" of "senior IDF commanders, intelligence officers, Arabic speaking soldiers, legal advisors and other professionals". It states its proportionality test as "to be applied to each and every attack independently". The document predates the case and is the Ministry's general account of its conduct, not a pleading in it.

The IDF Military Advocate General's Corps reports 74 criminal investigations opened as at 3 August 2024. This too is the IDF's own count of its own processes, published by a party to the events. By its breakdown, 44 concern deaths of detainees held by the IDF, 8 alleged detainee mistreatment, 13 alleged pillaging or stealing, 6 alleged illegal use of force and 3 alleged destruction of civilian property. The Corps also reports "over 1,000" incidents referred to the General Staff's Fact-Finding and Assessment Mechanism, a body created in 2014 on a recommendation of the Turkel Commission.

The threshold behind those counts is stated by the Corps itself. 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." The count measures investigations opened under that standard. It does not count findings, indictments or convictions. The Corps describes its decisions as reviewable before Israel's Attorney General and Supreme Court.

Israel also reported to the Court directly. The later orders record that Israel filed reports on 26 February 2024 and 29 April 2024 under the reporting measures, and that South Africa

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filed observations on each. Neither the orders nor any banked document publishes the contents of those reports, so no figure from them appears here.

Is this the same case as the Court's 2024 occupation opinion?

No. The Court's Advisory Opinion of **19 July 2024** is a separate proceeding, case 186 rather than case 192.

It was requested by General Assembly resolution A/RES/77/247 of 30 December 2022 under Article 65 of the Statute. It is advisory and binds no state, whereas South Africa v. Israel is a contentious case between 2 states.

The opinion arose on a General Assembly request under Article 65 of the Court's Statute rather than on an application by a State, and it is advisory: it binds no party. It answered questions on the legal consequences of Israel's policies and practices in the Occupied Palestinian Territory. Its dispositif at paragraph 285 has 9 subparagraphs, each voted separately, with 4 different majorities. Jurisdiction was unanimous. The Court held by 11 votes to 4 that Israel's continued presence in the Occupied Palestinian Territory "is unlawful", and by the same margin that Israel must end it "as rapidly as possible". These 2 subparagraphs carried the narrowest votes in the opinion.

Three subparagraphs passed by 14 votes to 1, including the obligation "to cease immediately all new settlement activities, and to evacuate all settlers" and the obligation to make reparation. Three passed by 12 votes to 3, including the duty of all States "not to recognize as legal the situation arising from the unlawful presence". Vice-President Sebutinde voted against subparagraphs 2 to 9. Judges Tomka, Abraham and Aurescu voted against 3 and 4, and Judges Abraham and Aurescu against 7, 8 and 9.

The 2 proceedings share a territory and several judges, and they differ in instrument, parties and effect. A reference to "the ICJ ruling" of 2024 can mean either the July opinion or one of the 3 orders indicating measures in case 192. The case number identifies which.

What must South Africa prove at the merits stage?

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Nimer Sultany, Reader in Public Law at SOAS University of London, treats intent as the decisive question in "A Threshold Crossed". The peer-reviewed article appeared in the Journal of Genocide Research on **9 May 2024**. He calls the "only reasonable inference" requirement a "high legal requirement" and sets out the case for lowering it. He does not endorse the bar he describes.

Sultany draws on the joint declaration of intervention filed on 15 November 2023 in The Gambia v. Myanmar by 6 states: Canada, Denmark, France, Germany, the Netherlands and the United Kingdom. In his words, those states argued "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." His own conclusion follows: "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 Sultany's position, stated in a forum contribution of legal argument. The article carries no measurement of its own, and its casualty figures are relayed from other bodies.

Marko Milanovic reaches the inference question by a different route in "Proving Genocide", a post of 18 September 2025 on EJIL:Talk!, the blog of the European Journal of International Law. The post is editorially curated and not peer-reviewed. He traces the test to its source: "The notion of an 'only reasonable inference' comes to international law from the jurisprudence of the first modern ad hoc criminal tribunals." He argues that the test follows from the criminal standard of proof beyond reasonable doubt. On that reading a body working to a lower standard is not applying it. In his words: "Other fact-finders are not bound to apply a high standard of proof or ORI, for genocide or other international crimes alike."

The two writers reach the test by different routes. Sultany argues that the bar should be lowered. Milanovic argues that it is a creature of criminal proof and binds only those applying that proof. Neither text carries a figure.

The Court's own text fixes when the question arises. Paragraph 30 of the January order assigns any finding of violation to "the stage of the examination of the merits". Paragraph 148 of its Application reserves South Africa's right to amend the grounds it brings there.

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Methodology and limitations

The report draws on 4 types of record. The first is a party's pleading: South Africa's Application of 29 December 2023, read in full across its 151 paragraphs. The second is the operative text and reasoning of the Court's 3 orders of 2024, read in full, with dispositifs at paragraphs 86, 51 and 57. The 2024 Advisory Opinion appears only to distinguish it from the case, and its votes are reported as recorded votes. The third is a set of a party's own published counts: COGAT's truck-level workbook, Israel's Ministry of Foreign Affairs FAQ of 8 December 2023 and the IDF Military Advocate General's Corps account updated 3 August 2024. Each is labelled as Israel's own reporting and none has been independently verified. The fourth is legal scholarship: a peer-reviewed article (Sultany, 2024) and a named-author blog post that is not peer-reviewed (Milanovic, 2025).

The orders are cited by paragraph, never by page, because the fascicles paginate within one Reports volume. The 28 March order is authoritative in French, so its English quotations are a translation. The other 2 orders are authoritative in English. Vote shares of the bench and the sums of COGAT's crossing labels are the Institute's own arithmetic on published figures. COGAT does not state them. COGAT's truck count is its own tally at inspection, its tonnage rests on shippers' declarations, and its workbook ends on 31 May 2024.

The March and May orders relay figures from other bodies, among them UNICEF, OCHA, WHO and the IPC initiative, and recite each party's assertions. None of those figures is carried here, because the Court did not produce them. The separate opinions and declarations appended to the orders are named, and no position is attributed to their authors. The contents of Israel's reports to the Court of 26 February and 29 April 2024 are not published in the orders.

Conclusion

So what is South Africa v. Israel about? On its own pleading, it is a dispute between 2 states under a single treaty clause, Article IX of the Genocide Convention, over Israel's conduct in Gaza. The question it poses, whether that conduct breaches the Convention, remains unanswered in the record, because paragraph 30 reserves it for the merits.

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What the record holds instead is specific. Across 3 orders the Court directed every measure to Israel and gave the reason in paragraph 44: only the parties before it can be bound. It called 3 times for the release of the hostages held by Hamas and other armed groups. The judge Israel chose voted for 3 of the measures, including a unanimous one on humanitarian provision at scale. The number of judges voting against never rose above 2. The word “plausible” in paragraph 54 attaches to rights, and the allegation that genocide is occurring sits in South Africa’s pleading, not in any order.

The case, then, has produced binding interim measures and recorded votes, while its legal question awaits a standard of intent that the scholarship cited here disputes. When a single phrase, “the ICJ ruling”, can refer to a pleading, 3 orders indicating measures or a separate advisory opinion, how much of the public account of this case describes the case itself?

Frequently Asked Questions

Why is the case brought under the Genocide Convention and not the Apartheid Convention?

South Africa’s Application of 29 December 2023 relies on Article IX of the Genocide Convention at paragraph 17 and invokes the 1973 Apartheid Convention zero times. The Application gives no reason for the choice. Article IX is the clause by which both states, with no reservation recorded at paragraph 11, accepted the Court’s jurisdiction over disputes under that treaty.

How does the Court decide whether to indicate provisional measures?

Paragraph 35 of the 26 January 2024 order states that the Court acts “only if it is satisfied that the rights asserted by the party requesting such measures are at least plausible.” The test asks whether rights exist plausibly. It does not ask whether violations have occurred.

Is this a criminal case against individual Israeli officials?

No. The Application names 2 parties, the Republic of South Africa and the State of Israel, under General List No. 192. It mentions the Rome Statute 4 times and never as a cause of action (Republic of South Africa, 2023).

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Why do the three orders carry different official names?

Only the first is cited as "Provisional Measures, Order of 26 January 2024". The 28 March order is a request to modify that January order, and the 24 May order is a request to modify the March one (International Court of Justice, 2024).

Can South Africa change its claims before the merits stage?

Paragraph 148 of the Application states that "South Africa reserves the right to revise, supplement or amend the terms of this Application, as well as the grounds invoked." The grounds in the filing of 29 December 2023 are therefore South Africa's opening position.

Does the Court publish its own casualty figures for Gaza?

No. The operative clauses of the 3 orders of 2024 contain no casualty count. The March and May orders quote or summarise other bodies and the parties' own assertions. Any such figure belongs to the body that produced it.

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One state has filed a genocide case against Israel; others use the word in motions, speeches and scholarship. The dated record, with Israel's own counts.

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The 1948 Genocide Convention supplies the definition, the duty and the clause behind the Gaza case. What the record holds, article by article, dated.

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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.

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What are the main arguments that Israel practices apartheid? The treaty elements, one by one

Every determination is built to three treaty elements. The arguments plead to texts that name no country, and one element is reached by inference.

Apartheid | International Law | Israel | Palestinians | Treaty Text



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The published determinations are built to **three elements**, and the elements come from treaty text. The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted in 1973, defines the crime at Article II as inhuman acts committed "for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them", and the 1998 Rome Statute sets the same structure at Article 7(2)(h) without naming any country. Amnesty International's report of February 2022 arranges its case under four named components and pleads them to those elements; Human Rights Watch in April 2021 and B'Tselem in January 2021 are assembled the same way. The word arrives carrying a picture of South Africa. The pleading, read as it is written, does not.

Key Findings

- Article II of the 1973 Apartheid Convention defines the crime through **six lettered categories** of inhuman act, each tied to a stated purpose of establishing and maintaining domination by one racial group over another. The structure, not the theme list, is what the arguments are built to.
- The Rome Statute of 1998 defines apartheid at Article 7(2)(h) as inhumane acts committed "in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups", and the phrase "racial group" is defined **nowhere** in the Statute.
- Israel's Central Bureau of Statistics counted about **10.148 million** residents in September 2025 and places East Jerusalem residents and West Bank settlers inside that total; the Palestinian Central Bureau of Statistics counted 4,780,978 residents of the West Bank and Gaza at its 2017 census and states that East Jerusalem could not be directly enumerated. The two registers overlap.
- The Israeli-Palestinian Interim Agreement of 28 September 1995 removes **seven subjects** from the jurisdiction of the Palestinian Council at Article XVII(1), including Jerusalem, settlements, borders and Israelis, and defines two of its three areas by a coloured line on an attached map.

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- Israel's High Court of Justice dismissed the petitions against the 2018 Nation-State Law in HCJ 5555/18 on 8 July 2021, sitting as a panel of **eleven justices**, while holding that the Knesset has no authority, even by Basic Law, to deny the state's core character as Jewish and democratic.

What arguments do these organizations actually make?

Amnesty International's report of 1 February 2022 sets out **four named components**: territorial fragmentation, segregation and control, dispossession of land and property, and denial of economic and social rights. Those four are not the argument. They are the material offered in support of an argument whose shape is fixed by treaty text, and each of the three most-cited determinations is assembled the same way.

The 1973 Apartheid Convention requires three things together. First, two groups, since Article II speaks of domination by "one racial group of persons over any other racial group of persons". Second, inhuman acts drawn from a set the Article lists in six lettered subparagraphs, running from denial of the right to life and liberty of person, through legislative measures calculated to prevent a group from participation in the political, social, economic and cultural life of the country, to measures "designed to divide the population along racial lines by the creation of separate reserves and ghettos". Third, a purpose: the acts must be committed for the purpose of establishing and maintaining that domination.

The 1998 Rome Statute states the same three-part structure in a single sentence at Article 7(2)(h), requiring inhumane acts, an institutionalized regime of systematic oppression and domination by one racial group over any other, and commission "with the intention of maintaining that regime". Article 7(1)(j) lists the crime of apartheid among crimes against humanity.

Read against that structure, the familiar theme lists resolve into positions on particular elements. Human Rights Watch's report of 27 April 2021 states a single governing authority over two groups of roughly equal size, which is a claim about the first element. B'Tselem's position paper of January 2021 argues that laws, practices and state violence across the whole area are designed to cement the supremacy of one group over another, which is a claim about the third. Amnesty's four components supply the second. Each organization's determination

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is its own, reached on its own reading of the treaty text, and none of the three is a finding by any forum.

Is the argument built on a comparison with South Africa?

The comparison is made constantly and the determinations do invoke it, so the premise is directionally right. The pleading does not rest on it. The 1998 Rome Statute defines the crime at Article 7(2)(h) without naming any country at all, and the 1973 Convention names southern Africa once, in a clause a 2013 peer-reviewed article reads as inclusive rather than limiting.

That clause states that the term "shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa". Writing in the European Journal of International Law in 2013, John Dugard and John Reynolds addressed the wording directly: "while the Convention may have been drafted with prevailing circumstances in southern Africa in mind, it was not intended to be confined to those circumstances." The published reply by Yaffa Zilbershats in the same 2013 issue disputes the application of the analysis to territory under belligerent occupation; it does not turn on the geographic clause either.

The distinction matters because the South African statute book is a checkable object and the comparison with apartheid South Africa tends to be made without opening it. Chapter 13 of Volume One of the 1998 report of South Africa's Truth and Reconciliation Commission enumerates that legislation entry by entry, with year, short title, Act number, commencement date and repealing statute. Part I of the chapter contains 150 dated entries, of which **120 name an Act of the South African Parliament**. The Commission itself states no total, so the count is a count of its entries and a floor: at least three further Acts appear inside chronology entries without headed entries of their own.

Those statutes are named instruments with numbers. The Population Registration Act No 30 of 1950 required people to be registered from birth as belonging to one of four racial groups. The Group Areas Act No 41 of 1950 provided for areas to be declared for the exclusive use of one group. The Reservation of Separate Amenities Act No 49 of 1953 allowed public facilities

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and transport to be reserved by group. No determination discussed here pleads against that statute book. Each pleads against a treaty definition drafted to outlast it.

Which premise does every version of the argument start from?

Every version starts from one premise, and it is territorial before it is legal. Human Rights Watch's 2021 report describes "a single authority, the Israeli government, ruling primarily over the area between the Jordan River and Mediterranean Sea, populated by two groups of roughly equal size"; B'Tselem's January 2021 paper adopts the same frame, from the river to the sea. Everything downstream depends on it.

The premise is checkable against the two official registers, and what they show is that neither was built to answer it. Israel's Central Bureau of Statistics reported a population of about **10.148 million** in September 2025, of whom roughly 7.758 million were classified as Jews and others and 2.130 million as Arabs. Those two groups sum to 9.888 million, and the 78.5% and 21.5% the Bureau publishes are shares of that 9.888 million rather than of the full total; the remaining roughly 260,000 are foreign residents, counted in the total but in neither group. The Bureau counts East Jerusalem residents and West Bank settlers inside Israel's total, a scope choice distinct from the convention international monitors use.

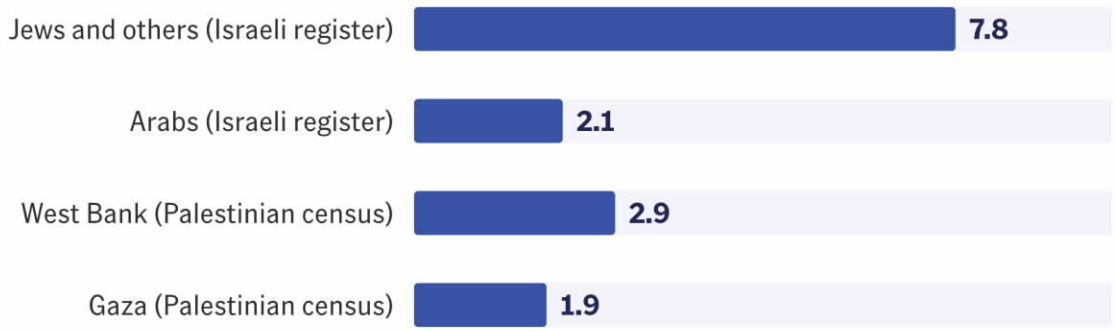
The Palestinian Central Bureau of Statistics counted 4,780,978 residents of the West Bank and Gaza at its census of 1 December 2017, 2,881,687 in the West Bank and 1,899,291 in Gaza, and records that East Jerusalem could not be directly enumerated, so administrative estimates were used there. In its brief on the end of 2025 the Bureau put Gaza at about 2.13 million, a decline it states as approximately 254,000 people, or 10.6% against its pre-aggression population estimates, attributed to war-related deaths, missing persons, reduced births and forced out-migration.

What each official register counts

MILLIONS OF PEOPLE, AS PUBLISHED BY EACH BUREAU; THE TWO REGISTERS WERE BUILT ON DIFFERENT TERRITORIAL SCOPES AND OVERLAP ON EAST JERUSALEM

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Source: Israel Central Bureau of Statistics, September 2025; Palestinian Central Bureau of Statistics, 2017 census (2,881,687 and 1,899,291). Each is that bureau's own count on its own definitions.

Sergio DellaPergola's estimate for the beginning of 2019 supplies the territorial decomposition that neither register publishes: of 6,665,600 core Jews, 6,001,700 lived within Israel's pre-1967 borders, 221,800 in East Jerusalem neighbourhoods incorporated after 1967, 23,200 on the Golan Heights and 418,900 in the West Bank. Assembling a single-territory comparison from these sources is possible, but it is arithmetic performed by whoever performs it, not a figure either bureau publishes.

What work does the fragmentation claim do in the argument?

Fragmentation does double duty. It answers Article II(d) of the 1973 Convention, which lists measures "designed to divide the population along racial lines", and it is offered as evidence that a single regime exists at all. Its instruments are signed or issued documents, and the sharpest is the Israeli-Palestinian Interim Agreement of 28 September 1995, which removes **seven subjects** from Palestinian Council jurisdiction at Article XVII(1).

Those seven are Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis. The same agreement defines the three areas in a way that is itself striking: Article XI(3) defines Area A as the populated areas "delineated by a red line and shaded in brown on attached map No. 1", Area B as those shaded in yellow, and Area C residually as everything in the West Bank outside the other two. Article XVII(2) then splits jurisdiction three ways, territorial jurisdiction covering the West Bank "except for Area C",

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personal jurisdiction applying "to all persons, except for Israelis". Article XII(5) ties the two together by definition: "the Settlements" means, in the West Bank, the settlements in Area C.

The agreement states no percentage for any area. The word "percent" appears once in the main agreement, in Article V on appointments to the Executive Authority, and nowhere in relation to territory, so the familiar share attached to Area C is a later measurement belonging to whoever measured it.

Behind the agreement sits Military Order 59 of 31 July 1967, which created a Custodian of Government Property for what the order itself calls the West Bank Area and defined government property by who owned it on 7 June 1967. Its Article 2 is one sentence: the Custodian may take possession of government property and take any step he deems necessary to that end.

The third instrument is the permit regime. COGAT's published Status of Authorizations, updated to 8 February 2022, opens on the legal frame: under the Order Concerning Closed Areas, "the area of Judea and Samaria is a closed military area and not to be entered or exited without a permit". The document then sets standing ceilings by category.

Standing permit ceilings by employment category

CEILINGS THE INSTRUMENT AUTHORISES, NOT PERMITS ISSUED AND NOT PEOPLE WHO CROSSED; TEXT CURRENT TO 8 FEBRUARY 2022

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Source: COGAT, Status of Authorizations, 8 February 2022. The document publishes no total; the seasonal sub-quotas sit inside the seasonal figure. Employment in industrial zones and Israeli communities in the West Bank is authorised with no quota.

Which legal instrument does each organization plead?

Three texts are available, and they do not require the same proof. Two are criminal instruments and one is a state obligation, which is why the same facts can support different pleadings. Naming the instrument is what converts a phrase into a claim that can be tested.

Instrument	Where apartheid is defined	What the text does	Type
Apartheid Convention, 1973	**Article II**	Declares apartheid a crime against humanity and sets six lettered categories of inhuman act, each tied to a purpose of establishing and maintaining domination by one racial group over another	Treaty text
Rome Statute, 1998	**Articles 7(1)(j) and 7(2)(h)**	Lists the crime of apartheid among crimes against humanity and defines it as inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other	Treaty text

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Instrument	Where apartheid is defined	What the text does	Type
Racial Discrimination Convention, 1965	**Article 3**	Obliges states parties to condemn racial segregation and apartheid and to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction	Treaty text

The three treaty texts differ in what has to be shown and against whom. The 1973 Convention and the Rome Statute attach individual criminal responsibility and therefore require proof of acts and of intent; Article 3 of the 1965 Convention is a standing obligation on a state party, enforced through reporting rather than prosecution, and requires no finding of criminal intent at all.

The group element is common to all three and is the least settled. The Rome Statute uses "racial group" and defines it nowhere. Dugard and Reynolds argued in 2013 that "the interpretation of racial groups as developed in international law appears sufficiently broad to understand Jewish Israelis and Palestinian Arabs as distinct groups", on the ground that "the question of racial groups is a sociological rather than a biological one". Their own wording is hedged and relational, holding the two groups distinct in relation to one another rather than declaring either a race.

Their conclusion was that "there are indeed strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory". The same 2013 issue of the journal carries Zilbershats' reply, equally peer-reviewed, arguing that the analysis conflates sovereign territory with belligerent occupation and sets aside the armed-conflict context. Dugard's own author footnote records that he had served as Special Rapporteur on the human rights situation in the occupied Palestinian territory from 2001 to 2008, so the article is written on the mandate its author held.

When did organizations first publish this argument?

The characterization was in circulation in an organizational document **two decades** before the 2021 and 2022 reports. The NGO Forum Declaration issued at Durban on 3 September 2001 states at paragraph 162: "We declare Israel as a racist, apartheid state in which Israels

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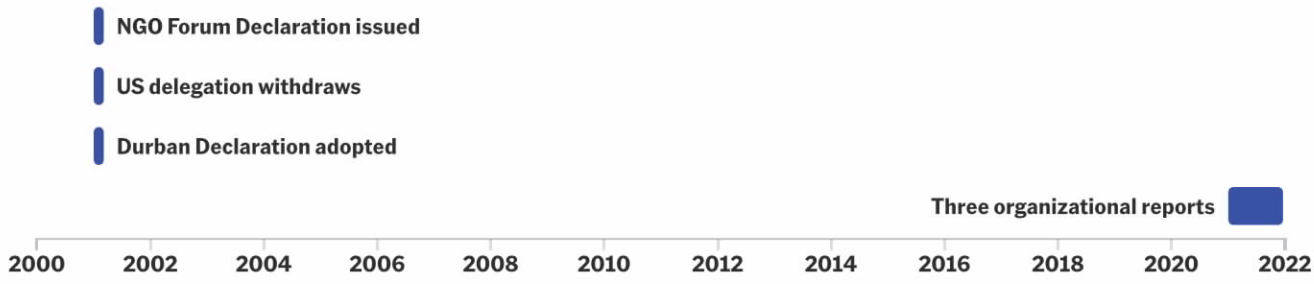
brand of apartheid as a crime against humanity has been characterized by separation and segregation, dispossession, restricted land access, denationalization, 'bantustanization' and inhumane acts." The missing apostrophe is in the original.

The Forum's Programme of Action calls for "a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa" and for the reinstitution of General Assembly resolution 3379. That document was not adopted by the conference. The intergovernmental Durban Declaration and Programme of Action, adopted on 8 September 2001 and printed as A/CONF.189/12, contains the word "Zionism" nowhere across its 153 pages and carries no apartheid characterization; its Declaration paragraph 63 recognizes "the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State" and in the same sentence "the right to security for all States in the region, including Israel".

The objection was lodged at the time and it named the word. Secretary of State Colin Powell instructed the United States delegation to return home on 3 September 2001, five days before the intergovernmental text was adopted, stating that "you do not combat racism by conferences that produce declarations containing hateful language, some of which is a throwback to the days of 'Zionism equals racism;' or supports the idea that we have made too much of the Holocaust; or suggests that apartheid exists in Israel". A conference press release of the same date records that the United States and Israel both announced their withdrawal.

When the characterization appeared in dated documents

TWO TEXTS ISSUED AT THE SAME CONFERENCE FIVE DAYS APART, AND THE ORGANIZATIONAL REPORTS TWO DECADES LATER



Source: NGO Forum Declaration, 3 September 2001; US Department of State, 3 September 2001; Durban Declaration and Programme of Action, A/CONF.189/12, 8 September 2001.

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The 2001 Forum text is difficult to check, and that is a fact about the record rather than about anyone's conduct. The Forum had no continuing secretariat, the conference never adopted the document, and no issuing body publishes it; every readable copy sits on a third-party host.

Where do the organizations' arguments disagree with each other?

They disagree on scope, and the disagreement decides which body of law applies. Two of the three most-cited determinations, published in January 2021 and February 2022, place a single system across the whole area including Israel inside the 1949 armistice line. The peer-reviewed analysis that preceded them, Dugard and Reynolds in 2013, confined its question to the occupied Palestinian territory and reached its conclusion about that territory alone.

Inside the armistice line the applicable framework is Israeli constitutional and administrative law together with Article 3 of the 1965 Racial Discrimination Convention. Outside it, as Benjamin Rubin set out in the Max Planck Encyclopedia of Public International Law in an entry last updated in October 2009, the framework is the law of belligerent occupation. An argument that spans both is arguing that the frameworks have merged, which is a further claim requiring its own support.

The inside-Israel half also runs into a domestic court record the wider framing has to account for. Israel's Basic Law: Human Dignity and Liberty, enacted in 1992, contains **no equality clause**: a search of the Knesset's published English text, current to 1 May 2022, returns zero occurrences of "equal", "discrimin", "race" and "nationality" across its sections numbered 1, 1a and 2 to 12. The equality rule in Israeli law is therefore judge-made, and its landmark is HCJ 6698/95 Ka'adan v. Israel Land Administration, decided on 8 March 2000 by a panel of five.

In Ka'adan the Court declared that 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", holding at paragraph 34 that "the State cannot escape its legal obligation to respect the principle of equality by using a third party that adopts a discriminatory policy. What the State cannot do directly, it cannot do

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indirectly." The ruling cuts in two directions at once, since the remedy was narrow: the Court ordered the State to consider the petitioners' request on the principle of equality and expressly left open whether it could enable them to build "within the framework of the law". Justice Kedmi dissented on retrospectivity while concurring on the equality principle.

Which step of the argument rests on inference?

The third element. Article II of the 1973 Convention requires that the acts be committed "for the purpose of establishing and maintaining domination", and Article 7(2)(h) of the Rome Statute requires commission "with the intention of maintaining that regime". No published determination cites an admission. Each reaches purpose by inference, from a pattern of policy and from enacted text.

The enacted text most often relied on is Basic Law: Israel as the Nation-State of the Jewish People, adopted in 2018. Clause 1(c) states that "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, and shall act to encourage and promote its establishment and consolidation". The law contains no equality clause and no individual-rights clause, which is a fact about the text and not a finding about anyone's treatment.

Israel's own highest court has ruled on that law. On 8 July 2021, in HCJ 5555/18 Hasson v. Knesset, a panel of **eleven justices** dismissed fifteen petitions and upheld the Basic Law. The judgment cuts both ways and both halves belong on the page: the law stands, and the Court held that the Knesset as constituent authority is "not all powerful" and has no authority, even by Basic Law, to deny or facially contradict the core character of the State of Israel as a Jewish and democratic state.

Beyond the inference, the record is thin in a specific and checkable way. No forum has issued a binding determination on the apartheid charge. The International Court of Justice's opinion of 19 July 2024 is advisory, requested by the General Assembly rather than arising from a contentious case; the narrowest of its nine separately voted subparagraphs, on the unlawfulness of the continued presence and the obligation to end it, each carried by eleven votes to four.

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The state that brought the most prominent case did not plead apartheid at all. South Africa's application instituting proceedings against Israel, filed on 29 December 2023, invokes jurisdiction solely under Article IX of the Genocide Convention; a full-text search of the filed document returns zero occurrences of the 1973 Apartheid Convention. The word appears in it as background, at paragraphs 2, 4 and 35, and at paragraph 35 the characterization rests in its own footnote on treaty-body observations, a special rapporteur's report and advocacy organizations. NGO Monitor, a monitoring organization with a stated advocacy mission, publishes a standing rebuttal disputing the evidentiary basis of the determinations. That is the state of the record.

Methodology

This report describes the arguments and the instruments they are pleaded under. It draws on five source types, each labelled where it appears: treaty texts (the 1973 Apartheid Convention, the 1998 Rome Statute, the 1965 Racial Discrimination Convention); enacted Israeli legislation and Israeli court judgments (Basic Law: Human Dignity and Liberty, the 2018 Nation-State Law, HCJ 6698/95 and HCJ 5555/18); official statistical releases from the Israeli and Palestinian central bureaux of statistics; instruments issued or signed by the parties (the 1995 Interim Agreement, Military Order 59 of 1967, COGAT's 2022 permit document); and peer-reviewed legal scholarship together with its published rebuttal.

The organizational determinations of Amnesty International, Human Rights Watch and B'Tselem are described from their published texts, each named and dated where it appears. Each is that organization's own determination on its own reading of the treaty text. Their counts are their own counts on their own definitions, and none is carried here as a measurement.

Four limitations sit on the figures. The two population registers were built on different territorial scopes and overlap on East Jerusalem, which the Israeli bureau counts inside Israel's total and which the Palestinian bureau could not directly enumerate at its 2017 census, so no single published figure supports a single-territory comparison of group sizes. The permit ceilings in the COGAT document are ceilings the instrument authorises, not permits issued and not people who crossed; the document is current to 8 February 2022,

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predates the suspension of Palestinian work permits after October 2023, and publishes no total. The count of 120 South African Acts is a count of the entries in Part I of the Truth and Reconciliation Commission's chapter, which states no total of its own and which records several further Acts inside chronology entries, so it is a floor. The 2001 NGO Forum Declaration is published by no issuing body and was read on third-party hosts; its Programme of Action paragraph numbering differs between copies, so paragraphs from it are identified by text.

The Rubin encyclopedia entry was last updated in October 2009 and is used only for the doctrinal framework as it stood at that date. The 2024 International Court of Justice opinion is advisory; its recorded votes are reported as votes. Where the literature disagrees, both sides are named: Dugard and Reynolds (2013) and the reply by Zilbershats in the same journal issue.

Conclusion

So is the case the picture the word carries? On the documents, no. The determinations plead to two treaty definitions drafted to reach beyond one country, one of which names no country at all, while the statute book the picture comes from sits in a separate archive of 120 named Acts with numbers and commencement dates that no determination cites.

What the record does support is more specific and less familiar than the theme lists suggest. The arguments share a single premise about one authority over one territory, and the two official registers that would test it were built on different scopes and overlap on East Jerusalem. The fragmentation claim runs on instruments both parties signed or issued, including an agreement that removes seven subjects from Palestinian jurisdiction and defines two of its three areas by a coloured line on a map. The organizations disagree with each other on scope, which decides which body of law applies, and the disagreement is sharper than anything in the theme lists. And the element most often stated as established is the one every version reaches by inference, from a Basic Law whose Clause 7 an eleven-justice panel upheld while setting a constitutional limit the same law could have crossed.

That leaves a question the documents pose and do not close. A charge with three elements, pleaded by organizations to texts that name no country, decided by no forum, and resting at

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its final step on what a pattern of policy and an enacted clause are taken to reveal about purpose: how should a reader weigh a determination whose first two elements are documented in signed instruments and whose third is read off the record rather than found in it? The vocabulary that travels fastest is the one a treaty never used. What the treaty asks for is harder to see, and what it asks for is where the argument is actually decided.

Frequently Asked Questions

Which treaty first made apartheid an international crime?

The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted in 1973, declares apartheid a crime against humanity and defines it at Article II through six lettered categories of inhuman act. The 1998 Rome Statute later listed the crime of apartheid among crimes against humanity at Article 7(1)(j) and defined it separately at Article 7(2)(h).

Does any treaty define “racial group”?

No. The phrase appears in the Rome Statute at Article 7(2)(h) and is defined nowhere in that instrument. Writing in the European Journal of International Law in 2013, John Dugard and John Reynolds argued that the interpretation developed in international law “appears sufficiently broad” to treat Jewish Israelis and Palestinian Arabs as distinct groups in relation to one another, describing the question as sociological rather than biological; their wording is hedged and their conclusion is contested in the reply published in the same issue.

Why do the population figures from the two bureaux not add up cleanly?

Because the registers were built on different territorial scopes. Israel’s Central Bureau of Statistics counts East Jerusalem residents and West Bank settlers inside Israel’s total of about 10.148 million for September 2025, while the Palestinian Central Bureau of Statistics counted 4,780,978 residents of the West Bank and Gaza at its 2017 census and records that East Jerusalem could not be directly enumerated there.

What did Israel’s High Court actually decide about the Nation-State Law?

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In HCJ 5555/18 Hasson v. Knesset, decided on 8 July 2021, a panel of eleven justices dismissed fifteen petitions and upheld the Basic Law. The same judgment held that the Knesset as constituent authority is "not all powerful" and cannot, even by Basic Law, deny the core character of the State of Israel as a Jewish and democratic state.

Did South Africa's case at the International Court of Justice plead apartheid?

No. The application filed on 29 December 2023 invokes jurisdiction solely under Article IX of the Genocide Convention, and the 1973 Apartheid Convention appears nowhere in it as a cause of action. The word apartheid appears in the pleading as background, at paragraphs 2, 4 and 35.

How is Israel's equality rule stated in law?

It is judge-made rather than enumerated. Basic Law: Human Dignity and Liberty, enacted in 1992, contains no equality clause, no anti-discrimination clause and no freedom of expression, assembly or worship clause. The principle was developed by the courts, most prominently in HCJ 6698/95 Ka'adan v. Israel Land Administration, decided on 8 March 2000.

Where does the 1995 Interim Agreement state how much of the West Bank is Area C?

Nowhere. The agreement defines Area A and Area B by a red line and shading on an attached map and defines Area C residually as whatever lies outside them. The word "percent" appears once in the main agreement, in Article V on appointments to the Executive Authority, and never in relation to territory, so any share attached to Area C was measured by some other body.

What is the difference between an advisory opinion and a judgment?

An advisory opinion answers a question referred by a United Nations organ under Article 65 of the Court's Statute and arises from no dispute between parties. The opinion of 19 July 2024 was requested by the General Assembly; its dispositif contains nine separately voted subparagraphs carrying four different majorities, the narrowest at eleven votes to four.

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What has a UN commission of inquiry concluded about Gaza? Five of its papers, paragraph by paragraph

A UN commission concluded in 2025 that Israel committed four of five genocide acts in Gaza. What its five papers say, about all parties, by paragraph.

Gaza | Genocide Convention | UN Commission of Inquiry | International Law | Hamas



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On 16 September 2025, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel concluded "on reasonable grounds" that Israeli authorities and security forces had committed **four of the five acts** listed in Article II of the Genocide Convention against Palestinians in Gaza. It also attributed State responsibility for genocide to Israel (A/HRC/60/CRP.3, paragraphs 252 and 255). The same paper records no evidence on the fifth act. It names three Israeli officials as having incited genocide and records two others as not fully assessed. In June 2024, the same Commission had concluded that members of Hamas and other Palestinian armed groups committed war crimes on 7 October 2023. Across five of its papers dated June 2024 to October 2026, the Commission's conclusions address both Israel and Palestinian armed groups. They rest on a fact-finding standard rather than a court's, and their territory-wide casualty totals were counted by other bodies or carry no stated source.

Key Findings

- The Independent International Commission of Inquiry concluded on 16 September 2025, "on reasonable grounds," that Israeli authorities and security forces committed 4 of the 5 acts listed in Article II of the Genocide Convention against Palestinians in Gaza. On the fifth act, forcibly transferring children, it recorded "no evidence" (Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2025, A/HRC/60/CRP.3, paragraphs 16 and 252).
- The same paper named 3 Israeli officials as having incited genocide: President Isaac Herzog, Prime Minister Benjamin Netanyahu and then Defence Minister Yoav Gallant. It stated that it "has not fully assessed" statements by 2 other ministers (Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2025, paragraph 253).
- In June 2024, the Commission concluded that members of Hamas and other Palestinian armed groups committed war crimes on 7 October 2023. In May 2026, it identified 249 cases of executions and severe violence against Palestinians in Gaza in 2024 to 2025, with

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at least 108 deaths, attributing the punishments to Hamas-affiliated forces (Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2024 to 2026, A/HRC/56/26 and A/HRC/62/22).

- The Commission recorded that Israel gave no response to its 6 requests for information and access (Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2024 to 2026, A/HRC/56/26). As of 3 August 2024, the IDF Military Advocate General's Corps reported its own count of 74 criminal investigations opened, a party's figure not independently verified (Israel Defense Forces, Military Advocate General's Corps, 2024).

Which genocidal acts did the commission find Israel committed?

The Commission concluded in A/HRC/60/CRP.3, dated 16 September 2025, that Israeli authorities and security forces "have committed and are continuing to commit" **four** of the five acts listed in Article II of the Genocide Convention against Palestinians in the Gaza Strip. It reached that conclusion "on reasonable grounds" (paragraph 252).

Article II of the Genocide Convention defines genocide as any of five acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" (Genocide Convention, 1948). Lawyers call the physical acts the actus reus. Intent is a separate element, and both must be shown.

Article II act	Commission's conclusion	Paragraph
(a) Killing members of the group	Committed and continuing	252
(b) Causing serious bodily or mental harm	Committed and continuing	252
(c) Conditions of life calculated to bring about physical destruction	Committed and continuing	252
(d) Measures intended to prevent births	Committed and continuing	252
(e) Forcibly transferring children	"No evidence" at this time	16

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Source: Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2025, A/HRC/60/CRP.3.

On intent, the Commission held at paragraph 254 that statements by Israeli authorities "are direct evidence of genocidal intent." It held that the pattern of conduct "is circumstantial evidence of genocidal intent and that genocidal intent was the only reasonable inference that could be drawn from the totality of the evidence." It assessed that evidence "from 7 October 2023 until 31 July 2025" (paragraph 179).

On responsibility, paragraph 255 reads: "The Commission concludes that the State of Israel bears responsibility for the failure to prevent genocide, the commission of genocide and the failure to punish genocide against the Palestinians in the Gaza Strip." The sentence names three separate breaches: prevention, commission and punishment. It names a State, not any individual.

When did the commission first conclude genocide, and has it repeated it?

The Commission first stated its genocide conclusion in A/HRC/60/CRP.3, dated **16 September 2025**, a conference room paper to the Human Rights Council's sixtieth session.

It repeated the conclusion in A/HRC/62/CRP.2, dated 18 June 2026. In that paper, the Commission "reiterates its conclusion" that Israeli authorities and forces "have committed the crime of genocide in Gaza" (paragraph 347).

The paper's own words carry two points: the Commission concluded that Israel committed genocide, and it described the acts as ongoing. Paragraph 252 uses the phrase "have committed and are continuing to commit." The June 2026 paper restates the conclusion rather than withdrawing it. A/81/430, the advance unedited report of 14 October 2026, states at paragraph 54 that Israeli authorities and forces "continue to commit genocidal acts with the genocidal intent to destroy, in whole or in part, the Palestinians in Gaza."

The document type affects how the conclusion should be described. A/HRC/60/CRP.3 is a 72-page conference room paper marked "English only." A commission established by Human

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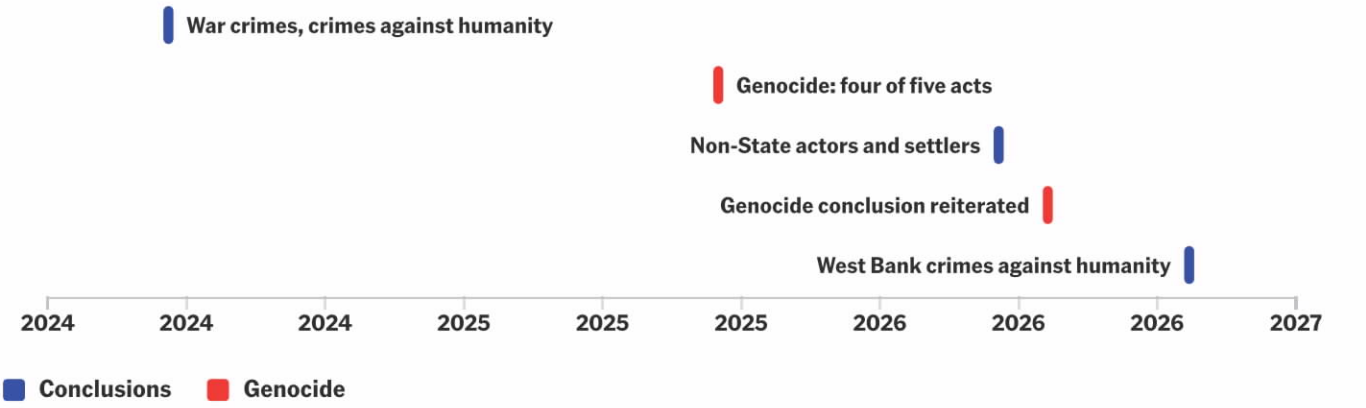
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Rights Council resolution S-30/1 submitted it. The paper is the Commission's own legal analysis. It is not a numbered report of the Council, and no member State voted to adopt it.

The June 2026 reiteration is worded act by act. A/HRC/62/CRP.2 is a paper on Palestinian children titled "The essence of childhood has been destroyed." Its paragraph 347 restates the conclusion through two acts, "killing and causing serious bodily or mental harm to members of the group, including Palestinian children." Paragraph 351 separately "reiterates its finding" that Israeli authorities and security forces deliberately inflicted conditions of life calculated to bring about physical destruction.

The Commission's papers on Gaza and the occupied territory

FIVE PAPERS BY DATE, WITH THE CONCLUSION EACH CARRIES



Source: Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2025; and 2024 to 2026.

Fifteen months separate the Commission's first Gaza conclusions, in June 2024, from the genocide paper. Those earlier conclusions are set out below, in the section on what the Commission had concluded before genocide.

Which of the Convention's five acts did the commission not find?

In A/HRC/60/CRP.3 of 16 September 2025, the Commission recorded that it had no evidence on **one** of the Convention's five acts: "At this time, the Commission has no evidence in

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relation to the fifth category of act, forcibly transferring children" (paragraph 16). The other four acts are the ones it concluded were committed.

The qualifier "at this time" is the Commission's own. Article II(e) of the Convention lists "forcibly transferring children of the group to another group" as the fifth act (Genocide Convention, 1948). The paper records that its evidence, assessed up to 31 July 2025, contained nothing on that category.

Paragraph 251 sets two further limits. First, the analysis "relates solely to the determination of genocide under the Genocide Convention as it relates to the responsibility of the State of Israel." Second, it is "limited to the Palestinians specifically in Gaza during the period since 7 October 2023." The paper is therefore a conclusion on State responsibility, not a finding of individual criminal guilt. It also covers no territory outside the Gaza Strip.

On the West Bank, the same paragraph states that the analysis "nevertheless raises the serious concern" that genocidal intent "has extended to the rest of the occupied Palestinian territory." The Commission framed this as a concern, not a conclusion. Its later West Bank conclusions appear in A/81/430, dated 14 October 2026 and issued as an advance unedited version. Those conclusions are framed as crimes against humanity, including extermination and persecution, rather than as genocide.

The June 2026 reiteration keeps the same geographic limit. A/HRC/62/CRP.2, paragraph 347, places the crime of genocide "in Gaza" and names two acts. Across both papers, the territory is the Gaza Strip and the period begins on 7 October 2023. The transfer of children is the act on which the September 2025 paper recorded no evidence, and the June 2026 paper does not address it.

Which Israeli officials did the commission say incited genocide?

The Commission named **three** Israeli officials in A/HRC/60/CRP.3 of 16 September 2025 as having incited genocide. Paragraph 253 reads: "Israeli President Isaac Herzog, Prime Minister Benjamin Netanyahu and then Defence Minister Yoav Gallant, have incited the commission of genocide." Each official is named in the public role the Commission attached to him.

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The same paragraph limits the list. The Commission "has not fully assessed" statements by Ministers Itamar Ben-Gvir and Bezalel Smotrich, so the paper makes no incitement conclusion about either. Three officials are concluded to have incited genocide. The other two are recorded as not fully assessed.

Under the Convention, incitement is punishable in its own right. Article III(c) lists "direct and public incitement to commit genocide" among the acts punishable alongside genocide itself (Genocide Convention, 1948). In the Commission's paper, the officials' statements serve two purposes. Paragraph 253 treats them as incitement, and paragraph 254 treats statements by Israeli authorities as "direct evidence of genocidal intent."

Incitement had already appeared in a court order. On 26 January 2024, in South Africa v. Israel, the International Court of Justice voted sixteen to one, on a seventeen-member bench, for a provisional measure on incitement. The measure reads: "The State of Israel shall ... take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip." Israel's judge ad hoc, Aharon Barak, voted in favour. An order of this kind requires preventive steps. It does not find that incitement occurred.

Like the rest of the paper, the incitement conclusion concerns State responsibility. The International Criminal Court issued arrest warrants on 21 November 2024 for two of the three officials, Netanyahu and Gallant. Those warrants name war crimes and crimes against humanity, and neither genocide nor incitement to genocide is among them.

What did the commission conclude about Hamas and October 7?

The Commission concluded in A/HRC/56/26, dated 14 June 2024, that on **7 October 2023** members of the military wings of Hamas and other Palestinian armed groups "deliberately killed, injured, mistreated, took hostages and committed sexual and gender-based violence against civilians." It added: "These actions constitute war crimes and violations and abuses of international humanitarian law and international human rights law" (paragraph 90).

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Paragraph 90 attributes those acts both to members of the armed groups and to Palestinian civilians who directly participated. The paper covers conduct "between 7 October and 31 December 2023."

On one question, the Commission recorded that it could not reach a conclusion. Paragraph 95 states that it "did not find credible evidence, however, that militants had received orders to commit sexual violence and was thus unable to reach a conclusion on the issue." The open question is whether orders were given. Paragraph 90 already lists sexual and gender-based violence among the acts committed.

The same paper examined Israeli conduct on 7 October. Paragraph 96 records that Israeli forces "applied the 'Hannibal Directive', killing at least 14 Israeli civilians."

The Commission returned to Hamas in its May 2026 paper on non-State actors. Paragraph 82 of A/HRC/62/22, dated 8 May 2026, identifies "249 individual cases of executions and severe physical violence inflicted on Palestinians in Gaza" in 2024 to 2025, "resulting in at least 108 deaths and 384 injuries." The Commission considers that this "likely represents only a partial number." The victims in those cases are Palestinians, and the paper attributes the punishments to "Hamas-affiliated forces."

Two court records cover related ground. On 21 November 2024, the International Criminal Court's Pre-Trial Chamber I issued a warrant for Mohammed Diab Ibrahim Al-Masri (Deif), whom the Chamber described as the highest commander of Hamas's al-Qassam Brigades. The warrant names crimes including murder, extermination, hostage-taking, and rape and other forms of sexual violence. The Chamber terminated proceedings on 26 February 2025 after the Prosecution notified it of his death. The International Court of Justice, in its 26 January 2024 order, stated that it was "gravely concerned about the fate of the hostages" held by "Hamas and other armed groups." It called for their "immediate and unconditional release."

What had the commission concluded about Gaza before genocide?

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In A/HRC/56/26, dated **14 June 2024**, the Commission examined conduct between 7 October and 31 December 2023. It concluded that "Israel has committed war crimes, crimes against humanity and violations of international humanitarian law and international human rights law" (paragraph 97). The paper frames its conclusions in those categories rather than as genocide.

Paragraph 102 adds a specific conclusion on food: "Israel has used starvation as a method of war"; "This is a war crime." The same paper also carries the conclusions against Hamas and other Palestinian armed groups described above. Its findings therefore address both parties for the same 12-week period.

The September 2025 paper added a conclusion under a different instrument rather than replacing these categories. The Genocide Convention requires intent to destroy a protected group in whole or in part. War crimes and crimes against humanity are defined without that element. The earlier conclusions therefore stood beside the later one; they were not steps toward it.

The Commission has continued to use the earlier categories since September 2025. A/81/430 is its fifth report to the General Assembly, dated 14 October 2026 and issued as an advance unedited version whose paragraph numbers and wording may change. At paragraph 61, it concludes that "Israeli authorities and forces committed age-based persecution against Palestinian children in the West Bank, as they did in Gaza, which is a crime against humanity."

The starvation conclusion also appears in a criminal court's record. On 21 November 2024, the International Criminal Court's Pre-Trial Chamber I issued warrants for Benjamin Netanyahu, Prime Minister at the time of the relevant conduct, and Yoav Gallant, then Minister of Defence. The warrants name "the war crime of starvation as a method of warfare" among the crimes. They were issued on the arrest-warrant standard of reasonable grounds to believe. No trial has occurred, and the persons named are suspects.

Does the commission's genocide finding carry a court's force?

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The Commission's genocide conclusion of 16 September 2025 rests on two standards it states itself. Its standard of proof is "reasonable grounds" (paragraph 252). For intent, it applies the International Court of Justice's "only reasonable inference" test (paragraphs 179 and 254). Paragraph 251 confines the paper to "the responsibility of the State of Israel." The conclusion is a fact-finding body's, not a court judgment.

Each part of that frame comes from the Commission's own text. "Reasonable grounds" is a fact-finding threshold. The "only reasonable inference" test is the standard the International Court of Justice applies when inferring genocidal intent from a pattern of conduct.

The court hearing the case under the same Convention has not reached that question. In South Africa's case against Israel, the International Court of Justice stated at paragraph 30 of its order of 26 January 2024 that it "is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred." Such a finding, it said, could be made "only at the stage of the examination of the merits." What the Court found plausible, at paragraph 54, was "the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts." It also found plausible South Africa's right to seek Israel's compliance with the Convention. Paragraph 83 states that the Court's provisional measures "have binding effect."

The criminal court has not charged genocide. The International Criminal Court's warrants of 21 November 2024 for Netanyahu and Gallant name four sets of crimes:

- the war crime of starvation as a method of warfare;
- the war crime of intentionally directing an attack against the civilian population;
- the crimes against humanity of murder and persecution;
- the crime against humanity of other inhumane acts.

For the period to 20 May 2024, the Chamber "could not determine that all elements of the crime against humanity of extermination were met." On 24 April 2025, the Appeals Chamber reversed the Pre-Trial Chamber's decision on Israel's article 19(2) jurisdiction challenge. It sent the matter back for a new ruling on the substance.

Three bodies have applied three standards:

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- The Commission found reasonable grounds on State responsibility.
- The International Court of Justice found the rights plausible and has not yet reached the merits.
- The International Criminal Court found reasonable grounds to believe, the standard for arrest.

Of the three records, only the Commission's states genocide as a conclusion.

Did Israel answer the commission's requests for information?

The Commission recorded in A/HRC/56/26 of 14 June 2024 that it sent **six** "requests for information and access to the Government of Israel." It also recorded: "No response was received from the Government of Israel." The record of non-response appears in the Commission's first Gaza paper, which covers conduct up to 31 December 2023.

Israel's Ministry of Foreign Affairs published its legal framework on 2 November 2023, before the Commission's first Gaza paper. The framework states the standard Israel applies to its own conduct. It is a party's statement of its legal position. It is neither a reply to the Commission nor a finding of compliance.

The framework states: "If the attack results in more collateral damage than expected, this does not necessarily indicate a violation: compliance is conduct-oriented, not result-oriented." It adds 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."

On distinction between combatants and civilians, the Ministry states that "the IDF only targets persons who are members of organized armed groups or civilians directly participating in the hostilities." On treaty status, it states that Israel "abides by all applicable rules of customary international law, including those embodied in conventions to which it is not a party (such as the 1977 Additional Protocols to the Geneva Conventions)." On legal review, it states that "IDF legal advisers are not subject to the IDF chain of command on professional matters, but report directly to the Military Advocate General."

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On warnings, the same document states that the IDF has "in some cases made individual phone-calls to occupants of targets, warning them of impending attacks." It says that where circumstances do not permit a warning, "there is no legal requirement to do so." It also states that "the IDF does not assume that there are no civilians in areas or sites where advance warnings had been given."

Israel did file reports with the International Court of Justice. The Court's later orders record reports filed by Israel on 26 February 2024 and 29 April 2024 under the reporting measures. The contents of those reports are not published in the orders.

Which conduct has Israel's military investigated, on its own count?

The IDF Military Advocate General's Corps reported that, as of 3 August 2024, it had opened **74** criminal investigations into conduct in the Gaza war. This is the IDF's own count, published by a party to the events and not independently verified. The count covers investigations opened, not findings, indictments or convictions.

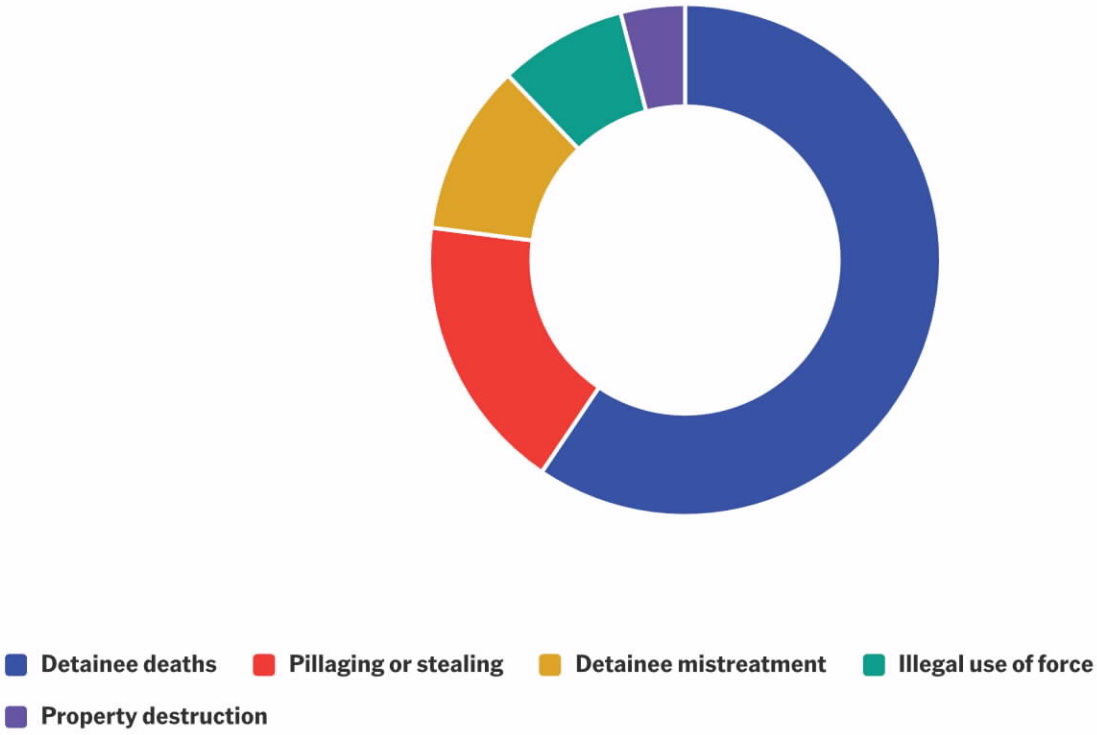
On the Corps' breakdown, 44 of the 74 investigations concern the deaths of detainees held by the IDF and 13 concern pillaging or stealing. Eight concern alleged detainee mistreatment, 6 alleged illegal use of force, and 3 alleged destruction of civilian property without military necessity. The five categories sum to 74.

Criminal investigations opened by the IDF, by subject

74 INVESTIGATIONS AS OF 3 AUGUST 2024; THE IDF'S OWN COUNT, NOT INDEPENDENTLY VERIFIED

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Source: Israel Defense Forces, Military Advocate General's Corps, 2024; a party's own count, not independently verified.

The Corps also reported, on its own count, that over 1,000 incidents had been referred to the General Staff's Fact-Finding and Assessment Mechanism. Hundreds were still under assessment at the time of writing. The Mechanism was created during the 2014 Gaza conflict on a recommendation of the Turkel Commission.

The investigation count depends on the threshold the Corps applies. In the Corps' words, civilian death or injury, "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 independence, the Corps states that the Military Advocate General "is subject only to the law on professional matters and operates with full independence." Its decisions can be challenged before Israel's Attorney General and Supreme Court.

The Ministry of Foreign Affairs FAQ of 8 December 2023 gives Israel's own cumulative minimum figures for warnings, as reported by a party to the conflict:

- over 15 million text messages;

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- over 12 million pre-recorded phone calls;
- over 4.5 million leaflets;
- over 45,000 individual phone calls.

The four channels cannot be added together into a count of warnings or of people warned.

Whose casualty counts stand behind the commission's figures?

The Commission's figure of **20,179** children killed in Gaza between 7 October 2023 and 7 October 2025 appears in A/HRC/62/CRP.2, paragraph 26.

Its footnote 29 attributes that count to OCHA situation update 329 and to the Gaza Ministry of Health's Telegram channel. The count therefore belongs to those bodies, not to the Commission. The same paragraph and footnote carry 44,143 children injured over the same period, counted by the same two bodies.

A/81/430, the advance unedited report, states at paragraph 59 that "over 75,000" Palestinians across the whole occupied territory have been killed since 7 October 2023. That figure carries no footnote, so the body that counted it is not stated, and it is not a count the Commission records as its own.

The same CRP.2 paragraph states that those children made up 30% of those killed and 26% of those injured during the period. Those shares are of totals drawn from the same relayed sources.

The Gaza count has its own publisher. The Ministry of Health in Gaza is a party to the war, and its figures are its own count, not independently verified. Its daily report of 10 September 2026 gave **73,670** cumulative deaths. Its Health Annual Report, Palestine 2025 gives children as 30% of 71,271 deaths from 2023 to the end of 2025. The ministry has stated its own exclusions since 7 January 2024. It does not count:

- the missing and those under rubble;
- unidentified bodies;
- burials by families outside hospitals;

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- deaths in Gaza and North Gaza after its information system stopped in November 2023.

Its name-by-name lists record each person's date of birth, not date of death.

The "over 75,000" in A/81/430 covers the whole occupied Palestinian territory as of October 2026. The ministry's 73,670 covers Gaza alone, as of September 2026. The two figures have different scopes and dates, and neither can be subtracted from the other to produce a third count.

Methodology and limitations

The Independent International Commission of Inquiry's five papers dated 14 June 2024 to 14 October 2026 form the core record: A/HRC/56/26, A/HRC/60/CRP.3, A/HRC/62/22, A/HRC/62/CRP.2 and A/81/430. Each was read in full text and is quoted by paragraph number. Two are conference room papers rather than numbered reports. A/81/430 is an advance unedited version, so its paragraph numbers and wording may change in the final text. The Commission's standard of proof throughout is "reasonable grounds." The genocide paper assesses evidence up to 31 July 2025.

Court records are cited for what they state and for their recorded votes, never as evidence of conduct. From the International Court of Justice, these are the order of 26 January 2024 and the later orders of 28 March and 24 May 2024. From the International Criminal Court, these are the decisions of 21 November 2024 and the Appeals Chamber rulings of 24 April and 15 December 2025. The ICC warrants are classified, so the crimes listed here come from the Chamber's public summary. The documents read contain no record of the Pre-Trial Chamber's new ruling on the remanded article 19(2) challenge. Israel's reports to the International Court of Justice are not published in its orders.

The Israeli government sources are:

- the Ministry of Foreign Affairs legal framework of 2 November 2023;
- the Ministry of Foreign Affairs FAQ of 8 December 2023;
- the Military Advocate General's Corps account, updated 3 August 2024.

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Each is labelled as a party's own position or count. The Gaza Ministry of Health's figures are likewise a party's own count. The ministry publishes them only through its media office channel. Its list documents were read from an archived copy whose record counts and columns match the ministry's own description.

Every casualty figure in the Commission's papers is attributed to the body named in the papers' footnotes. Where a paper carries no footnote, the measuring body is stated as unknown.

Conclusion

So what has the Independent International Commission of Inquiry concluded about Gaza? In September 2025, it concluded on reasonable grounds that Israel committed genocide there through four of the Convention's five acts, and it said so again in June and October 2026.

Around that sentence, the record is wider and more specific:

- **Acts:** the Commission found four acts and recorded no evidence on the fifth.
- **Incitement:** it named three officials as having incited genocide and recorded two as not fully assessed.
- **Hamas:** it concluded that Hamas and other armed groups committed war crimes on 7 October 2023, and it counted at least 108 Palestinians killed in the cases it identified for 2024 to 2025, attributing them to Hamas-affiliated forces.
- **Earlier conclusions:** its June 2024 paper concluded that Israel committed war crimes and crimes against humanity and used starvation as a method of war.
- **Israel's response:** Israel did not answer six requests from the Commission. It did publish its own legal standard and its own count of 74 criminal investigations opened, a party's figure not independently verified.
- **Casualty counts:** the children the Commission lists as killed were counted by OCHA and by the Gaza ministry, itself a party to the war. The Commission did not measure them.

The Commission used the word genocide on a fact-finding threshold. The court applying the same Convention has not reached the merits, and the criminal court's warrants name no

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genocide. When three records carry one word at three different standards, which of them should public debate treat as the conclusion? And what would the record need to contain before those three standards point to the same answer?

Frequently Asked Questions

Which body created the commission?

The Human Rights Council established the Commission by resolution S-30/1. Its mandate covers the Occupied Palestinian Territory, including East Jerusalem, and Israel. Its papers go to the Council, and its annual reports, such as A/81/430, go to the General Assembly.

What does “actus reus” mean in the genocide paper?

Actus reus is the physical element of a crime: here, the five acts listed in Article II of the Genocide Convention of 1948. Genocide also requires a mental element, the intent to destroy a protected group in whole or in part. The Commission treats intent separately at paragraph 254.

What did the commission conclude about settler violence?

In A/HRC/62/22 of 8 May 2026, paragraph 76, the Commission concluded that Israel’s conduct “in allowing settler violence to continue unabated, and colluding in the commission of violence, is in breach of its obligations to protect Palestinians under the Fourth Geneva Convention.” That paper covered killing and harm by non-State actors on both sides.

Why were the ICJ’s provisional measures all addressed to Israel?

All eleven measures across the International Court of Justice’s three 2024 orders are addressed to the State of Israel. The Court gave a jurisdictional reason at paragraph 44 of its 28 March 2024 order. Under Article 59 of its Statute, it can indicate measures only “to be taken by the parties, but not by third States or other entities,” and Israel and South Africa are the only parties. In its reasoning, the Court repeatedly called on Hamas and other armed groups to release the hostages.

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What happened to Israel's challenges at the ICC?

On 15 December 2025, by majority, the International Criminal Court's Appeals Chamber confirmed the Pre-Trial Chamber's article 18(1) ruling that no new notification to Israel was required. The Appeals Chamber had earlier reversed the article 19(2) jurisdiction decision and sent it back. Israel was still filing arguments on that challenge on 1 August 2025.

Does the Gaza ministry's list record when each person died?

The ministry's list documents of March, June and August 2024 carry date of birth, not date of death. The ministry's own statement of 29 July 2024 explains that the date was recorded on the family's report or on the date the body reached a hospital, and that a committee was then formed to audit it. These are a party's own statements about its own records, not independently verified.

Is the commission's genocide conclusion binding on any State?

A/HRC/60/CRP.3 is a conference room paper. The Commission submitted it to the Human Rights Council, and no member State voted to adopt it. The binding effect described at paragraph 83 of the International Court of Justice's order of 26 January 2024 attaches to that Court's provisional measures, not to the Commission's papers.

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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 NOVEMBER 16, 2026

Did the UN partition plan make Israel's founding legitimate? The 1947 vote, two declarations and the treaty test

The 1947 Assembly vote was 33 to 13 with 10 abstentions. What Resolution 181, Israel's 1948 Declaration and the 1933 statehood test each record.

Resolution 181 | Partition Plan | Israeli Declaration of Independence | Statehood | United Nations



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The UN General Assembly adopted Resolution 181 (II) on 29 November 1947 by **33 votes to 13 with 10 abstentions**. It adopted a plan whose Arab and Jewish States were to come into existence no later than 1 October 1948, and it asked the Security Council to treat any forcible alteration of that plan as a threat to the peace (United Nations General Assembly, 1947). Israel's Declaration of Independence, proclaimed on 14 May 1948 and signed by the 37 members of the People's Council, cites that vote and calls the recognition it conferred "irrevocable" (Provisional Government of Israel, 1948). Forty years later, the Palestine National Council's 1988 Declaration invoked the same resolution as attaching "conditions to international legitimacy" for a Palestinian state (Palestine National Council, 1988). The question turns on what a vote of 56 delegations could do, and the record answers it in pieces: a recommendation with a timetable, a founding text that lists the vote as one ground among several, and a 1933 treaty standard for statehood that names four qualifications, none of them a vote.

Key Findings

- The General Assembly adopted the partition plan on 29 November 1947 by **33 votes to 13 with 10 abstentions**, and the United Kingdom, the mandatory power, was among the abstentions (General Assembly resolution 181 (II) and recorded vote A/PV.128, United Nations General Assembly, 1947).
- Israel's founding Declaration of 14 May 1948, the state's own founding statement, calls the 1947 recognition "irrevocable" but places the vote after three earlier links: the First Zionist Congress of 1897, the Balfour Declaration of 1917 and the League of Nations Mandate (Provisional Government of Israel, 1948).
- The PLO's own Declaration of Independence of 15 November 1988 calls the aftermath of resolution 181 a "historical injustice" and says the resolution "continues to attach conditions to international legitimacy" (Palestine National Council, 1988).
- The 1933 Convention on Rights and Duties of States lists **4** qualifications of statehood: population, territory, government and capacity for relations. None refers to a vote by an international assembly (Seventh International Conference of American States, 1933).

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Did the 1947 vote create Israel or only recommend it?

General Assembly resolution 181 (II), adopted on 29 November 1947, set a schedule rather than declaring a state. Under it, the Arab and Jewish States and the Jerusalem regime were to come into existence two months after British forces completed their evacuation, and **not later than 1 October 1948** (United Nations General Assembly, 1947).

The vote is recorded in the verbatim record of the 128th plenary meeting, A/PV.128. It was a roll call on the Ad Hoc Committee's report, document A/516, and the record states: "The report was adopted by 33 votes to 13, with 10 abstentions" (United Nations General Assembly, 1947). The record names 56 delegations. Of the 46 that voted yes or no, 33 were in favour. The resolution is the text that the committee's report recommended.

The resolution's own text assigns each step after the vote to another actor. The Mandate was to terminate "in any case not later than 1 August 1948," and the mandatory Power's forces were to be withdrawn by the same date. Implementation went to a Commission "consisting of one representative of each of five Member States." At the same meeting, the Assembly elected Bolivia, Czechoslovakia, Denmark, Panama and the Philippines to that Commission.

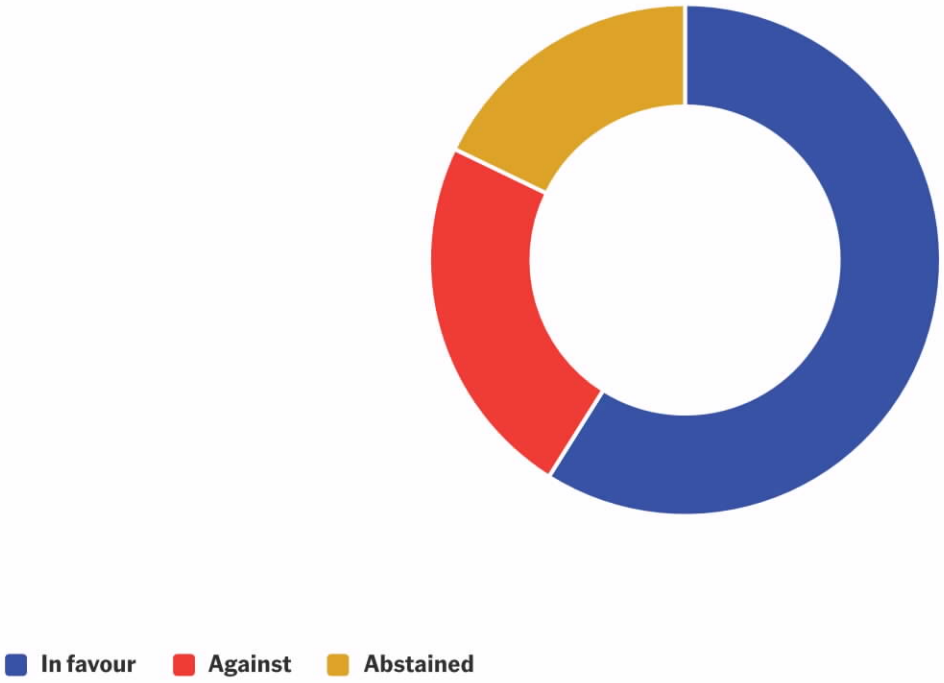
Enforcement was referred to a different organ. The resolution asks the Security Council to treat any attempt to alter the settlement by force as a threat to the peace under Article 39 of the Charter, the article under which the Council makes that determination. The adopted text ties both States to dates after the vote, conditioned on the evacuation.

How the 56 named delegations voted on partition

ROLL CALL ON THE AD HOC COMMITTEE REPORT, 29 NOVEMBER 1947

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Source: General Assembly resolution 181 (II), recorded vote in A/PV.128 (United Nations General Assembly, 1947).

Neither the resolution nor the UNSCOP report states what share of Mandate territory each State was allotted. The resolution sets its boundaries by description in Parts II and III. The documents therefore support a count of votes and a timetable, not an area percentage.

Who says the partition vote made Israel legitimate, and since when?

Israel's Declaration of the Establishment of the State was proclaimed on 14 May 1948 and signed by the **37 members of the People's Council**. It cites the General Assembly resolution of 29 November 1947 and calls that recognition "irrevocable" (Provisional Government of Israel, 1948). The view that the vote carried legitimacy therefore appears in Israel's own founding text, on the day of founding.

That part of the premise stands on the record. The Declaration was published in Official Gazette Number 1 at Tel Aviv, with David Ben-Gurion's signature first. It declares "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL," and its recitals place the November 1947 vote among the grounds for

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that act. The text is a party's own founding statement. Its recitals record what the founders asserted, not a finding by any other body.

The word the founders chose describes the resolution as a recognition, not as a creation. In the Declaration's own terms, the state comes into being through its own proclamation, and the Assembly's vote is cited in support of it.

The opposing position is dated just as precisely. On 29 November 1947, 13 delegations voted against the resolution and 10 abstained, as the verbatim record A/PV.128 lists by name (United Nations General Assembly, 1947). Those votes are the earliest recorded positions against the plan in the forum that adopted it.

The question has remained in print since then. In 2017 the Jerusalem Center for Public Affairs, an Israeli policy institute, published an essay titled "70 Years after UN Resolution 181: An Assessment" (Jerusalem Center for Public Affairs, 2017). The other party to the 1947 plan also returned to the resolution, in its own founding text of 1988, which is set out in a section below.

What else did Israel's founding text cite as its basis?

Israel's 1948 Declaration places the 29 November 1947 resolution after **three earlier links** in its recitals: the First Zionist Congress convened by Theodor Herzl in 1897, the Balfour Declaration of 2 November 1917, and the League of Nations Mandate (Provisional Government of Israel, 1948). Its opening sentence invokes none of these instruments: "ERETZ-ISRAEL [(Hebrew) - The Land of Israel] was the birthplace of the Jewish people."

The two middle links are themselves documents with checkable wording. The Balfour Declaration is a letter from Foreign Secretary Arthur James Balfour to Lord Rothschild, and its operative sentence reads in full:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the

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civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country" (His Majesty's Government, 1917).

The sentence says "a national home," not "a state." It is a British government statement of policy, not a treaty. Its obligations took legal form through the Mandate for Palestine, approved by the Council of the League of Nations on 24 July 1922. The Mandate's preamble made the Mandatory "responsible for putting into effect the declaration originally made on November 2nd, 1917." It then added a clause the 1917 letter does not contain: "Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country" (His Majesty's Government, 1917).

The chain of instruments in Israel's 1948 recitals
IN THE ORDER THE DECLARATION LISTS THEM



The recitals are the Declaration's own historical narrative.

Source: Provisional Government of Israel, 1948; His Majesty's Government, 1917.

In the Declaration's own sequence, the Assembly vote is the most recent of four cited instruments, not the only one. The chain begins half a century earlier, as the dated instruments of the conflict's origins record. Its first legal link is a League of Nations instrument, not a United Nations one.

Did Britain, the governing power, vote for partition?

The United Kingdom, the mandatory power, was one of **10 delegations that abstained** when the General Assembly adopted the partition plan on 29 November 1947, according to the

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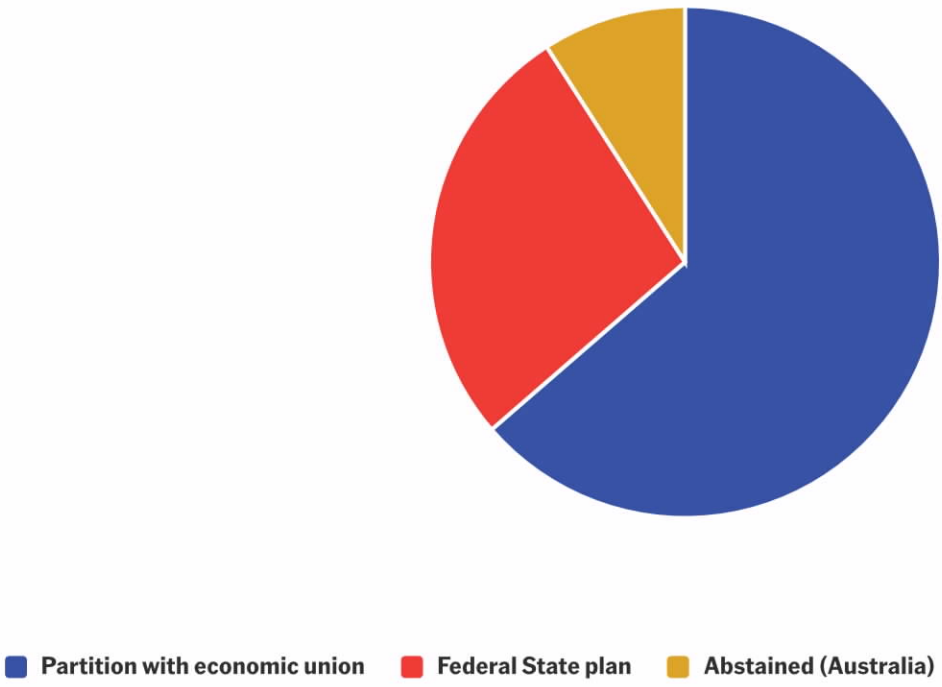
verbatim record A/PV.128 (United Nations General Assembly, 1947). The government administering the territory recorded no vote for or against the plan to end its own Mandate.

The 10 abstaining delegations were Argentina, Chile, China, Colombia, El Salvador, Ethiopia, Honduras, Mexico, the United Kingdom and Yugoslavia. The 13 voting against were Afghanistan, Cuba, Egypt, Greece, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey and Yemen. The 33 in favour included the United States, the Soviet Union, France, the Byelorussian and Ukrainian Soviet Socialist Republics, Canada, Australia and the Union of South Africa (United Nations General Assembly, 1947).

The plan reached the Assembly as the majority view of a divided committee. The United Nations Special Committee on Palestine (UNSCOP) signed its report, A/364, on 31 August 1947. In it, “seven members of the Committee (Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay)” voted for the Plan of Partition with Economic Union. Three members, India, Iran and Yugoslavia, voted for a federal State plan, “with the representatives of Australia abstaining” (United Nations General Assembly, 1947).

How UNSCOP’s 11 members divided

VOTES ON THE TWO PLANS IN THE REPORT SIGNED 31 AUGUST 1947



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Source: UNSCOP report A/364, recorded vote of the committee members on the two plans, the report resolution 181 (II) acted on (United Nations General Assembly, 1947).

Two of the three committee members that backed a federal State, India and Iran, then voted against the plan in plenary. The third, Yugoslavia, abstained. Australia abstained in committee and voted in favour in plenary. The record shows broad support in 1947 that crossed the period's alliances, together with recorded dissent at both the committee and plenary stages.

How many Arabs lived inside UNSCOP's proposed Jewish state?

The UN Special Committee on Palestine estimated **407,000 Arabs and others** in its majority plan's Jewish State, alongside 498,000 Jews, "on the basis of official figures up to the end of 1946" (United Nations General Assembly, 1947). These are UNSCOP's figures for UNSCOP's proposed boundaries. They are not a count for the State the Assembly adopted, whose boundaries Parts II and III of the resolution set separately.

Within UNSCOP's Jewish State, the committee's total was 905,000, so Arabs and others made up 45.0% of that figure. The report separately lists "about 90,000 Bedouins" in the Jewish State. With them included, Jews numbered 498,000 of about 995,000 people, roughly half.

The proposed Arab State, on UNSCOP's estimate, held 10,000 Jews and 725,000 Arabs and others, a total of 735,000. The City of Jerusalem held 100,000 Jews and 105,000 Arabs and others, a total of 205,000 (United Nations General Assembly, 1947).

UNSCOP also gave the trend behind those totals. On its figures, the Jewish share of Palestine's population rose from 12.91% in 1922 to 32.96% in 1946. The committee also wrote that the Arab population "remains in possession of approximately 85 per cent of the land" (United Nations General Assembly, 1947). That figure describes possession as UNSCOP characterised it in 1947, not ownership by registered title.

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The committee's figures bear on the question of consent without recording it. The UNSCOP report contains a population table for its proposed boundaries. The resolution contains a timetable and an implementing Commission. Neither document contains a vote or a referendum by the residents of the territory on the plan itself. The only plebiscite the resolution describes is the referendum for Jerusalem residents after the 10-year statute.

How did the Palestinian leadership invoke Resolution 181 in 1988?

The Palestine National Council's Declaration of Independence, adopted in Algiers on **15 November 1988**, states that resolution 181 (II) "nevertheless continues to attach conditions to international legitimacy that guarantee the Palestinian Arab people the right to sovereignty and national independence" (Palestine National Council, 1988). The quotation is the PLO's own founding statement, in the United Nations translation.

The same sentence opens with the party's account of what followed the 1947 vote: "Despite the historical injustice done to the Palestinian Arab people in its displacement and in being deprived of the right to self-determination following the adoption of General Assembly resolution 181 (II) of 1947, which partitioned Palestine into an Arab and a Jewish State, that resolution nevertheless continues to attach conditions to international legitimacy" (Palestine National Council, 1988).

Like Israel's 1948 text, the 1988 Declaration grounds its act on more than the resolution. It proceeds "By virtue of the natural, historical and legal right of the Palestinian Arab people to its homeland, Palestine," and it declares "the establishment of the State of Palestine in the land of Palestine with its capital at Jerusalem."

Instrument	How it treats resolution 181 (II)	Source
Resolution 181 (II), **29 November 1947**	Recommends Arab and Jewish States, to exist by 1 October 1948	United Nations General Assembly, 1947
Israel's Declaration, **14 May 1948**	Calls the recognition "irrevocable"	Provisional Government of Israel, 1948

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Instrument	How it treats resolution 181 (II)	Source
PNC Declaration, **15 November 1988**	Calls its aftermath a "historical injustice" and says it "continues to attach conditions to international legitimacy"	Palestine National Council, 1988

The PLO's later published position describes 1988 as a turning point. The PLO Negotiations Affairs Department, on a page last revised on 27 March 2019, writes that "Since 1988, however, in the interest of achieving peace and ending the conflict, the Palestinian leadership limited the national aspirations," seeking "a state in the West Bank and Gaza Strip, with East Jerusalem as its capital" (PLO Negotiations Affairs Department, 2019). The page is the party's own account of what it did in 1988, and it is cited here for that account only.

Did the plan's 1 October 1948 timetable ever take effect?

Israel's Declaration was read on 14 May 1948, **140 days before** the 1 October 1948 deadline that resolution 181 (II) set for both States to come into existence (Provisional Government of Israel, 1948; United Nations General Assembly, 1947). The plan's sequence put the British evacuation first and the two States two months later. The founding date fell before both steps.

The Declaration also preceded by 79 days the resolution's latest date for the end of the Mandate, 1 August 1948. On 14 May 1948, no Arab State was declared alongside Israel. The Palestine National Council's declaration of a State of Palestine is dated 15 November 1988, more than 40 years after the resolution's deadline (Palestine National Council, 1988).

The partition timetable beside the dated record

DATES SET IN RESOLUTION 181 (II) AND DATES OF ADOPTED INSTRUMENTS, 1947 TO 1948



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Source: General Assembly resolution 181 (II) and resolution 194 (III) (United Nations General Assembly, 1947; United Nations General Assembly, 1948 to 1975); Provisional Government of Israel, 1948.

Just over a year after the partition vote, the Assembly adopted a text on a different question. In General Assembly resolution 194 (III), adopted on 11 December 1948, paragraph 11 resolves 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, and 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" (United Nations General Assembly, 1948 to 1975). That paragraph remains the reference point for the right of return in the instruments that followed.

The dated record therefore shows events running ahead of the resolution's schedule. One State was declared before the evacuation the schedule required, and the Assembly's next major text addressed a refugee population. The plan's two-month sequence from evacuation to statehood is not reflected in any of the dated instruments that followed it in 1948.

Had an official partition proposal failed before 1947?

The Palestine Royal Commission, a British government-commissioned review chaired by Earl Peel, signed a report on **22 June 1937** that recommended partition. That plan was never enacted (Palestine Royal Commission, 1937). Its Chapter XXII opens: "We return, then, to Partition as the only method we are able to propose for dealing with the root of the trouble."

The Commission was appointed by Royal Warrant on 7 August 1936. It heard 60 witnesses at 30 public sessions and 53 witnesses at 40 private sessions in Jerusalem, and the report was presented to Parliament in July 1937 as Command Paper 5479. It is the mandatory power's own commissioned review of its obligations, so it records a British government finding rather than a third-party one.

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Its central conclusion, in Chapter XX, paragraph 17, is that Britain's obligations to the two communities "have proved irreconcilable." In the Commission's words, "we cannot" ... "both concede the Arab claim to self-government and secure the establishment of the Jewish National Home." The chapter closes: "Partition seems to offer at least a chance of ultimate peace. We can see none in any other plan" (Palestine Royal Commission, 1937).

The 1937 plan differed in form from the 1947 one. It proposed that the Mandate "should terminate and be replaced by a Treaty System," with "A new Mandate for the Holy Places." It also proposed an Arab State "consisting of Trans-Jordan united with that part of Palestine which lies to the east and south of a frontier such as we suggest." Chapter XXII further recommended that "Sooner or later there should be a transfer of land and, as far as possible, an exchange of population." The Commission conditioned that recommendation on agreement and on new land being made available, with compulsion "in the last resort" for the Plains, including Beisan, and for Jewish colonies left in the Arab State (Palestine Royal Commission, 1937).

The 1937 recommendation was set aside within two years. The Woodhead Commission of 1938 found the plan impracticable, and the 1939 White Paper abandoned partition. A decade before the Assembly's vote, an official body had already published a partition plan with recommended frontiers, a funding proposal of £2,000,000 for the Arab State and a treaty mechanism, and none of it produced a state.

What does the treaty standard say makes a state?

The Convention on Rights and Duties of States, signed at Montevideo on 26 December 1933 by **19 American republics**, lists four qualifications of a state in Article 1 (Seventh International Conference of American States, 1933). The English text reads: "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."

None of the four qualifications refers to a recommendation, a vote or a resolution of an international assembly. The third qualification is "government," with no adjective, and the verb is "should possess." The Spanish column, equally authentic under the attestation clause,

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reads “debe reunir los siguientes requisitos,” a phrasing that carries more obligation than the English.

Article	What the text provides	Source
Article 1	Four qualifications: population, territory, government, capacity for relations	Seventh International Conference of American States, 1933
Article 3	“The political existence of the state is independent of recognition by the other states”	Seventh International Conference of American States, 1933
Article 6	Recognition “is unconditional and irrevocable”	Seventh International Conference of American States, 1933

Articles 3 and 6 separate statehood from recognition. Under Article 3, even before recognition a state “has the right to defend its integrity and independence” and “to organize itself as it sees fit.” Under Article 7, recognition “may be express or tacit.” The word “irrevocable” appears in Article 6 for the act of recognition, the same word Israel’s 1948 Declaration applies to the recognition it attributes to the General Assembly (Provisional Government of Israel, 1948).

The Convention names no body to decide whether an entity meets Article 1, and it is a regional instrument. No European, African or Asian state is a party, and under Article 14 it binds each party only from its own ratification. Article 11 commits the parties not to recognise “territorial acquisitions or special advantages which have been obtained by force.” The record of that article carries qualifications: the United States signed subject to a reservation, and the delegates of Brazil and Peru recorded that they “accept the doctrine in principle but that they do not consider it codifiable.”

Set beside the 1947 resolution, the 1933 text supplies the criteria that the resolution does not. Resolution 181 (II) recommends States, and the Montevideo text lists what a state possesses. The two instruments address different acts.

Methodology and limitations

The evidence is drawn from primary and official records: General Assembly resolutions 181 (II) and 194 (III), the verbatim record of the 128th plenary meeting (A/PV.128), the UNSCOP

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report (A/364), the Palestine Royal Commission report (Cmd. 5479), the Balfour letter and the 1922 Mandate, the 1933 Convention on Rights and Duties of States, and the founding declarations of Israel (1948) and the Palestine National Council (1988). Each party's founding text is cited as that party's own statement. The PLO Negotiations Affairs Department page is a party's standing position, last modified on 27 March 2019, and no figure is drawn from it.

The 1947 documents are scanned bilingual prints read through an optical text layer. Quotations were checked against cleanly read lines. The timetable, Jerusalem and Security Council provisions are paraphrased where the scan is corrupted. A/PV.128 names 56 delegations and records no absent member. Neither resolution 181 (II) nor the UNSCOP report states the share of territory allotted to each State, so the area percentages in common circulation have no source in these documents.

UNSCOP's population table applies to UNSCOP's majority-plan boundaries, which differ in drafting from the boundaries in the adopted resolution. Its 85% figure describes possession as characterised in 1947, not registered title. The Peel Commission's "about 1,000,000 Arabs" and "some 400,000 Jews" are rounded characterisations, not enumerations, and are not used here as counts.

The Montevideo text was read from the depositary's scanned images, which carry no transcribed characters. The Balfour text is the Avalon Project transcription at Yale Law School. Israel's Declaration exists in two official English translations that differ on one word in the equality clause ("citizens" in the Knesset text, "inhabitants" in the Ministry of Foreign Affairs text). Quotations here name the Knesset text where that clause appears.

Conclusion

So did the partition plan make Israel's founding legitimate? On the record, the plan supplied something both parties later treated as legitimacy, without creating either State by its own operation. The Assembly voted 33 to 13 with 10 abstentions for a recommendation whose States were to exist only after a British evacuation and by 1 October 1948. Israel declared itself 140 days before that deadline, citing the vote as "irrevocable" recognition.

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The portrait the documents draw is consistent across every instrument read. The founding text of 1948 lists the vote as the last of four instruments, after a congress, a letter and a Mandate. The mandatory power abstained, and UNSCOP split 7 to 3 with one abstention before the plan reached the plenary. UNSCOP's own table placed 407,000 Arabs and others inside its proposed Jewish State. The Peel plan of 1937 shows that a partition recommendation alone had already failed once. In 1988 the Palestine National Council invoked the same resolution as attaching "conditions to international legitimacy" to its own State. The 1933 treaty standard lists four qualifications of statehood and none of them is a vote.

What the record sharpens is a question about the word itself. If a single resolution can be cited as irrevocable recognition by one founding text and as both an injustice and a source of legitimacy by another, then what was the 1947 vote conferring, and on whom? The question matters well beyond 1948, because every later claim of statehood in this territory still reaches back to those 56 delegations and the text they voted on.

Frequently Asked Questions

What status did the partition plan give Jerusalem?

Resolution 181 (II) made Jerusalem a corpus separatum under a special international regime administered by the United Nations, with the Trusteeship Council as Administering Authority (United Nations General Assembly, 1947). The statute was to run for 10 years in the first instance, after which residents could express their wishes by referendum.

How was revenue to be shared under the plan's economic union?

The resolution allotted the surplus of customs and common-service revenue "not less than 5 per cent and not more than 10 per cent to the City of Jerusalem," with the residue divided between the two States by a Joint Economic Board (United Nations General Assembly, 1947). The plan joined the two proposed States in a single economic union.

When did the United States recognise Israel?

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The Office of the Historian of the US Department of State records that President Harry Truman recognised the new state on 14 May 1948, the day the Declaration was read (Office of the Historian, US Department of State). The United States had voted for the partition resolution in November 1947, according to A/PV.128.

What does Israel's Declaration promise its Arab residents?

The Knesset's English text pledges "complete equality of social and political rights to all its citizens irrespective of religion, race or sex" (Provisional Government of Israel, 1948). It also appeals to "the Arab inhabitants of the State of Israel" to participate "on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

How does the 1988 Palestinian Declaration describe the land before 1947?

The Palestine National Council writes that the people was exposed to "an attempt to give general currency to the falsehood that Palestine was 'a land without a people'" (Palestine National Council, 1988). It cites Article 22 of the League of Nations Covenant of 1919 and the Lausanne Treaty of 1923 as recognising the Palestinian Arab people as "a free and independent people."

When did the PLO gain a seat in the General Assembly's work?

General Assembly resolution 3237 (XXIX), adopted on 22 November 1974 by 95 votes to 17 with 19 abstentions, invited the PLO to participate "in the capacity of observer" (United Nations General Assembly, 1948 to 1975). The same meeting adopted resolution 3236 by 89 votes to 8 with 37 abstentions.

How much Jewish immigration did the Peel Commission recommend?

The Commission recommended a "political high level" of Jewish immigration "fixed for the next five years at 12,000 per annum" (Palestine Royal Commission, 1937). The recommendation, like the partition plan in the same report, was a proposal to the British government and was not enacted.

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Four instruments carry the right-of-return claim. One is a ratified treaty, and the 1948 resolution passed 35 to 15 with 8 abstentions.

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What does Resolution 194 mean for the Palestinian right of return? Paragraph 11, read against the record

Paragraph 11 of Resolution 194, adopted 11 December 1948, said refugees "should be permitted" to return. The records since show how it has been read.

Right of Return | Palestinian Refugees | Resolution 194 | International Law | United Nations



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Paragraph 11 of UN General Assembly Resolution 194 (III), adopted on 11 December 1948, is the text the Palestinian return claim rests on. It says 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," and it adds compensation for those choosing not to return.

That sentence raises a question that has followed the refugees and their descendants ever since: did the Assembly promise a way home, or recommend one? The record divides along that line. In 1974 the Assembly's Resolution 3236 called return an "inalienable right" and was adopted by 89 votes to 8. In 2009 Israel's Ministry of Foreign Affairs, a party to the dispute, stated that "No such right exists under international law." The 1995 Interim Agreement, which both parties signed, deferred "refugees" to permanent status talks due to begin by 4 May 1996.

Key Findings

- On 11 December 1948, paragraph 11 of Resolution 194 (III) said refugees wishing to return "should be permitted to do so at the earliest practicable date." It also said compensation "should be paid for the property of those choosing not to return" (United Nations General Assembly, 1948 to 1975).
- On 22 November 1974, Resolution 3236 reaffirmed "the inalienable right of the Palestinians to return." It was adopted by roll call, 89 votes to 8 with 37 abstentions, among the 134 delegations recording a position (United Nations General Assembly, 1948 to 1975).
- On 7 September 1949, the Conciliation Commission's Technical Committee on Refugees estimated approximately 711,000 "refugees from Israel-controlled territory." The figure is an estimate, not a census (United Nations Conciliation Commission for Palestine, 1950).
- The Commission's Refugee Office valued abandoned land at £P100 million as at 29 November 1947. The estimate was made in September 1951 and reported in 1961 (United Nations Conciliation Commission for Palestine, 1961).
- On 30 December 2009, Israel's Ministry of Foreign Affairs stated its own position as a party to the dispute: "No such right exists under international law" (Israel Ministry of

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Foreign Affairs, 2009).

Why is Resolution 194 the anchor of the return claim?

The General Assembly adopted paragraph 11 of Resolution 194 (III) on **11 December 1948**, and it is the source text of the return claim. It resolves 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." The same sentence pairs return with compensation (United Nations General Assembly, 1948 to 1975).

The compensation clause continues without a break. 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." The text attaches compensation to two separate losses: property left behind by those who do not return, and loss of or damage to property generally. Return and compensation sit in one provision. The text does not frame compensation as a price a refugee pays to give up return.

The sentence as adopted does not use the word "right." By 7 December 1973, Resolution 3089 D (XXVIII) referred to the refugees' "right to return to their homes and property, recognized by the General Assembly in resolution 194 (III)." On 22 November 1974, paragraph 2 of Resolution 3236 (XXIX) "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" presents the 1974 text as restating an existing position. The phrase "their homes" appears in both resolutions and links them textually.

The verbatim record of the 2296th plenary meeting records the 1974 vote. Resolution 3236 was adopted by roll call "by 89 votes to 8, with 37 abstentions" (A/PV.2296, paragraph 110). That gives the following shares of the 134 delegations recording a position, computed from the recorded vote:

- in favour: 66.4%
- against: 6.0%

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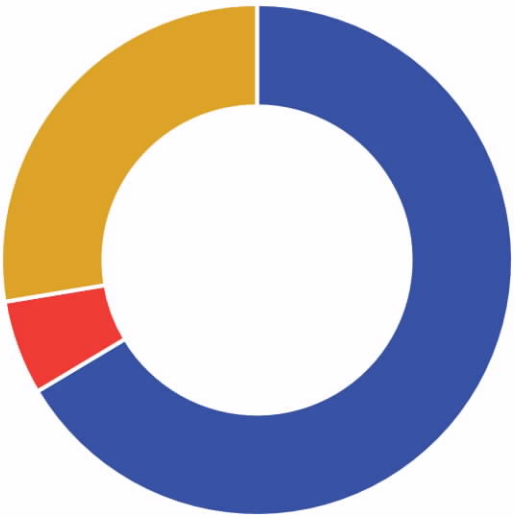
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- abstaining: 27.6%

These are shares of delegations voting, not of the full membership. A separate resolution adopted at the same meeting, 3237, had a different and wider opposition, and the two votes are never combined.

How the 134 recorded delegations voted on Resolution 3236

ROLL CALL, 2296TH PLENARY MEETING, 22 NOVEMBER 1974



In favour **Against** **Abstaining**

Source: United Nations General Assembly (1948 to 1975), recorded vote on resolution 3236, verbatim record A/PV.2296, paragraph 110.

So the claim that Resolution 194 is the foundational UN reference for return holds up in the Assembly's own texts. The 1948 paragraph provides the words "their homes," and the Assembly's resolutions of 1973 and 1974 add the word "right."

Who reads paragraph 11 as a right, and since when?

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The General Assembly itself has read return as a right since at least **7 December 1973**, when Resolution 3089 D (XXVIII) called the refugees' "right to return to their homes and property" one "recognized by the General Assembly in resolution 194 (III)." Resolution 3236 of 22 November 1974 called it "the inalienable right of the Palestinians to return to their homes and property." The 1948 paragraph's "should be permitted" contains no such language (United Nations General Assembly, 1948 to 1975).

In 1975 the Assembly built machinery around that reading. Resolution 3376 (XXX) was adopted on 10 November 1975 at the 2399th plenary meeting. It:

- established the Committee on the Exercise of the Inalienable Rights of the Palestinian People, "composed of twenty Member States";
- asked the Committee to recommend "a programme of implementation" for the rights in paragraphs 1 and 2 of Resolution 3236;
- told the Committee to report "no later than 1 June 1976";
- asked the Security Council to consider the question "as soon as possible after 1 June 1976."

A UN publication by outside scholars then extended the reading. In 1979 the United Nations published, at the Committee's request, a study by W. Thomas Mallison and Sally V. Mallison titled "An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question." It reads the phrase "their homes and property" in Resolution 3236 as covering both the State of Israel and the territories occupied since 1967. The study carries the note "The views expressed are those of the authors" (Mallison and Mallison, 1979). It is the authors' legal argument, not an analysis by the UN Secretariat.

Outside the UN record, one case is made in moral philosophy rather than law. Victor Tadros, Professor of Criminal Law and Legal Theory at the University of Warwick, made it in the peer-reviewed journal Politics, Philosophy & Economics (Tadros, 2017). He argues three things:

- Palestinians hold a right to return to the territory governed by Israel;
- the current generation retains a significant interest in return;
- their rights are not diminished in proportion as that interest is diminished.

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The same article separates the right from any obligation. Its published abstract states: "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." The holders of the rights reading, by name and date, are:

- the Assembly from 1973 at the latest;
- its Committee from 1975;
- the Mallisons in 1979;
- Tadros in 2017, who argues for a right while stopping short of a duty.

Which conditions does paragraph 11 attach to return?

Paragraph 11 of Resolution 194, adopted on 11 December 1948, attaches **3** conditions to return (United Nations General Assembly, 1948 to 1975):

- the refugee must be "wishing to return";
- the refugee must "live at peace with their neighbours";
- return happens "at the earliest practicable date."

The operative verb, "should be permitted," and a separate compensation standard complete the sentence.

Wishing to return. The first condition makes return a matter of the refugee's choice. The same sentence confirms that the choice works in both directions by referring to "those choosing not to return," who are owed compensation for their property instead.

Live at peace. The second condition sets a standard of conduct. It does not say who assesses that conduct or how.

Earliest practicable date. The third condition sets timing by feasibility rather than by a calendar date.

Who permits, and who pays. The verb "should be permitted" does not name the body that is to do the permitting. Compensation is owed "under principles of international law or in

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equity" by "the Governments or authorities responsible," a phrase that names no government.

The 1974 text reads differently on each of these points.

Element	Resolution 194, para 11 (1948)	Resolution 3236, para 2 (1974)
Operative verb	"**should be permitted**"	"Reaffirms ... the **inalienable right**" and "calls for their return"
Peace condition	"live at peace with their neighbours"	**None** in the paragraph
Timing	"at the **earliest practicable date**"	**None** in the paragraph
Destination	"their homes"	"their homes **and property** from which they have been displaced and uprooted"
Compensation	Owed by "the **Governments or authorities responsible**"	**None** in the paragraph

Source: United Nations General Assembly, 1948 to 1975, adopted texts A/RES/194(III) and A/RES/3236(XXIX).

The 1974 paragraph has no peace condition and no timing qualifier. Its verbs are "reaffirms" and "calls for" rather than "should be permitted." Both texts are resolutions of the General Assembly, not of the Security Council. The question of whether paragraph 11 carries binding force starts from two facts: the differences in wording between the two texts, and the fact that both came from the same organ.

What did the Conciliation Commission do to implement paragraph 11?

The Conciliation Commission's Technical Committee on Refugees estimated approximately **711,000** "refugees from Israel-controlled territory" in a report dated 7 September 1949. The Commission published the estimate in its 1950 General Progress Report (United Nations Conciliation Commission for Palestine, 1950). The Committee had considered a census and

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concluded that one was not advisable. It described the estimate as only "as accurate as circumstances permit."

Resolution 194 also instructed the Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees, and the payment of compensation. The Commission's early counting work therefore defined the population that paragraph 11 addressed.

The Technical Committee's figure has three limits:

- **It sits below the relief rolls.** The relief rolls carried a higher number than 711,000. The Committee attributed the difference to duplicated ration cards, people displaced from areas other than those held by Israel, and people who were destitute without having been displaced.
- **It records origin, not cause.** It counts refugees from Israel-controlled territory and does not say why anyone left.
- **It excludes internal displacement.** It does not count people displaced inside Israel.

The publisher's description of Michael Fischbach's 2003 Columbia University Press history gives a separate figure: "more than 726,000 Palestinians." That figure comes from a different count and is not merged with the Commission's estimate (Fischbach, 2003).

The Commission next turned to property claims. Its Secretariat issued a working paper on 12 April 1951, titled "Sampling Survey of Abandoned Property Claimed by Arab Refugees" (United Nations Conciliation Commission for Palestine, 1951). The survey drew on fact-sheets that the relief agency had issued to 84,000 heads of refugee families in Jordan, about 540,000 people, and took samples of 400. It found:

- 34% of families (28,600) claimed no property;
- 66% (55,400) claimed buildings, land or both;
- the claimed land totalled 3,508,540 dunums.

The document disagrees with itself on houses. Its text says 49,500 families claimed houses, while its table totals 49,000. Its own caveat reads: "It must be noted that the claims on which

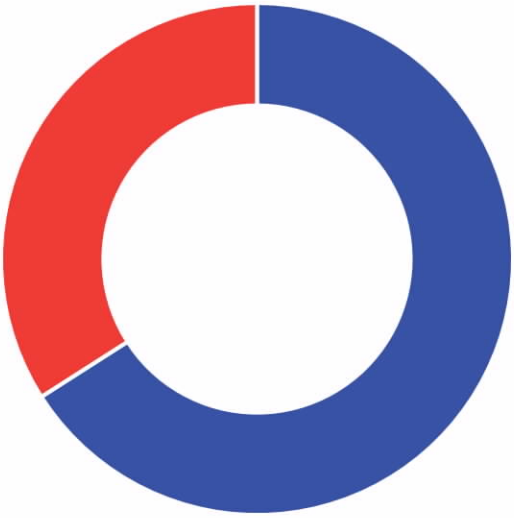
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the survey is based were unchecked and not documented."

What 84,000 refugee families in Jordan claimed

SAMPLED RELIEF QUESTIONNAIRES, JORDAN ONLY; CLAIMS UNCHECKED AND UNDOCUMENTED



Claim buildings or land Claim no property

Source: United Nations Conciliation Commission for Palestine (1951), Sampling Survey, A/AC.25/W/60.

These figures cover Jordan only. They record what claimants stated, not what was verified or awarded.

What became of the compensation paragraph 11 promised?

The Conciliation Commission's Refugee Office valued the abandoned land that "has passed to Jewish hands" at **£P100 million**. The estimate was made in September 1951 and reported in the Commission's Historical Survey of 2 October 1961 (United Nations Conciliation Commission for Palestine, 1961). The Office valued the land as at 29 November 1947, a date the survey elsewhere calls "the last date before the exodus of refugees when land values in Palestine were reasonably stable."

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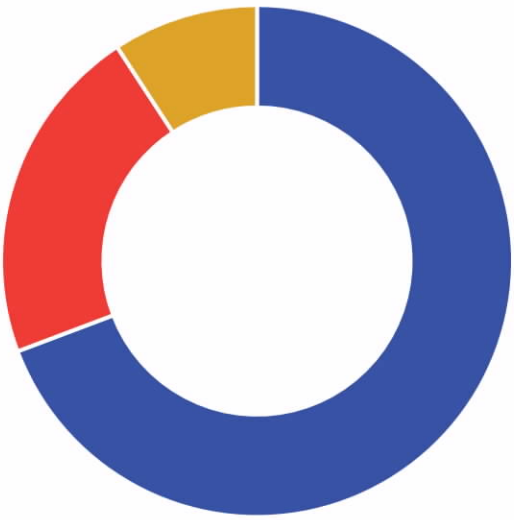
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Annex V of the 1961 survey gives the extent and the exact value:

- **Extent:** 16,324 square kilometres, of which 4,574 were cultivable.
- **Rural lands:** £P69,525,144.
- **Urban lands outside Jerusalem:** £P21,608,640.
- **Jerusalem lands:** £P9,250,000.
- **Total:** £P100,383,784, "or, say 100,000,000."

The body of the survey also prints a rounded set of components. The exact set is used here throughout.

The Refugee Office's 1951 land valuation, by component
VALUES AS AT 29 NOVEMBER 1947; TOTAL £P100,383,784



Rural land · Urban land outside Jerusalem · Jerusalem land

Source: United Nations Conciliation Commission for Palestine (1961), A/AC.25/W/81/Rev.2, Annex V.

The method is set out in the Office's own words. It rejected the records of Israel's Custodian of Absentee Property, because "it was felt that it would be inappropriate to assess compensation

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entirely on the basis of information furnished by an interested party." It built the land extent instead from the Mandatory government's "Village Statistics 1945." Values came from Mandatory property-tax assessments combined with expert opinion. The Office warned that its estimates "must inevitably be regarded as approximate ones."

The 1961 survey also records a payment figure that is not compensation for property. Release of blocked Arab refugee bank accounts in Israel began in the summer of 1953 at the Palestine branches of Barclay's Bank and the Ottoman Bank. "By 31 August 1956 a total of £2,633,175 of the accounts had been released." That sum was a release of the refugees' own frozen balances. It is a different object from the £P100 million valuation, and the two are never added together.

Later scholarship has revisited the Commission's valuation:

- **Lewis (2007).** Economist Frank D. Lewis of Queen's University valued urban property from transfer prices, tax payable and inferences about rent. His peer-reviewed abstract states: "The estimated value of the property is much higher than was reported by the United Nations Conciliation Commission in 1951" (Lewis, 2007).
- **Fischbach (2003).** Fischbach's history of the refugee property question, based largely on archival records including the Commission's, publishes previously secret UN estimates of the scope and value of the refugee property, in its publisher's description (Fischbach, 2003).

How did Israel's 1950 property law meet paragraph 11?

The Knesset enacted the Absentee Property Law in **March 1950**, fifteen months after paragraph 11 was adopted. It enacted the Development Authority (Transfer of Property) Law in July 1950. Both dates come from Geremy Forman and Alexandre Kedar's peer-reviewed archival legal history (Forman and Kedar, 2004). Together the two statutes governed the property of everyone the law classed as an absentee.

The definition carried a date from before the war. Forman and Kedar summarise it: "An absentee was anyone who, on or after 29 November 1947 (the date of the United Nations General Assembly resolution to partition Palestine), had been: (a) a citizen or subject of one

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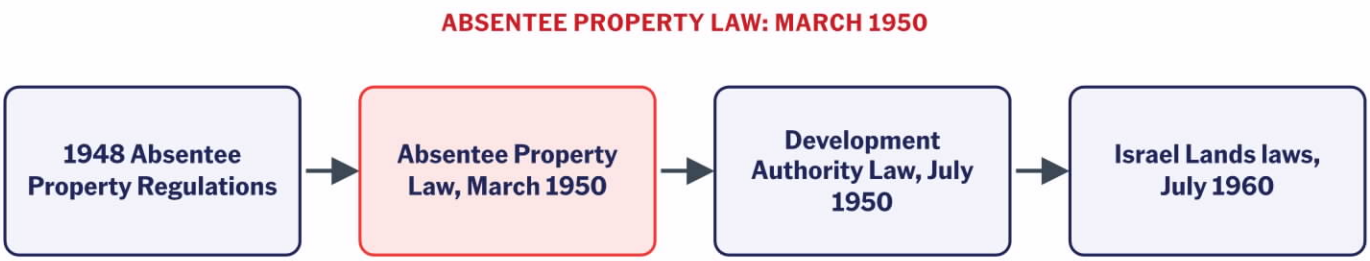
of the Arab countries at war with Israel; (b) in any of these countries, or in any part of Palestine outside the jurisdiction of the regulations; or (c) a citizen of Palestine who abandoned his or her normal place of residence."

The authors place that date in the 1948 Absentee Property Regulations. The Absentee Property Law of 1950 replaced the Regulations with a permanent law, which the authors say included "notable changes" while keeping the 1948 framework and terminology.

The definition also reached people who remained inside Israel. Forman and Kedar write: "The result was that practically no Jewish Israelis, but tens of thousands of Arab Israeli citizens, were classified as absentees, assuming the paradoxical legal identity of 'present absentee'."

The statutes also fixed where the property could go. "The Absentee Property Law empowered the CAP to sell land to the DA alone, and the Development Authority Law empowered the DA to sell land to the state and the JNF." The Development Authority was an intermediary body, legally defined as extragovernmental. In the first year of the 1953 Land Acquisition Law, some 1.2 million dunams were expropriated, of which 704,000 were taken from the Custodian. The 704,000 is part of the 1.2 million, not an addition to it. In late July 1960 the Knesset brought state, Development Authority and Jewish National Fund holdings together as "Israel Lands," under a single administration.

The statutory path of absentee property, 1948 to 1960



No total for land passing through this path is published in the source.

Source: Forman, Kedar (2004), Environment and Planning D 22(6).

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The record does not give a total. Forman and Kedar write: “There is no one agreed-upon figure for the land that moved from Arab hands to the state in the wake of 1948.” They publish no total for the land that passed through the absentee-property system.

What does Israel’s government say Resolution 194 created?

Israel’s Ministry of Foreign Affairs set out its own position, as a party to the dispute, on 30 December 2009: “No such right exists under international law, not has one been created by the relevant UN resolutions or the agreements between Israel and its Arab neighbors.” The statement appears in the Ministry’s question-and-answer document “Israel, the Conflict and Peace,” under the question “Do Palestinian refugees have a justifiable ‘right of return’?” (Israel Ministry of Foreign Affairs, 2009).

The document is the published position of a party to the dispute, not a finding by an outside body.

The Ministry’s reasoning is demographic. It cites its own round figures for 2009: a population of “approximately 7 million (of whom about one-fifth are Arab-Israelis).” It then states that “the influx of millions of Palestinians into the State of Israel would threaten the existence of Israel as a Jewish state, obliterating its basic identity as the homeland of the Jewish people and a refuge for persecuted Jews worldwide.” Those population figures are the Ministry’s 2009 estimates and are not a current count. The document gives no projected population share under return. It asserts the consequence without computing it.

The document characterises the return demand directly: “the demand to ‘return’ to Israel is nothing more than a euphemism for the demographic destruction of the Jewish state.” It also addresses later generations: “Under present conditions, the influx of a large number of descendents of refugees into Israel is not a viable option.” The spelling “descendents” is the document’s own, as is “not has one” in the sentence quoted above.

The Ministry’s Principle 2 names a different destination from paragraph 11: “While Palestinian refugees should be free to settle in the Palestinian homeland, Israel cannot allow itself to be demographically engulfed by a flood of refugees, undermining the basic identity of Israel as the world’s only Jewish state.”

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Read beside the 1948 text, the 2009 statement differs from it on three points:

- **Destination.** Paragraph 11 says refugees are to return to "their homes." Principle 2 says "the Palestinian homeland."
- **Legal status.** Resolution 3236 calls return an "inalienable right." The Ministry says "No such right exists."
- **Descendants.** The Ministry addresses them explicitly. The 1948 sentence does not mention them.

Where did the 1995 interim agreement leave the refugee question?

The Interim Agreement that Israel and the PLO signed on 28 September 1995 listed "refugees" among the permanent status issues. Under Article XXXI(5), negotiations on those issues were to begin "as soon as possible, but not later than **May 4, 1996**" (Israel and the PLO, 1995). The text cited here is the English version published by Israel's Ministry of Foreign Affairs, a party to the agreement.

The United States, the Russian Federation, Egypt, Jordan, Norway and the European Union witnessed the signing.

The agreement keeps refugees outside the interim arrangements. Article XVII(1) excludes from the Palestinian Council's jurisdiction "Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis." Article XXXI(5) lists the subjects of the permanent status talks: "Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest." Refugees therefore appear in both lists, once in the list of matters excluded from the Council's authority and once in the list of matters deferred to later negotiation.

Article XXXI(6) preserves both parties' positions: "Nothing in this Agreement shall prejudice or preempt the outcome of the negotiations on the permanent status to be conducted pursuant to the DOP. Neither Party shall be deemed, by virtue of having entered

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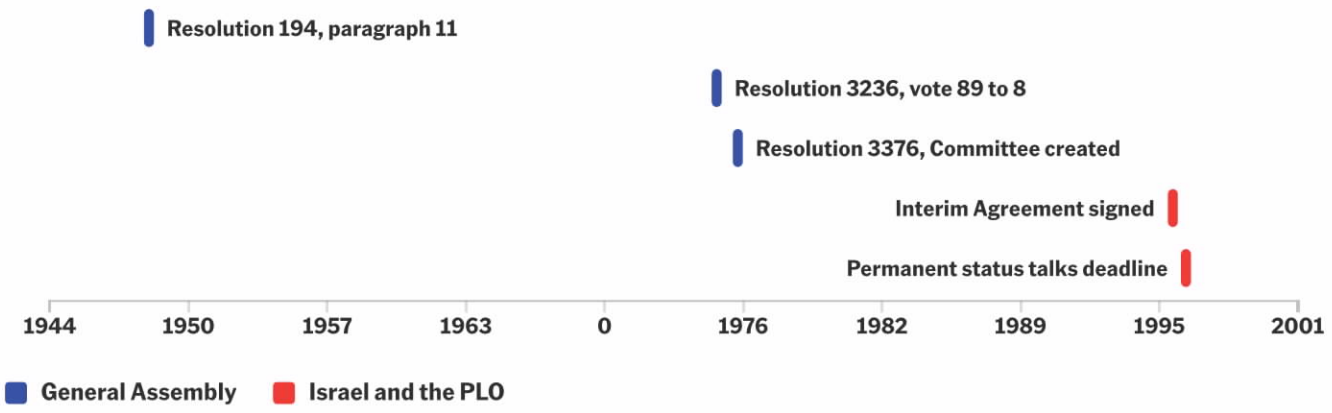
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into this Agreement, to have renounced or waived any of its existing rights, claims or positions."

The clause applies to both parties. On its terms, neither party renounced or waived, by signing, any existing right, claim or position, including any it held on paragraph 11.

The refugee question in five dated texts

ADOPTION, SIGNATURE AND DEADLINE DATES AS PRINTED IN EACH INSTRUMENT



Source: United Nations General Assembly, resolution 194 (III), resolution 3236 (XXIX) and resolution 3376 (XXX); Israel and the PLO (1995), Interim Agreement, Article XXXI(5).

The 4 May 1996 date is the deadline the parties agreed to. It records what the parties undertook to do, not what happened afterwards, and the instrument itself is not a record of whether the talks began or concluded. On its own terms, the signed agreement did not resolve the refugee question. It placed the question on a list for later negotiation and stated that neither party had given up its claims by signing.

Where do legal scholars split on paragraph 11's force?

Three named works published between 2012 and 2018 frame the scholarly dispute over paragraph 11. The earliest is Andrew Kent's **2012** article in the University of Pennsylvania Journal of International Law. It asks whether Israel violated international law during the 1947 to 1949 conflict by expelling Palestinian civilians, or later by refusing to repatriate refugees (Kent, 2012).

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Kent wrote a doctrinal legal argument. He measures nothing. His factual premises about 1947 to 1949 are assumed for the sake of argument rather than established. The journal is a student-edited US law review, not a peer-reviewed publication. His question is legal: whether international law in force at the time required repatriation. That is a different question from what a General Assembly resolution recommended.

Tadros (2017) makes a different kind of argument, in a different field. It is peer-reviewed moral philosophy, not law. He argues that Palestinians hold a right to return. He then states that his article "does not defend the duty on Israel to permit return," because such a duty depends on whether "the economic, social and security costs override that right." On descendants, his 2017 abstract argues that the current generation retains a significant interest in return. A later article argues that descendants can acquire occupancy rights through inheritance (Tadros, 2020).

The disagreement over facts that Kent sets aside was argued out directly at a Hebrew University of Jerusalem workshop on 14 to 15 December 2016. The rapporteur's summary was published in 2018 (Israel Law Review, 2018). In the first session, as summarised, Benny Morris said Israel had maintained the refugee figure was 500,000, Arab countries had claimed nearer 900,000 or one million, and the UN concluded in 1949 to 1950 that the real figure was "just over 700,000." In the same session, as summarised, Mahmoud Yazbak said "about 400 Palestinian towns and villages were destroyed, resulting in the expulsion and flight of about 80 per cent of the residents." The proceedings are not a peer-reviewed article.

Work	Kind of work	What it addresses
Kent, 2012	Law review article, **not peer-reviewed**	Whether expulsion or non-repatriation in 1947 to 1949 violated international law
Tadros, 2017	Peer-reviewed **moral philosophy**	A persisting right of return, held separate from any duty on Israel
Israel Law Review, 2018	**Workshop proceedings**, rapporteur's summary	Opposed accounts of the 1948 displacement, in one session

Source: Kent (2012); Tadros (2017); Israel Law Review (2018).

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These three works treat paragraph 11 as three different questions: a legal question, a moral question and a historical question. Each disagreement sits in a different field.

Methodology and limitations

The evidence comes from four types of source, ranked by the Institute's evidence hierarchy.

Primary and official records:

- the adopted texts of General Assembly resolutions 194 (III), 3089 D (XXVIII), 3236 (XXIX), 3237 (XXIX) and 3376 (XXX), with the roll-call vote recorded in A/PV.2296, paragraph 110;
- three documents of the UN Conciliation Commission for Palestine, from 1950, 1951 and 1961;
- the Israel-PLO Interim Agreement of 1995, in the text published by Israel's Ministry of Foreign Affairs;
- that Ministry's 2009 question-and-answer document, which states a party's own position.

Peer-reviewed research:

- Forman and Kedar (2004), read in full;
- Lewis (2007) and Tadros (2017), both read from their published abstracts only, so no figure from the body of either article is cited.

Scholarly book: Fischbach (2003) is cited only for the figure in the publisher's description, because the full text was not read.

Other works: Kent (2012) is a student-edited law review article. The Israel Law Review (2018) item is a rapporteur's summary of a workshop. Mallison and Mallison (1979) is a UN-published study that carries the authors' own views.

The Conciliation Commission's figures are estimates by its own description. The 711,000 is an expert estimate, not a census. The 1951 property survey covers refugees in Jordan only, extrapolates from samples of 400, and rests on claims its authors call "unchecked and not

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documented." The £P100 million valuation is described by the Refugee Office itself as approximate.

Several figures conflict, and each is reported separately rather than reconciled:

- The 1951 survey gives 49,500 house-claiming families in its text and 49,000 in its table.
- The Commission's 711,000 and the 726,000 in the publisher's description of Fischbach's book come from different counts.
- Forman and Kedar record that no agreed figure exists for land that passed from Arab ownership to the state.

Conclusion

So did the Assembly promise a way home or recommend one? On the record, paragraph 11 of 11 December 1948 recommended one, in the words "should be permitted," subject to three conditions. Twenty-six years later, by a recorded vote of 89 to 8, the Assembly described return as an "inalienable right" in a text with no peace condition and no timing qualifier.

The surrounding record follows the same split. The Conciliation Commission estimated 711,000 refugees and valued their land at £P100 million. It also deliberately set aside the Custodian's records as coming from "an interested party." Israel's Absentee Property Law of March 1950 placed that property in a statutory chain ending in "Israel Lands" in 1960. The Ministry of Foreign Affairs, speaking for a party to the dispute in 2009, wrote that no right of return exists. The Interim Agreement the two parties signed in 1995 listed refugees for talks due by 4 May 1996 and preserved both parties' positions. Scholars have treated the question in separate legal, moral and historical works.

A single sentence from 1948 has carried a recommendation, a right, a property valuation, a statute book and a deferred negotiating item. If the meaning of paragraph 11 has changed with each body that took it up, what would it take for any of those readings to become the settled one?

Frequently Asked Questions

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Does Resolution 194 mention the descendants of refugees?

The adopted text of paragraph 11 refers to "refugees" and "their homes" and does not mention descendants (United Nations General Assembly, 1948 to 1975). Tadros argues in his 2017 article that the current generation retains a significant interest in return, and in his 2020 article that descendants can acquire occupancy rights through inheritance and bequest.

Why did Israel and the United States vote against Resolution 3236?

The recorded vote in A/PV.2296 lists 8 votes against: the United States, Bolivia, Chile, Costa Rica, Iceland, Israel, Nicaragua and Norway (United Nations General Assembly, 1948 to 1975). The verbatim record gives the roll call, not each state's reasons.

What else did the Assembly adopt alongside Resolution 3236?

At the same 22 November 1974 meeting, Resolution 3237 invited the PLO to take part in the Assembly's work "in the capacity of observer." It was adopted by 95 votes to 17 with 19 abstentions (United Nations General Assembly, 1948 to 1975). This was a different vote with a wider opposition, and it is not combined with the vote on 3236.

How much private Arab land did Israel's 1953 law expropriate?

In the first year of the 1953 Land Acquisition Law, 311,000 dunams were taken from private ownership, 304,700 of them from Arab owners, according to Forman and Kedar (2004). These figures are part of the roughly 1.2 million dunams expropriated that year and are not additions to it.

How much of that land was compensated?

Forman and Kedar (2004) report that compensation had been paid for 64,500 dunams by 1959 and awarded for about 170,000 by 1970 and 198,000 by 1988. They relay these totals from Liskovski (1959), Bauml (2002) and Kretzmer (1990).

Which body did Resolution 194 make responsible for the refugees?

Resolution 194 charged the UN Conciliation Commission for Palestine with facilitating repatriation, resettlement, rehabilitation and compensation. Its Technical Committee

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estimated the refugee population on 7 September 1949 (United Nations Conciliation Commission for Palestine, 1950).

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RELATED RESEARCH

DATA REPORT SEPTEMBER 29, 2026

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

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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.

DATA REPORT UPDATED AUGUST 17, 2026

Did Arabs Lose Property by Vacating It in 1948? Reading the Enacted Texts, the Claims Filed and the Valuations on Record

The 1950 absentee statute, the property claims the Conciliation Commission sampled in 1951, and the valuations on record, each named and dated.

DATA REPORT AUGUST 14, 2026

What Is the International Legal Basis for the Palestinian Right of Return? Reading the Four Named Instruments, the 1948 Vote and the Court Record

Four instruments carry the right-of-return claim. One is a ratified treaty, and the 1948 resolution passed 35 to 15 with 8 abstentions.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

What did the International Court of Justice order Israel to do? The 3 orders, vote by vote

The ICJ indicated 6 measures in January 2024, 2 more in March and 3 on Rafah in May. The text, the votes and the benches, order by order.

International Court of Justice | Genocide Convention | Provisional Measures | Gaza | South Africa v. Israel



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On 26 January 2024 the International Court of Justice indicated **6** provisional measures in South Africa v. Israel. Every one opens with the words "The State of Israel shall", and the first requires Israel to "take all measures within its power to prevent the commission of all acts within the scope of Article II" of the Genocide Convention.

The Court added 2 measures on humanitarian access on 28 March 2024 and 3 on Rafah, the Rafah crossing and investigators on 24 May 2024, reaffirming the earlier measures each time. The same January order states that the Court "is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred" at this stage. A March paragraph explains why no measure reaches anyone but Israel: the Court can bind only the parties before it.

Key Findings

- The International Court of Justice's order of 26 January 2024 indicated **6** measures addressed to the State of Israel. 4 were adopted by 15 votes to 2 and 2 by 16 votes to 1, on a 17-judge bench (International Court of Justice, 2024, paragraph 86).
- The same order states that a finding of any violation of the Genocide Convention "could be made by the Court only at the stage of the examination of the merits" (International Court of Justice, 2024, paragraph 30).
- On 28 March 2024 the 16-judge bench indicated, unanimously, that Israel ensure "the unhindered provision at scale" of food, water, fuel, shelter and medical care, "including by increasing the capacity and number of land crossing points" (International Court of Justice, 2024, paragraph 51).
- On 24 May 2024 the Court indicated, by 13 votes to 2 on a 15-judge bench, that Israel "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" (International Court of Justice, 2024, paragraph 57).
- South Africa's Application of 29 December 2023, a party's own pleading, requested 9 provisional measures under Article IX of the Genocide Convention. The Court indicated 6

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in January (Republic of South Africa, 2023).

What did the Court order Israel to do in January 2024?

The International Court of Justice indicated **6** provisional measures in its order of 26 January 2024, and every one opens with the words "The State of Israel shall". Paragraph 83 of the same order states that such orders "have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed."

The dispositif at paragraph 86 records the six measures below. Each vote is counted against a bench of 17 judges: 15 Members of the Court and 2 judges ad hoc.

Measure	Operative words, paragraph 86	Vote	Source
1. Prevention	"take all measures within its power to prevent the commission of all acts within the scope of Article II"	**15 to 2**	ICJ order, 26 January 2024
2. Military	"ensure with immediate effect that its military does not commit any acts described in point 1 above"	**15 to 2**	ICJ order, 26 January 2024
3. Incitement	"prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip"	**16 to 1**	ICJ order, 26 January 2024
4. Humanitarian	"take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance"	**16 to 1**	ICJ order, 26 January 2024
5. Evidence	"take effective measures to prevent the destruction and ensure the preservation of evidence"	**15 to 2**	ICJ order, 26 January 2024
6. Reporting	"submit a report to the Court on all measures taken to give effect to this Order within one month"	**15 to 2**	ICJ order, 26 January 2024

Measure 1 enumerates the acts it covers, in the Convention's own words: "(a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (d) imposing measures intended to prevent births within the group". Measure 2 then applies the same list to Israel's armed forces specifically and "with immediate effect".

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Measure 4 states its purpose: to "address the adverse conditions of life faced by Palestinians in the Gaza Strip". The order sets no tonnage, truck count or crossing number.

The 2 measures carried 16 to 1, incitement and humanitarian assistance, drew one more vote than the other 4. The section below on the benches identifies whose vote that was.

Who asked the Court to order measures, and on what treaty?

The Republic of South Africa, in an Application filed on 29 December 2023, asked the Court for **9** provisional measures. At paragraph 17 it grounded jurisdiction in "Article 36 (1) of the Court's Statute and Article IX of the Genocide Convention". The Application is a party's own pleading. It records what one state alleged and on which treaty, not what is established.

The Court did order measures in response. Paragraph 86 of the 26 January 2024 order indicates 6, each binding on Israel.

The comparison is between 9 measures requested and 6 indicated, and the indicated measures did not always take the requested form. South Africa's list included a measure addressed to both states: "The Republic of South Africa and the State of Israel shall each… take all reasonable measures within their power to prevent genocide". The Court did not indicate it in that mutual form. Every measure it indicated in January is addressed to the State of Israel alone, for the jurisdictional reason the March order gives at paragraph 44, set out below.

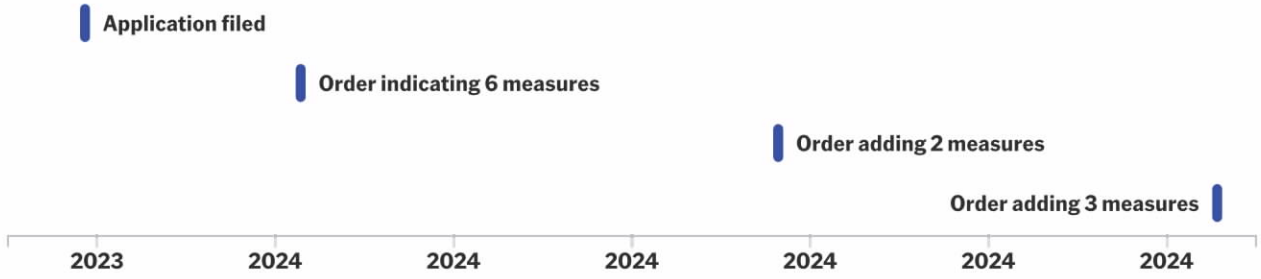
The treaty route rests on 3 facts the Application sets out. Paragraph 10 quotes Article IX, the Convention's dispute clause, in full. Paragraph 11 records that "Neither South Africa nor Israel has entered any reservation to Article IX". Paragraph 9 dates Israel's ratification of the Convention to 9 March 1950 and South Africa's accession to 10 December 1998.

The Application was signed at The Hague on 28 December 2023 by South Africa's Agent, Vusimuzi Philemon Madonsela. It was entered as General List No. 192. Paragraph 148 reserves "the right to revise, supplement or amend the terms of this Application, as well as the grounds invoked".

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The filing and the three orders, December 2023 to May 2024



Source: Republic of South Africa, 2023; International Court of Justice, 2024.

Did the January order decide whether genocide was occurring?

No. Paragraph 30 of the International Court of Justice's order of **26 January 2024** states that "the Court is not required to ascertain whether any violations of Israel's obligations under the Genocide Convention have occurred". It adds that "Such a finding could be made by the Court only at the stage of the examination of the merits of the present case."

What the Court did decide was narrower and procedural. Paragraph 35 sets the threshold: the Court "may exercise this power only if it is satisfied that the rights asserted by the party requesting such measures are at least plausible". Paragraph 36 adds that it "is not called upon to determine definitively whether the rights which South Africa wishes to see protected exist".

Paragraph 54 then records what the Court found plausible, and it is rights, not conduct: "In the Court's view, the facts and circumstances mentioned above are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are plausible. This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III, and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention."

Paragraph 30 also states the test the Court applied to the facts at this stage. That test is whether the alleged acts and omissions "appear to be capable of falling within the provisions of the Genocide Convention". The Court held that "at least some of the acts and omissions

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alleged by South Africa to have been committed by Israel in Gaza appear to be capable" of doing so.

Read together, the paragraphs separate two things. The order binds Israel to measures now. It leaves the question of whether any violation occurred to the merits. The Genocide Convention's connection to the Gaza question sets out the treaty text behind that plausibility threshold.

What did the March 2024 order add on food and crossings?

The International Court of Justice's order of 28 March 2024 added 2 measures, and the first was adopted **unanimously** by a 16-judge bench. It requires Israel to ensure "the unhindered provision at scale by all concerned" of urgently needed services and assistance, "including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary".

The dispositif at paragraph 51 states the reason in its opening words: "in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation". Measure 2(a) then lists what is to be provided: "food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza". It also requires this be done "without delay, in full co-operation with the United Nations".

Measure 2(b), adopted by 15 votes to 1, directs Israel to "Ensure with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Convention... including by preventing, through any action, the delivery of urgently needed humanitarian assistance". The order also reaffirmed all 6 January measures, by 14 votes to 2, and required a further one-month report, by 15 votes to 1.

The phrase "by all concerned" describes who provides the aid. It does not name a second party under the order. The addressee of measure 2(a), like every other measure, is the State of Israel.

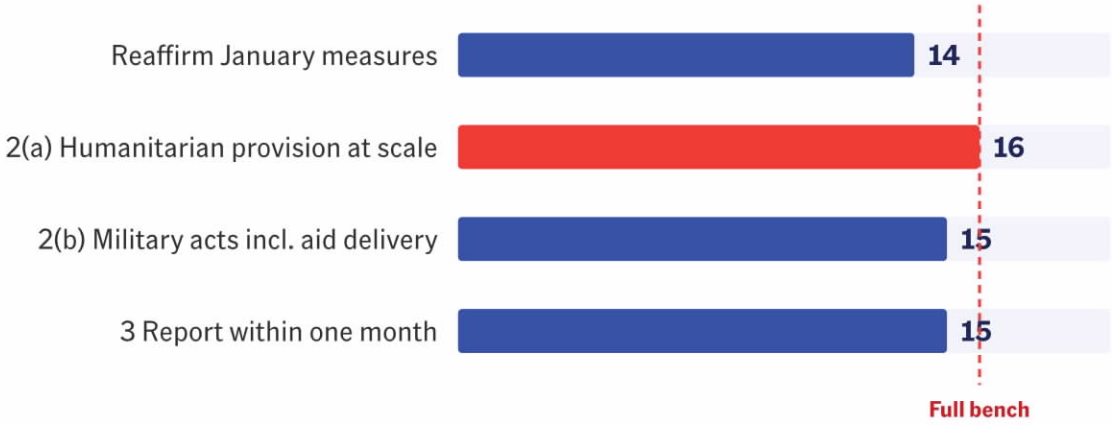
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One textual fact governs any close reading. The March order's attestation reads "Done in French and in English, the French text being authoritative". The English of paragraph 51 is therefore a translation of the governing text. The January and May orders are authoritative in English.

Votes in favour, order of 28 March 2024

BENCH OF 16 JUDGES, EACH POINT IN THE DISPOSITIF AT PARAGRAPH 51



Source: International Court of Justice, 2024, Order of 28 March 2024, paragraph 51.

What did the Court order about Rafah in May 2024?

The International Court of Justice's order of 24 May 2024 indicated further measures on Rafah, each by **13 votes to 2**.

The order set out three measures, and the bench that voted on them had 15 judges. The first requires 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 other 2 measures in the dispositif at paragraph 57 require Israel to "Maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance". They also require it to "Take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate

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allegations of genocide". All 3 open with the phrase "in view of the worsening conditions of life faced by civilians in the Rafah Governorate".

The scope of the halt measure is disputed, and the dispute turns on its relative clause, "which may inflict". One reading requires a halt to the offensive. The other requires a halt only to action of the described character. Five members of the bench appended separate texts to the order. Vice-President Sebutinde and Judge ad hoc Barak each appended a dissenting opinion, and Judges Nolte, Aurescu and Tladi each appended a declaration.

The May measures add to the earlier ones. They do not replace them. The order's first operative point "Reaffirms the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, which should be immediately and effectively implemented", also by 13 votes to 2. The 6 January measures and the 2 March measures therefore remain in force alongside the 3 Rafah measures.

The May order formally modifies the March order, not the January one. Its official title is "Request for the Modification of the Order of 28 March 2024".

Why do the majorities fall from fifteen to thirteen?

The dissenting vote held at **2** on the first operative point of each order, the International Court of Justice's own record shows.

Over the same period the bench shrank from 17 judges in January 2024 to 16 in March and 15 in May, so the majority fell by exactly the 2 seats the bench lost.

Expressed as shares of the bench, the majorities are nearly flat: 15 of 17 is 88.2%, 14 of 16 is 87.5% and 13 of 15 is 86.7%. The change in the raw count comes from who was sitting, not from votes changing sides.

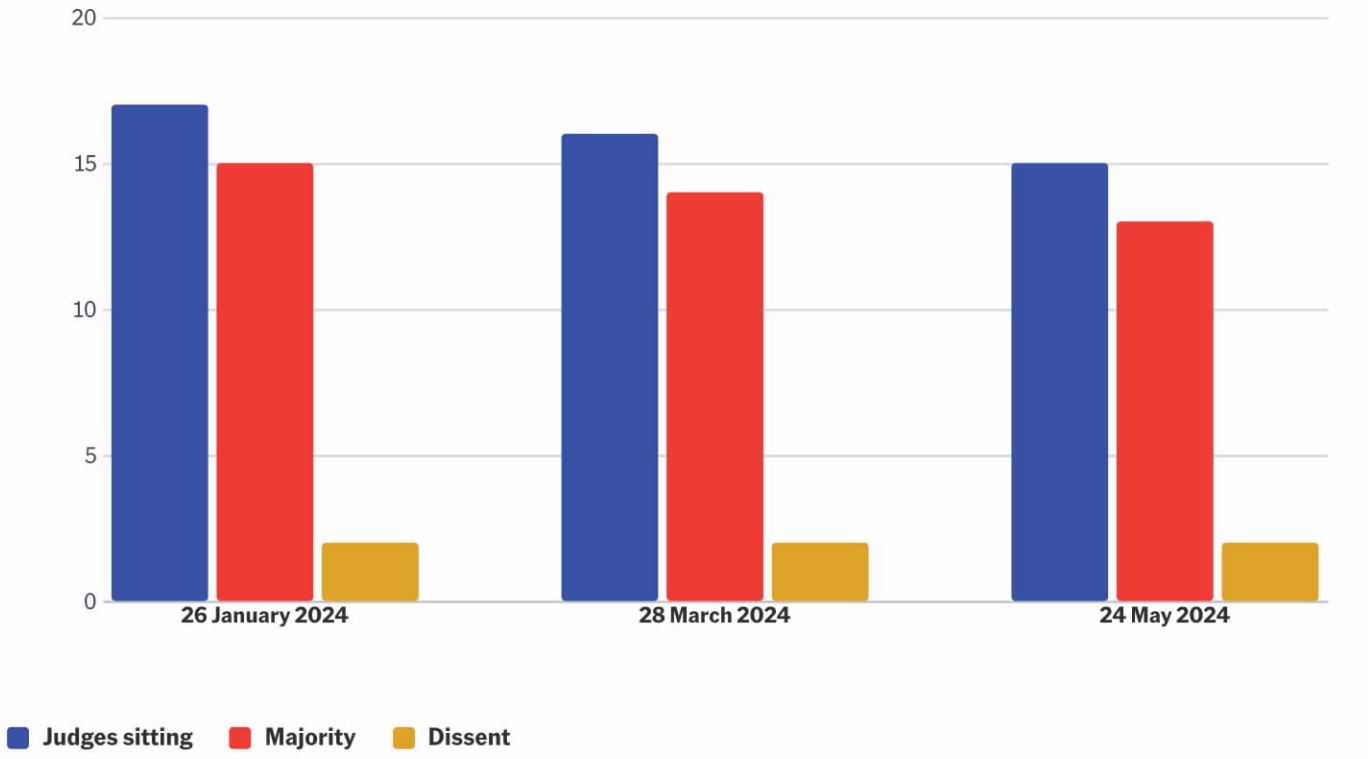
The bench changed for 2 recorded reasons. Judge ad hoc Dikgang Moseneke, chosen by South Africa, ceased to sit when Judge Tladi, a South African national, became a Member of the Court with effect from 6 February 2024. Judge Tomka did not sit on 24 May.

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Bench, majority and dissent on each order's first point

26 JANUARY, 28 MARCH AND 24 MAY 2024



Source: International Court of Justice, 2024, paragraphs 86, 51 and 57 and the Present line of each order.

The individual votes do not form a fixed bloc. Judge ad hoc Aharon Barak, chosen by Israel, voted in favour of the January incitement and humanitarian-assistance measures, both carried 16 to 1. He also joined the unanimous March measure on humanitarian provision at scale.

Judge Julia Sebutinde, listed as Vice-President Sebutinde in the March and May orders, dissented from all 6 January measures. In March she voted in favour of both new measures and the reporting decision while voting against the reaffirmation. In May she dissented throughout. Each order lists her votes under her title at the time, and "Judge Sebutinde" and "Vice-President Sebutinde" are the same person.

Which requested measures did the Court decline to order, and why?

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Paragraph 44 of the International Court of Justice's order of 28 March 2024 declined **3** measures South Africa had requested. The Court stated that it "may... indicate provisional measures to be taken by the parties, but not by third States or other entities", citing Article 59 of its Statute, under which a judgment has "no binding force except between the parties".

Paragraph 11 of the same order quotes the 3 declined requests. The first read: "All participants in the conflict must ensure that all fighting and hostilities come to an immediate halt, and that all hostages and detainees are released immediately." The second and third were addressed to "All Parties to the Convention". They asked those states to comply with their own obligations and to "refrain from any action, and in particular any armed action or support thereof, which might prejudice the right of the Palestinians in Gaza to be protected from acts of genocide."

The Court's reason is jurisdictional. Israel and South Africa are the only parties to General List No. 192. No Palestinian party is before the Court, so none could be bound. All the measures across the 3 orders are addressed to the State of Israel, and the Court gives Article 59 as the reason. The record of who brought the case and who answered it sets out the parties.

The Court did address the armed groups in Gaza, in its reasoning rather than its dispositifs. Paragraph 85 of the 26 January 2024 order reads: "The Court deems it necessary to emphasize that all parties to the conflict in the Gaza Strip are bound by international humanitarian law. It is gravely concerned about the fate of the hostages abducted during the attack in Israel on 7 October 2023 and held since then by Hamas and other armed groups, and calls for their immediate and unconditional release."

The March order at paragraph 50 and the May order at paragraph 56 each "reiterates its call for their immediate and unconditional release". So no measure was directed to any Palestinian party, and the Court referred to the hostages held by Hamas and other armed groups in all 3 orders.

What standard does the Israeli army set itself on civilians?

The Israel Defense Forces' published ethical code, The Spirit of the IDF, states under the value of Purity of Arms that a soldier "will not use their weapon or power to harm uninvolved

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civilians and prisoners and will do everything in their power to prevent harm to their lives, bodies, dignity and property." This is the army's own doctrine and records its stated standard.

The same value opens with a limit on force: "An IDF soldier will only exercise their power or use their weapon in order to fulfill their mission and only when necessary. They will maintain their humanity during combat and routine times." Under Human Life, the code says the soldier "will recognize the critical importance of human life". Under Discipline, it says the soldier "will ensure they are only giving out legal orders, and do not follow illegal orders."

The IDF states that the code, "together with the practical rules derived from it, constitutes the ethical code". Its other stated values include Professionalism, Camaraderie and a Sense of Mission.

The code's text sits beside the January measure addressed to the same institution. Measure 2 of the International Court of Justice's order of 26 January 2024 required Israel to "ensure with immediate effect that its military does not commit" the Article II acts listed in measure 1. The Court's paragraph 85 adds that "all parties to the conflict in the Gaza Strip are bound by international humanitarian law".

The comparison has a firm limit. The code shows what the IDF requires of its own soldiers. It is not evidence that any particular action complied with that standard or departed from it, and no figure can be derived from it. The Court's orders also make no finding on conduct. The March order at paragraph 49 and the May order at paragraph 55 are each "without prejudice to any findings concerning the Respondent's compliance".

What does Israel's own crossing record show after the orders?

COGAT, the Israeli Ministry of Defense unit that coordinates goods entering Gaza, published a truck-level record of **32,946** aid trucks between 21 October 2023 and 31 May 2024. That is a party's own operational count at its own inspection points, not independently verified, and it spans all 3 orders.

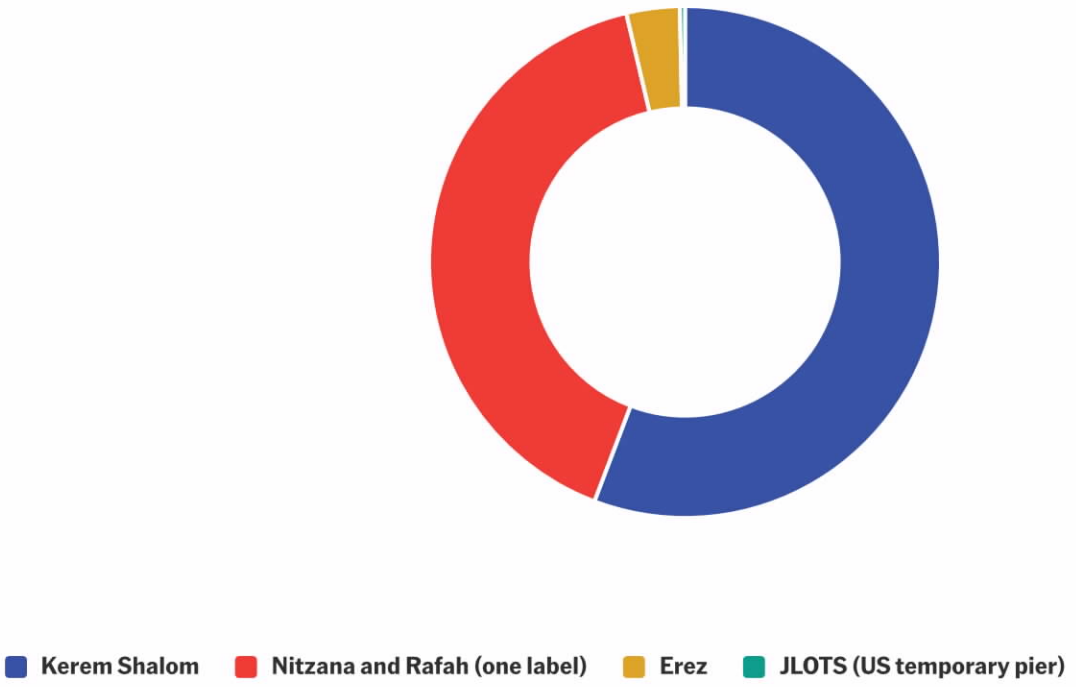
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The record's crossing column shows dated windows that line up with the orders' timing. Rows labelled Erez first appear on 17 April 2024, 20 days after the 28 March order called for "increasing the capacity and number of land crossing points", and run for 23 operating days. Kerem Shalom rows run from 12 December 2023 to 31 May 2024. Rows under the fused label "Nitzana\Rafah" end on 5 May 2024. These dates coincide with the orders. The record does not show that any order produced them.

Aid trucks by crossing label, October 2023 to May 2024

32,946 ROWS, ONE PER TRUCK; LABELS AS COGAT PUBLISHES THEM



Source: COGAT, 2026, Gaza Aid Data workbook, a party's own operational count, rows tallied by crossing label.

The labels need care. "Nitzana\Rafah" fuses an Israeli inspection point with the Egypt-Gaza crossing, so it cannot show where a given truck entered Gaza. JLOTS is the temporary United States pier, not an Israeli crossing. In the same series, daily totals range from 467 trucks on 9 April 2024 to 9 trucks on 8 May 2024.

COGAT's live dashboard, also its own record, contains one dated line about the period after this series: "According to the directive from the political echelon, no aid entered the Gaza

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Strip between March 2 to May 19 2025."

None of these figures establishes compliance or non-compliance. Israel filed reports under the reporting measures on 26 February 2024 and 29 April 2024, and South Africa filed observations on each. The later orders record the filings but do not publish their contents. The entry counts and the enacted standard are set out in detail elsewhere.

Where do legal scholars disagree about what the orders imply?

Nimer Sultany of SOAS University of London argued on 9 May 2024, in the peer-reviewed Journal of Genocide Research, that on a reading of intent he sets out "the conclusion should be that the threshold of intent is met, and Israel violated the Genocide Convention". Paragraph 30 of the Court's 26 January 2024 order reserves that question for the merits.

Sultany's argument, in "A Threshold Crossed", depends on the standard of proof. He calls the requirement that genocidal intent be the "only reasonable inference" from the evidence a "high legal requirement", and he argues for lowering it rather than defending it. His support is the Joint Declaration of Intervention filed on 15 November 2023 in The Gambia v. Myanmar by Canada, Denmark, France, Germany, the Netherlands and the United Kingdom. He describes it as asking the Court to "assess genocidal acts and intentions in a more holistic way." He concludes that if the six states' reading is "applied consistently, without double standards", the threshold is met.

Sultany also addresses what the orders mean for other states. He writes that "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." His article discusses paragraph 44 of the March order, the same paragraph in which the Court states it cannot address third states.

Marko Milanovic takes a different route on the same standard in "Proving Genocide", a commentary posted on EJIL:Talk! on 18 September 2025. EJIL:Talk! is the blog of the European Journal of International Law, and the commentary is not peer-reviewed. Milanovic writes that "The notion of an 'only reasonable inference' comes to international law from the

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jurisprudence of the first modern ad hoc criminal tribunals". He argues that the test follows from the criminal standard of proof.

On that basis, he writes, "Other fact-finders are not bound to apply a high standard of proof or ORI", including "governments, NGOs, academics, or ordinary people". Sultany asks the Court to apply a lower bar, while Milanovic limits the high bar to bodies applying the criminal standard. The Court has not stated which standard it will apply at the merits.

Methodology and limitations

This report draws on 5 types of source. The primary records are the full texts of the International Court of Justice's 3 orders indicating measures in General List No. 192 (26 January, 28 March and 24 May 2024), read from the Court's own files on 10 September 2026. Measures, votes and quotations come from the dispositifs at paragraphs 86, 51 and 57 and the reasoning paragraphs cited by number. Bench sizes are counted from each order's Present line.

South Africa's Application of 28 and 29 December 2023 is cited as a party's own pleading. The Genocide Convention and the Court's Statute are cited as treaty texts.

The Israel Defense Forces' code is cited as a party's own doctrine. COGAT's truck figures are row counts of its published "Humanitarian Aid" workbook, a party's own operational record. The crossing and content columns each partition the 32,946 rows exactly, and the totals are tallies of those published rows rather than figures COGAT states.

Tonnage from the same workbook is excluded. COGAT's own method statement of 9 July 2026 says it rests on "the self-declaration of humanitarian organizations and private sector providers", and the weight column takes only 8 banded values.

The 2 scholarly sources differ in status. Sultany (2024) is peer-reviewed. Milanovic (2025) is named-author blog commentary. Both are cited as named positions, not findings.

Several limits apply. The orders state that they are without prejudice to compliance, and Israel's 2 reports of February and April 2024 are not published in them. The March and May

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orders quote figures from other bodies, which are not carried here. The halt measure of 24 May 2024 has a disputed scope. The merits of the case remain undecided.

Conclusion

So what did the Court order Israel to do? In January 2024 it ordered Israel to prevent the 4 Article II acts its order lists, keep its military from committing them, prevent and punish incitement, enable aid and basic services, preserve evidence and report back. In March it ordered aid at scale through more land crossings. In May it ordered a halt in the Rafah Governorate, in words whose scope is disputed, an open Rafah crossing and access for UN-mandated investigators.

Each order adds to the ones before it. Each binds Israel, and none decides the merits, which paragraph 30 reserves. The dissent stayed at 2 while the bench went from 17 judges to 15. Every measure is addressed to Israel for the jurisdictional reason paragraph 44 gives, and the Court's call for the hostages' release appears in its reasoning in all 3 orders. Israel's own count of 32,946 trucks, a party's own record, places those dates on a timeline but does not show compliance either way.

That leaves the halt measure. A reader who remembers only that the Court told Israel to stop in Rafah carries one reading of a clause whose scope remains disputed. As the case moves toward a judgment on genocide itself, how much of what the public believes the Court ordered rests on the measures, and how much on the relative clause that was left out?

Frequently Asked Questions

What is a judge ad hoc, and who sat in this case?

Article 31 of the Court's Statute allows a party with no national among the Court's Members to choose a judge to sit for that case. The 26 January 2024 bench included 2 such judges, Aharon Barak for Israel and Dikgang Moseneke for South Africa, alongside 15 Members. A judge ad hoc votes on the same footing as a Member.

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Why does the January measure list four acts when Article II lists five?

Article II of the Genocide Convention defines 5 acts, the fifth being "forcibly transferring children of the group to another group". The enumeration in paragraph 86 of the 26 January 2024 order stops at (d), "imposing measures intended to prevent births within the group".

Are all three documents provisional measures orders?

Strictly, only the first is. The Court's official titles are "Provisional Measures, Order of 26 January 2024", a "Request for the Modification of the Order Indicating Provisional Measures" for 28 March, and a "Request for the Modification of the Order of 28 March 2024" for 24 May. Each later order modifies the one immediately before it.

Do the orders contain casualty or famine figures?

The March and May orders quote or summarise figures from the IPC Global Initiative, UNICEF, OCHA, WHO, WFP, UNRWA and the UN human rights office, and they recite each party's own claims. The Court measured none of these figures itself. They remain the counts of the bodies that produced them.

Did the March order already require the Rafah crossing to stay open?

The May order says it did. Paragraph 52 of the 24 May 2024 order holds that the March measure on provision "at scale by all concerned" already "necessitates that the Respondent maintain open land crossing points, and in particular the Rafah crossing".

Where are the orders published?

The 3 orders appear in I.C.J. Reports 2024 at pages 3, 513 and 649. They are cited by paragraph number because all 3 are paginated within one volume. The cross-references inside the later orders use the form "I.C.J. Reports 2024 (I)", which is also the Court's own.

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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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What does the UN say about Palestinian children? Two mechanisms and how each counts

The 2026 commission report carries 20,179 child deaths; a second UN mechanism verified 2,668. What each one counted, and where the figures came from.

Palestinian Children | Gaza Casualty Counts | Verification Standards | Genocide Convention | Commissions Of Inquiry



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The latest United Nations report on this question is the 2026 report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, titled "The essence of childhood has been destroyed", which states that Israeli authorities and security forces deliberately targeted Palestinian children and carries a figure of at least 20,179 Palestinian children killed between 7 October 2023 and 7 October 2025. A second and separate UN mechanism reporting in the same year, the Secretary-General's annual report on children and armed conflict, verified the killing of 2,668 Palestinian children in Gaza against its own incident-by-incident standard and recorded a further 4,588 reported child deaths as still pending verification. They measure different things, over different periods, to different standards, and only the second was produced by the body that published it.

Key Findings

- The Gaza Ministry of Health, the body whose registry supplies the child figures in circulation, published 15,613 children among 50,021 recorded deaths as of 23 March 2025, which is 31.2% of that total, including 872 who had not completed their first year and 247 born and killed during the war. These are the ministry's own counts on its own definitions.
- The ministry states five categories it does not count, among them the missing and bodies under rubble, the unidentified who reached hospitals, people buried by their families without passing through a hospital, and deaths in Gaza and North Gaza after its information system stopped in November 2023 (ministry statement of 7 January 2024).
- Jamaluddine and colleagues (2025), in a peer-reviewed capture-recapture analysis in The Lancet, estimated **64,260 deaths from traumatic injury** (95% confidence interval 55,298 to 78,525) for 7 October 2023 to 30 June 2024, against the 37,877 the ministry had reported by that date.
- The Israel Defense Forces' Military Advocate General's Corps reported 74 criminal investigations opened as at 3 August 2024, across five categories, none of which is defined by the age of the person harmed, alongside more than 1,000 incidents referred for factual assessment.

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- The Palestinian Central Bureau of Statistics projected 1,046,400 Gaza residents under 18 at mid-2023, 47% of the projected population of 2,226,544, the pre-war base against which any wartime child count is read.

What does the latest UN commission report say about children?

At least 20,179 Palestinian children were killed between 7 October 2023 and 7 October 2025, the figure carried in the 2026 report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, which states that Israeli authorities and security forces deliberately targeted Palestinian children and that the conduct amounted, in the Commission's determination, to genocide, crimes against humanity and war crimes in Gaza.

The report, a conference room paper (A/HRC/62/CRP.2) dated 18 June 2026 and titled "The essence of childhood has been destroyed", carries a companion figure of **44,143 Palestinian children injured** over the same two years. Rounded, the pair reads "more than 20,000" killed and "more than 44,000" injured; those are the same two figures, not a separate count.

Beyond the killing and maiming, the report addresses four further categories of conduct. It describes severe physical and mental harm, orphanhood, disability, repeated displacement and the collapse of schooling and health care, which it frames as the erasure of childhood itself. It addresses the arrest, detention and treatment of Palestinian children in Israeli custody. It states that Israeli security forces used sexual violence against children. And it records the destruction of schools and of infrastructure on which children depend.

For the West Bank the Commission reaches a different characterisation. There its finding is war crimes, not genocide or crimes against humanity, and it rests on a separate body of documentation covering killings by Israeli security forces and by settlers.

The Commission is an investigative mechanism established by the UN Human Rights Council, so what it issues is a commission determination rather than a court judgment. And the casualty figures it carries are not its own enumeration: the Commission did not count the dead.

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Is it often said the UN has proven deliberate targeting of children?

Yes, and the claim is directionally right: the Commission is a United Nations mechanism, and it did issue a deliberate-targeting finding in 2026. In the three provisional-measures orders the International Court of Justice issued during 2024, on 26 January, 28 March and 24 May, the Court stated plainly that the merits remained undecided.

Paragraph 30 of the January order reads: "At the present stage of the proceedings, the Court 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 of the present case." Paragraph 54 of the same order found plausible "the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III, and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention". What was found plausible there is a right, not an allegation.

The forum question is settled by treaty text. South Africa's application instituting proceedings, filed in the Registry on 29 December 2023, founds the Court's jurisdiction on Article IX of the Genocide Convention, records that Israel deposited its ratification on 9 March 1950 and South Africa its accession on 10 December 1998, and states at paragraph 11 that "Neither South Africa nor Israel has entered any reservation to Article IX." That clause is the route by which a dispute about a state's responsibility for genocide reaches a court at all.

What period and territory does the report actually cover?

Two dates and two territories. The Commission's 2026 report covers **7 October 2023 to 31 March 2026**, a span of roughly 30 months, and addresses the Occupied Palestinian Territory including East Jerusalem, with Gaza and the West Bank producing different characterisations from different evidence.

That span is not uniform. The Security Council's resolution 2803 (2025), adopted at its 10046th meeting on 17 November 2025 by 13 votes to none with 2 abstentions, endorsed the Comprehensive Plan to End the Gaza Conflict; Denmark's representative stated at that

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meeting, in the verbatim record, that the ceasefire entered into force on 10 October 2025. So the Commission's period contains roughly 24 months of active hostilities and around six months after the ceasefire took effect, while its child casualty figures stop at 7 October 2025, three days before the ceasefire.

The period matters most when the Commission's figures are set beside those of any other UN mechanism, because the Secretary-General's annual report on children and armed conflict runs on a calendar reporting year rather than on the full period since October 2023.

The period also sits awkwardly against the registry that supplies the numbers. The Gaza Ministry of Health stated on 7 January 2024 that it does not count victims in Gaza and North Gaza after its information system stopped functioning in November 2023, and the coverage footnote on its list to 29 March 2024 records that its own records reached only to 10 November 2023 for Gaza while extending to 29 March 2024 for the south, except Nasser hospital, to 14 February 2024. The opening weeks of the Commission's period are, on the ministry's own account, the weeks its registry captures least well.

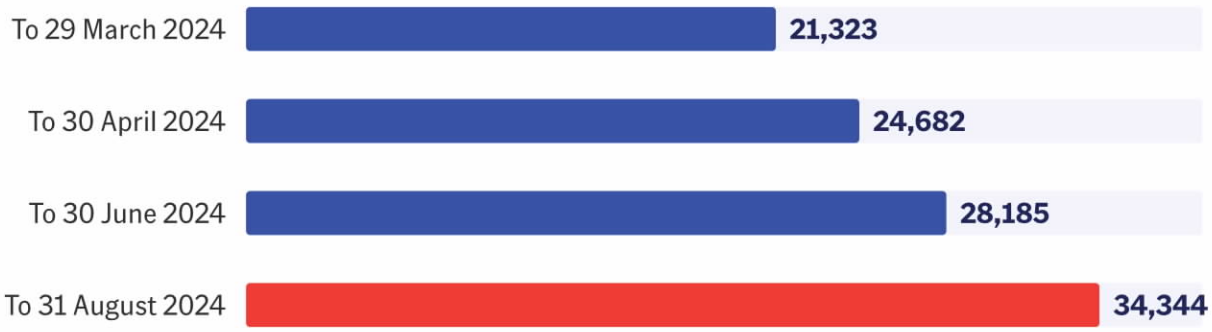
Where do the 20,179 and 44,143 child figures come from?

From the Gaza Ministry of Health's registry, not from any enumeration the Commission performed; the Commission's footnote cites an OCHA situation update and the ministry's own channel. The ministry publishes periodic name-by-name lists of decedents whose data it has completed, the largest of them **34,344 records to 31 August 2024**, alongside a daily statistical report carrying the cumulative totals, and it is a party to the war reporting its own count.

Records on the Gaza Ministry of Health's published lists
DECEDENTS WITH COMPLETE DATA, FOUR LISTS PUBLISHED DURING 2024

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Source: Gaza Ministry of Health, published martyr lists, 2024; the ministry's own counts.

The lists carry two intake channels, labelled in the ministry's own source column. Of the 21,323 records to 29 March 2024, 18,845 are marked as ministry records and 2,478 as notification by the martyrs' relatives. Of the 28,185 records to 30 June 2024, 22,368 are ministry records and 5,817 family notifications. Those two strata are the material from which every child figure in circulation is built, and the hospital stratum of the June list is the same 22,368-record list the peer-reviewed analysis discussed below used as one of its three inputs.

What the March, June and August lists publish per decedent is serial number, name, identity or document number, date of birth, sex, age and source; the April list omits date of birth and source. There is no date-of-death column in any of the four published martyr lists, and the ministry clarified on 29 July 2024 that the date of death was registered either on the family's report or on the date the body reached a hospital, with a committee later formed to audit it.

The ministry does publish child figures directly. On 23 March 2025 it reported 15,613 children among 50,021 recorded deaths, including 872 who had not completed a first year and 247 children born and killed during the war.

What does the Secretary-General's children report verify separately?

2,668 Palestinian children killed in Gaza, verified. That is the figure the UN Secretary-General's 2026 annual report on children and armed conflict reached through incident-by-

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incident verification, alongside a further 4,588 reported child deaths in Gaza that the same report recorded as still pending verification at publication.

This is a different mechanism from the Commission of Inquiry, with a different mandate and a different output. It counts categories of conduct it calls grave violations, and for the reporting year it verified 12,445 such violations against 5,663 children, of whom 5,649 were Palestinian, leaving 14 children in the count who were not. Alongside the Gaza figure it verified the killing of 57 Palestinian children in the West Bank including East Jerusalem, and the detention of 981 Palestinian children, 978 of them by Israeli armed and security forces and 3 by Palestinian Authority Security Forces.

The same report attributes 9,465 of the verified grave violations to Israeli armed and security forces and 326 to Israeli settlers, a breakdown Reuters reported on 17 June 2026.

Two things about this report are load-bearing for anyone comparing it with the Commission's. First, verification here is a standard, not a synonym for counting: the mechanism corroborates incidents and publishes what it could not corroborate as a separate residual rather than folding it into the total. Second, its reporting year is a calendar period, so its figures answer the question "what was verified during this year" and not "how many children have been killed since October 2023".

Why do the two UN child death counts differ so widely?

17,511. That is the arithmetic difference between the 20,179 the Commission carries and the 2,668 the Secretary-General's report verified, and three structural differences account for it, none of which requires either body to be wrong about anything.

The first is period. One figure is cumulative across two years; the other covers a single calendar reporting year. The second is standard. A verified count is produced incident by incident against a corroboration threshold, and the mechanism that produces it publishes what it could not yet corroborate separately: adding the 2,668 verified to the 4,588 pending gives 7,256, which is the reader's addition of two separately published figures and still about 36% of the Commission's number.

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The third is the registry itself. The ministry reported on 24 July 2024 that 28,185 records had complete data while a further 9,715 did not, and Jamaluddine and colleagues (2025) record 9,692 unidentified decedents in the ministry's 30 June 2024 update, 26% of its cumulative total at that point, which their analysis excluded.

Jamaluddine and colleagues (2025), applying three-list capture-recapture to hospital morgue records, the ministry's rolling online mortality survey and social media obituaries, estimated 64,260 deaths from traumatic injury for 7 October 2023 to 30 June 2024, with a 95% confidence interval of 55,298 to 78,525. Against the 37,877 the ministry reported by that date, the gap of 26,383 deaths is 41% of the 64,260 estimate. Their study reported age and sex only for the 28,257 decedents where those fields existed, of whom 16,699, or 59.1% of that subset, were women, children under 18 and people aged 65 and over.

Huynh, Chin and Spiegel published a Lancet correspondence in 2024, not a research article, whose own measurement compared 11,078 reported Gazan deaths against 101 reported UNRWA staff deaths over the 35 days to 10 November 2023. Its title is an absence claim, "No evidence of inflated mortality reporting", and its widely quoted range for accuracy in earlier conflicts carries no citation in the published text.

What does the record show for children in the West Bank?

241 Palestinian children have been killed by Israeli security forces and settlers in the occupied West Bank since 7 October 2023, on the verified count published by the UN human rights office in the Occupied Palestinian Territory in a press release of 12 June 2026. The Secretary-General's 2026 report separately verified 57 Palestinian children killed in the West Bank including East Jerusalem during its own reporting year.

Those two figures are consistent rather than competing, because one is cumulative across roughly 32 months to June 2026 and the other covers a single year. Both are UN counts verified case by case, the method the registers that count children in the West Bank use, rather than hospital-intake records like the Gaza figures above.

The State Comptroller of Israel conducted a follow-up audit of the Samaria and Judea District of the Israel Police, published in the State Comptroller Report of May 2022 and covering

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examinations from February to November 2021. It reports 12,865 cases opened in the district during 2020 for disturbing public order, security violations and damage to property, and 48,371 traffic tickets issued, of which 36,074 went to Palestinians, which the audit writes as about 75%. It publishes no complaint, investigation, indictment or conviction count for offences by Israeli civilians against Palestinians, and the Comptroller imposed confidentiality on sections of the report, so its published figures are a floor over a partially released document.

At a press briefing on 29 February 2024 the IDF Spokesperson reported about 3,400 people the IDF describes as terrorists apprehended by IDF forces together with the Israel Security Agency in Judea and Samaria since the start of the war, including 1,500 it describes as Hamas. That classification is the IDF's own, the figure is a party's own count, and it carries no breakdown by age.

The legal frame Israel applies in the territory is contested within its own government record. The commission established at the instruction of the Prime Minister and the Minister of Justice on 13 February 2012, reporting on 21 June 2012, concluded that "the classical laws of 'occupation' as set out in the relevant international conventions cannot be considered applicable" there.

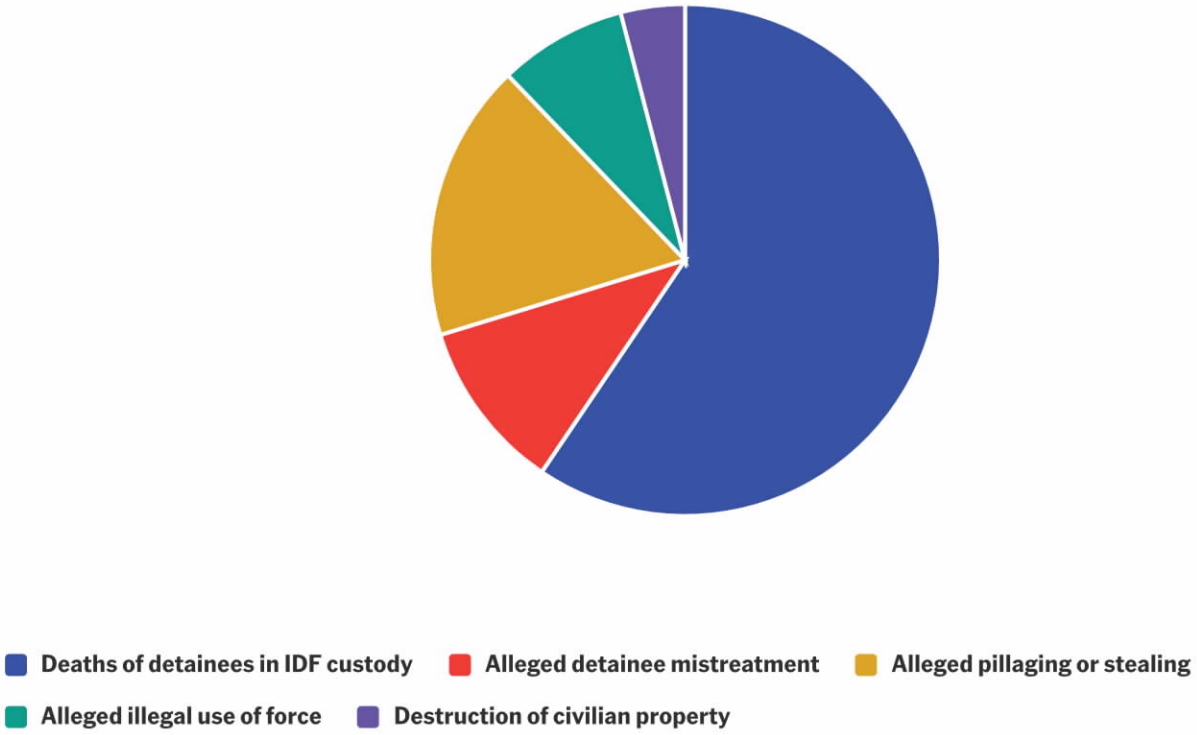
What does Israel's own record state about targeting children?

74 criminal investigations, across five categories, none of them defined by the age of the person harmed. That is what the Israel Defense Forces' Military Advocate General's Corps reported ordering as at 3 August 2024, alongside more than 1,000 incidents identified as requiring factual assessment and referred to the General Staff's Fact-Finding and Assessment Mechanism.

74 criminal investigations opened, by category
ISRAEL DEFENSE FORCES, MILITARY ADVOCATE GENERAL'S CORPS, AS AT 3 AUGUST 2024

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Source: Israel Defense Forces, Military Advocate General's Corps, 2024; the IDF's own count.

The Corps states the threshold it applies 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." These are investigations opened, not findings, indictments or convictions.

The standard the army sets for itself is published separately. The Spirit of the IDF 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 is doctrine, evidence of the stated requirement and not evidence of conduct measured against it.

On precautions the IDF states that it warns civilians by telephone calls, text messages and leaflets, performs roof knocking before striking a building, aborts strikes when civilians are present, and published a numbered evacuation-area map. It publishes no count of warnings

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issued, roof knocks performed or strikes aborted, so the measures are describable and their magnitude is not.

Where Israel does publish detailed counts, they concern aid rather than casualties. COGAT reported 1,778,363 metric tons of food entering Gaza between 10 October 2025 and 7 June 2026 and more than 18,000 tons of medicines and medical supplies since the ceasefire began, figures resting on self-declaration by suppliers rather than on weighing at the crossings.

Across the whole of that published record, no Israeli body publishes a count of Palestinian children killed.

Which forum could rule on these findings, and has one?

None has. The International Court of Justice has issued three orders on provisional measures in the case South Africa brought under the Genocide Convention, on 26 January, 28 March and 24 May 2024, and no court has entered a judgment on whether Palestinian children were deliberately targeted.

Those orders indicate measures without deciding anything. The January dispositif, at paragraph 86, directed six measures, each opening "The State of Israel shall", including, by 15 votes to 2, that it take all measures within its power to prevent the commission of acts within the scope of Article II of the Convention, and, by 16 votes to 1, that it enable the provision of urgently needed basic services and humanitarian assistance. The March order added two further measures, one of them adopted unanimously, and the May order three more, each by 13 votes to 2. The falling majorities track a shrinking bench, 17 judges in January, 16 in March and 15 in May, while the dissenting votes held at one or two.

The orders are addressed to one state for a jurisdictional reason the Court states itself. At paragraph 44 of the March order it recalled, quoting its 1993 order in Bosnia and Herzegovina v. Yugoslavia, that under Article 59 of its Statute a judgment binds only the parties, so it "may, for the preservation of those rights, indicate provisional measures to be taken by the parties, but not by third States or other entities who would not be bound by the eventual judgment". In the reasoning of all three orders the Court also called for the

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immediate and unconditional release of the hostages taken on 7 October 2023 and held since by Hamas and other armed groups, a call that appears in none of the operative measures.

Two routes exist for a determination on the merits. State responsibility runs through Article IX of the Genocide Convention to the International Court of Justice, the clause South Africa invoked in its 2023 application. Individual criminal liability runs separately through the Rome Statute.

Where do scholars disagree about findings of this kind?

Six states, Canada, Denmark, France, Germany, the Netherlands and the United Kingdom, argued in a Joint Declaration of Intervention of 15 November 2023 in The Gambia v. Myanmar that the "only reasonable inference" test for genocidal intent be read narrowly, within a holistic assessment of the evidence.

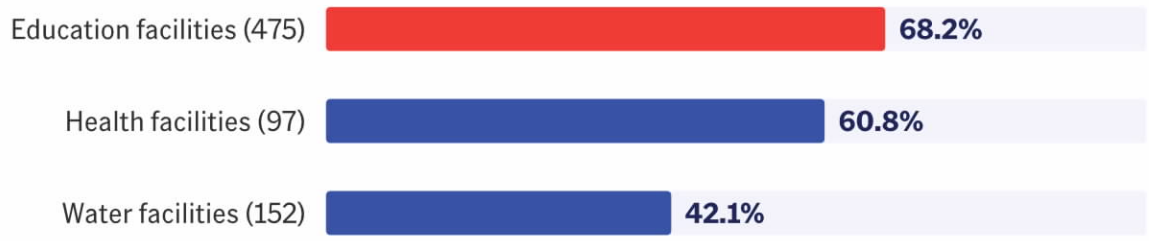
Sultany describes the six states' position as a demand "to lower the threshold required to determine intent" and states his own position on it directly: "If this interpretation is applied consistently, without double standards, the conclusion should be that the threshold of intent is met, and Israel violated the Genocide Convention by committing acts with the 'intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.'" His article is a legal argument and reports no measurement of its own.

Milanovic, writing in an editorially curated but not peer-reviewed post on the blog of the European Journal of International Law, traces the requirement to the jurisprudence of the criminal tribunals and draws the consequence: "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."

Share of facilities damaged in the first 46 days
GAZA STRIP, 7 OCTOBER TO 22 NOVEMBER 2023, SATELLITE RADAR CHANGE DETECTION

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Source: Asi and colleagues, 2024, peer-reviewed; denominators from open-source humanitarian inventories.

Asi and colleagues (2024), in peer-reviewed work in Conflict and Health, report those three shares for the 46-day first phase of the campaign, with 40.2% of education facilities functionally destroyed. Their clustering statistic measures the spatial distribution of detected damage and not intent, and their denominators come from humanitarian inventories rather than an official facility register. Hamamra, Mahamid and Mayaleh (2025), in a peer-reviewed qualitative study in the Journal of Health, Population and Nutrition, interviewed 30 displaced caregivers of children in the Rafah camps and coded six themes: malnutrition, disease in shelters, unsafe environments, weakened immunity and growth, inaccessible health care and daily struggle for basics. It examines no patients and reports no clinical series, and its conclusion that the crisis is "a deliberate outcome of the Israeli policies designed to undermine civilian survival" is the authors' reading of interview themes rather than a measured attribution.

Two named Israeli research bodies reject the characterisation. The Jerusalem Center for Security and Foreign Affairs published "The Death of Genocide" in 2025, deriving a ceiling of at most 41,000 civilian war-related deaths by subtracting estimated natural deaths and Israel's own count of fighters killed from the ministry total, and stating on the same page that neither input has been independently confirmed. NGO Monitor, an advocacy-mission organisation, reported in its 2024 annual report that it identified 157 groups in the United States linked to what it calls an anti-Israel network.

Methodology

This report draws on five kinds of source, each labelled where it appears. Primary and official records: the Genocide Convention, the three 2024 orders of the International Court of Justice

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on provisional measures, South Africa's 2023 application instituting proceedings, Security Council resolution 2803 (2025) with its recorded vote, the State Comptroller of Israel's May 2022 audit chapter, and the 2012 report of the commission appointed to examine the legal status of building in Judea and Samaria. A party's own reported counts: the Gaza Ministry of Health's published martyr lists, daily statistical report and annual health reports; the Israel Defense Forces' Military Advocate General's Corps, its Spokesperson's briefings, its ethical code and its stated precautions; and COGAT's ceasefire reporting. Peer-reviewed research: Jamaluddine and colleagues (2025), Asi and colleagues (2024) and Hamamra, Mahamid and Mayaleh (2025). A journal forum contribution: Sultany (2024). Non-peer-reviewed academic commentary: Huynh, Chin and Spiegel (2024), which is a Lancet correspondence, and Milanovic (2025), a blog post. Named research institutes with stated missions: the Jerusalem Center for Security and Foreign Affairs and NGO Monitor.

Four limitations bear directly on every figure here. The Gaza Ministry of Health's registry excludes, on the ministry's own statement of 7 January 2024, the missing and bodies under rubble, the unidentified who reached hospitals, the unidentified whose bodies were returned, people buried by families without passing through a hospital, and deaths in Gaza and North Gaza after its information system stopped in November 2023. Its lists publish date of birth rather than date of death, and its own clarification of 29 July 2024 records that the death date was registered on the family's report or on arrival at a hospital. The ministry adds records to its cumulative total by administrative approval months after the event: 233 records on 23 March 2025, 280 on 30 August 2025, 160 during August 2026.

Denominators differ and do not travel between sources. The Palestinian Central Bureau of Statistics projected 1,046,400 Gaza residents under 18 at mid-2023, 47% of a projected population of 2,226,544, itself a projection off the 1 December 2017 census that counted 1,899,291 residents in the Strip. The Bureau's own footnote states that its estimates were prepared before 7 October 2023 and revises the later population downward. Any share of children among the dead is a wartime numerator read against a pre-war projected base.

No court has ruled on the conduct described in the 2026 Commission report, and the evidentiary threshold for inferring intent is disputed in the legal literature, where Sultany (2024) and Milanovic (2025) each argue against applying the criminal tribunals' standard as it has been read.

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Frequently Asked Questions

Which UN body produced the 20,179 figure, and did it count the dead itself?

The figure appears in the 2026 report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel. The Commission did not perform the enumeration; the underlying record is the Gaza Ministry of Health's registry, which is that ministry's own count on its own definitions and is not independently verified.

How does a verified UN count differ from a reported one?

The Secretary-General's monitoring and reporting mechanism corroborates each incident against a standard before including it, and publishes what it could not yet corroborate as a separate residual, 4,588 reported child deaths in Gaza in its 2026 report. A reported aggregate drawn from a mortality registry carries no such residual and no incident-level corroboration.

Why is the number of children detained reported separately from the number killed?

Detention is one of the categories of conduct the Secretary-General's children and armed conflict mechanism counts as a grave violation, and it verified 978 Palestinian children detained by Israeli armed and security forces in the 2025 reporting year covered by its 2026 report. Killing, maiming, detention, abduction, attacks on schools and hospitals and denial of humanitarian access are counted as distinct categories rather than summed.

Does the Gaza Ministry of Health publish the age of each person on its lists?

It publishes date of birth, sex and age per decedent on its completed-data lists, though not date of death.

Has any Israeli body investigated the deaths of children specifically?

The Military Advocate General's Corps reported 74 criminal investigations opened as at 3 August 2024, in five categories defined by the alleged conduct rather than by the age of the person harmed, so no subset of them is published as concerning children. The Corps also

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states the threshold that produces the count: civilian death or injury in armed conflict does not by itself indicate a reasonable suspicion of criminal conduct.

Why do West Bank child figures run so much lower than Gaza figures?

Each is a separate count of separate events, produced by different machinery. Gaza figures derive largely from the ministry's hospital-intake registry, while the West Bank figures in UN material are verified case by case: 241 children killed since 7 October 2023 on the UN human rights office's count of 12 June 2026, and 57 in the Secretary-General's single reporting year.

What would it take for a court to rule on a deliberate-targeting finding?

State responsibility for genocide reaches the International Court of Justice through Article IX of the Genocide Convention, the clause South Africa invoked in December 2023, and individual criminal liability runs separately through the Rome Statute. The Court's three 2024 orders indicated provisional measures and expressly reserved the merits, so neither route has yet produced a judgment.

Conclusion

A reader who asks what the latest UN report found about Palestinian children is asking about one document, and the record answers with two. The Commission of Inquiry reported in June 2026 that Israeli authorities and security forces deliberately targeted Palestinian children, carrying 20,179 killed and 44,143 injured across the war's first two years. The Secretary-General's mechanism, reporting the same year against a corroboration standard, verified 2,668 Palestinian children killed in Gaza, 57 in the West Bank including East Jerusalem and 978 detained by Israeli forces, and published 4,588 further reported deaths as not yet verified. Both are United Nations documents. Neither is wrong about what it measured.

What sits beneath both is a single registry maintained by a party to the war, which publishes its own lists, its own child aggregates and its own list of what it does not count. Its 15,613 children among 50,021 deaths as of March 2025 is the ministry's figure. Its exclusion of the missing, the unidentified and the family-buried is the ministry's statement. The one peer-reviewed test run against it estimated 64,260 traumatic-injury deaths where the ministry

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had reported 37,877, a gap in the direction of undercounting. On the other side, the Israeli record publishes 74 investigations under a threshold it states plainly, a code requiring that soldiers do everything in their power to prevent harm to civilians, and no child count at all. No court has ruled, and the six states that argued in The Gambia v. Myanmar in November 2023 for reading the inference standard narrowly were arguing about how a court weighs exactly this kind of evidence.

A child killed in Gaza is counted once by a ministry, once by a commission relaying that ministry, perhaps once by a mechanism that corroborates the incident, and perhaps not at all if the body never reached a hospital. The same death yields a different number depending on which register reaches it, and the registers disagree by a factor of seven. When a society argues over whether children were deliberately targeted, and the central quantity in that argument is a figure whose producer excludes five categories of the dead by its own account, what exactly is being argued over: what happened to the children, or which register managed to record them?

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Human Rights Watch released its apartheid report on 27 April 2021 and Amnesty on 1 February 2022; an NGO forum used the phrase in 2001.

Apartheid | Human Rights Watch | Amnesty International | B'Tselem | Durban Conference



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Human Rights Watch, a monitoring and advocacy organization, published its finding that "Israeli authorities are committing the crimes against humanity of apartheid and persecution" on 27 April 2021. Amnesty International, also an advocacy organization, followed on 1 February 2022 with a 280-page report that dates the system it describes to 1948. The Israeli group B'Tselem reached its own apartheid conclusion in January 2021, about 3 months before Human Rights Watch. An NGO Forum text issued in Durban on 3 September 2001 had already declared Israel "a racist, apartheid state," and "apartheid state" is the phrase Human Rights Watch's 2021 report set aside as "not defined in international law."

Key Findings

- Human Rights Watch released "A Threshold Crossed" on 27 April 2021, and Amnesty International published "Israel's Apartheid against Palestinians" on 1 February 2022, **280 days** later (Human Rights Watch, 2021; Amnesty International, 2022).
- B'Tselem's position paper of January 2021 concluded that "the bar for labeling the Israeli regime as apartheid has been met," about 3 months before the Human Rights Watch report (B'Tselem, 2021).
- The NGO Forum Declaration issued at Durban on 3 September 2001 states in paragraph 162, "We declare Israel as a racist, apartheid state," 20 years before the Human Rights Watch report (WCAR NGO Forum, 2001).
- The Durban Declaration that governments adopted on 8 September 2001 contains the word "Zionism" 0 times across the 153 pages of its official edition (World Conference against Racism, 2001).
- A peer-reviewed 2013 article in the European Journal of International Law found "strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory," 8 years before the Human Rights Watch report (Dugard and Reynolds, 2013).

When did Human Rights Watch and Amnesty first allege apartheid?

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Human Rights Watch released "A Threshold Crossed" on 27 April 2021, stating on its Jerusalem-datelined page that "Israeli authorities are committing the crimes against humanity of apartheid and persecution." Amnesty International published "Israel's Apartheid against Palestinians" on 1 February 2022, **280 days** later. The order usually given for the two organizations, Human Rights Watch in 2021 and Amnesty in 2022, matches the dates the documents themselves carry.

The cover of the Human Rights Watch report reads "APRIL 2021," and the report carries ISBN 978-1-62313-900-1. Its landing page calls it "The 213-page report." Counting the cover and annexes, the PDF runs to 224 pages. Its front matter states the organization's mission: "We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice."

Amnesty International's report carries the index number MDE 15/5141/2022 and runs to 280 pages. Its back cover reads "FEBRUARY 2022." Its inside cover describes Amnesty as "a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights." By their own descriptions, both organizations are monitoring and advocacy bodies, and each finding is that body's own conclusion.

The two documents make findings of crimes under international law. Neither is a declaration about the identity of a state. Human Rights Watch attributed its finding to conduct by "Israeli authorities." Amnesty attributed an "institutionalized regime" to the state itself.

The wording differs, and so does the reach. The 280 days separate two claims of different scope, not one claim made twice. A section-by-section account of how each report builds its case is in what the apartheid reports argue.

Which human rights group reached the conclusion first, and when?

B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, a monitoring and advocacy organization, published a position paper in January 2021 concluding that "the bar for labeling the Israeli regime as apartheid has been met." That was

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about **3 months** before Human Rights Watch's release of 27 April 2021. The paper's text carries no date; its PDF title gives January 2021, and no captured page gives a day.

The premise holds that major human rights organizations adopted the term in 2021 and 2022, and the first of them in that window was Israeli. B'Tselem's 8-page paper is titled "A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid." Its starting premise, in its own words, is that "More than 14 million people, roughly half of them Jews and the other half Palestinians, live between the Jordan River and the Mediterranean Sea under a single rule." That population figure is B'Tselem's own framing count.

The paper defines apartheid in one sentence: "A regime that uses laws, practices and organized violence to cement the supremacy of one group over another is an apartheid regime." Under its own headings it identifies 4 methods:

- immigration
- the taking of land
- restrictions on Palestinians' freedom of movement
- the denial of political participation

It adds that "What defines apartheid is not statements but practice."

This is a position paper, not a treaty analysis. It refers in general terms to "international conventions," but it does not test the Apartheid Convention or Rome Statute definitions element by element. Its conclusion concerns "labeling" rather than the legal elements of a crime.

Its scope is the widest of the three documents published in 2021 and 2022: a single regime over the whole area, Israel and the occupied territories together. B'Tselem describes the paper as "a call for change." Its last page states that the organization is "Supported primarily by funding from foreign states."

Three apartheid conclusions in 13 months
PUBLICATION DATES; B'TSELEM'S PAPER IS DATED TO THE MONTH ONLY

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Source: B'Tselem, 2021; Human Rights Watch, 2021; Amnesty International, 2022.

Did Human Rights Watch actually call Israel an apartheid state?

Human Rights Watch's April 2021 report states that it does not set out "to determine whether Israel is an 'apartheid state'", and it describes that phrase as "a concept that is not defined in international law." Its finding concerns a crime committed by authorities. It places all **3** elements of that crime together only "In the OPT, including East Jerusalem."

The question's own wording, "an apartheid state," is therefore a phrase the earlier of the two major international reports set aside in its text. The same sentence says the report does not "compare Israel with South Africa under apartheid."

In place of that comparison, it applies a legal test drawn from the Apartheid Convention and the Rome Statute. The test has three parts: "an intent to maintain a system of domination by one racial group over another; systematic oppression by one racial group over another; and one or more inhumane acts, as defined, carried out on a widespread or systematic basis pursuant to those policies."

The report draws a precise territorial line. Human Rights Watch writes that "the Israeli government has demonstrated an intent to maintain the domination of Jewish Israelis over Palestinians across Israel and the OPT." Only in the occupied territory, it continues, "that intent has been coupled with systematic oppression of Palestinians and inhumane acts committed against them. When these three elements occur together, they amount to the crime of apartheid." On the report's own terms, the intent element reaches inside Israel and the full crime does not.

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The report makes a second finding: "Israeli officials have also committed the crime against humanity of persecution." It summarises the customary-law elements of persecution as "severe abuses of fundamental rights committed on a widespread or systematic basis" together with "discriminatory intent." The abuses it lists are:

- "the widespread confiscation of privately owned land"
- "the effective prohibition on building or living in many areas"
- "the mass denial of residency rights"
- "sweeping, decades-long restrictions on the freedom of movement and basic civil rights"

How far back does Amnesty date the system it describes?

Amnesty International's February 2022 report dates the system it describes to **1948**. It writes that Israel "has established and maintained an institutionalized regime of oppression and domination of the Palestinian population for the benefit of Jewish Israelis." It calls that regime "a system of apartheid," in force "wherever it has exercised control over Palestinians' lives since 1948."

That finding reaches further than Human Rights Watch's, made 280 days earlier, in both time and place. Amnesty's scope covers Palestinians in Israel, in the occupied territory and, as refugees, outside both. It finds apartheid inside Israel as well as in the occupied territory, while Human Rights Watch found the full crime only in the occupied territory.

Amnesty applies 3 instruments, which it names as "the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention) and the Rome Statute of the International Criminal Court (Rome Statute)."

It examined 4 components of the system: "territorial fragmentation; segregation and control; dispossession of land and property; and denial of economic and social rights." It found that the inhuman or inhumane acts it documented "amount to the crime against humanity of apartheid under both the Apartheid Convention and the Rome Statute." It also

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states that "the State of Israel considers and treats Palestinians as an inferior non-Jewish racial group."

Feature	Human Rights Watch, April 2021	Amnesty International, February 2022	Source
Where the full crime is found	**Occupied territory**, including East Jerusalem	**Israel and the occupied territory**	Human Rights Watch, 2021; Amnesty International, 2022
Populations in scope	Palestinians in Israel and the occupied territory	Palestinians in Israel, the occupied territory and **refugees outside both**	Human Rights Watch, 2021; Amnesty International, 2022
Instruments applied	Apartheid Convention, Rome Statute, customary law	ICERD, Apartheid Convention, Rome Statute (**3** treaties)	Human Rights Watch, 2021; Amnesty International, 2022
The phrase "apartheid state"	**Set aside** as "not defined in international law"	Writes "a system of apartheid" **since 1948**	Human Rights Watch, 2021; Amnesty International, 2022

Both organizations concluded that Israeli authorities commit the crime of apartheid. They differ on where that crime is committed and since when.

Did NGOs call Israel an apartheid state before 2021?

The NGO Forum Declaration issued at Durban on 3 September 2001 states in paragraph 162: "We declare Israel as a racist, apartheid state." That was **20 years** before Human Rights Watch's report. The forum met alongside the World Conference against Racism from 28 August to 1 September 2001, and its text describes itself as "the outcome of an international process before and during the NGO Forum."

The full paragraph continues: "in which Israels [sic] brand of apartheid as a crime against humanity has been characterized by separation and segregation, dispossession, restricted land access, denationalization, 'bantustanization' and inhumane acts."

Other paragraphs use related language:

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- **Paragraph 98** calls the occupation "colonialist, discriminatory" and refers to "other racist methods amounting to Israel's brand of apartheid and other racist crimes against humanity."
- **Paragraph 160** calls for an end to "the Israeli systematic perpetration of racist crimes including war crimes, acts of genocide and ethnic cleansing."

The accompanying Programme of Action calls "for the reinstitution of UN resolution 3379 determining the practices of Zionism as racist practices." It also calls on the international community "to impose a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa." The Programme's paragraph numbers differ by 1 between surviving copies, so those two passages are identified here by their text.

The document's status determines what it can show:

- The Conference never adopted it, and it is not a United Nations document.
- The forum had no continuing secretariat, and the Conference's Secretary-General declined to commend the text to governments.
- No issuing body publishes it. Every readable copy sits on a third-party host, and 3 such copies were read on 19 August 2026.
- Its Declaration runs to roughly 194 paragraphs, and its Programme of Action runs past 470.

As a record, it establishes what forum participants wrote and circulated at Durban in 2001. It is the earliest dated NGO document using "apartheid state" about Israel among the sources examined here.

How did governments respond to the 2001 Durban language?

US Secretary of State Colin L. Powell withdrew the American delegation from the World Conference against Racism on 3 September 2001. He objected to "declarations containing hateful language," including language that "suggests that apartheid exists in Israel." Governments adopted their own Durban Declaration **5 days** later, on 8 September 2001, after the American delegation had left.

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The State Department published Powell's full sentence as the United States' own account of its decision: "I know that you do not combat racism by conferences that produce declarations containing hateful language, some of which is a throwback to the days of 'Zionism equals racism;' or supports the idea that we have made too much of the Holocaust; or suggests that apartheid exists in Israel; or that singles out only one country in the world, Israel, for censure and abuse." He said he had acted "with regret, because of the importance of the international fight against racism."

The Conference's press release RD/D/27, dated 3 September 2001, is headed "United States, Israel Announce Withdrawal from Conference." It records that "the United States and Israel announced that they were withdrawing their delegations from the Conference." It also records that Conference President Nkosazana Dlamini Zuma and Secretary-General Mary Robinson "expressed regret over the withdrawal."

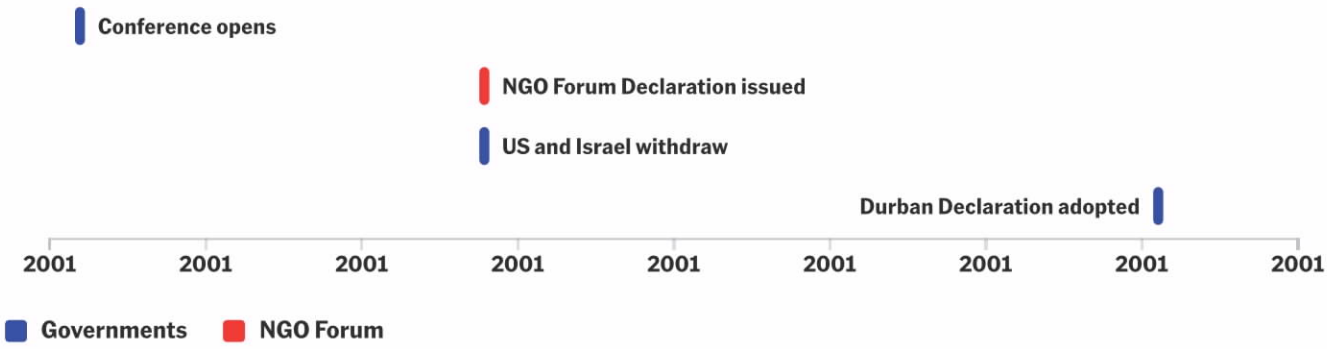
The Israeli Foreign Ministry's 2001 page on the Conference no longer resolves; as of 19 August 2026 it redirected to the ministry's current landing page. Israel's withdrawal therefore rests on the Conference's own record.

Because the withdrawal came first, Powell's words refer to draft and forum texts current on 3 September, not to the instrument adopted afterwards. The official UN edition of that adopted Declaration runs to 122 paragraphs, and the word "Zionism" appears 0 times across its 153 pages. Israel is named once in its operative Middle East paragraphs, in Declaration paragraph 63, which reads in full: "We are concerned about the plight of the Palestinian people under foreign occupation. 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, and call upon all States to support the peace process and bring it to an early conclusion;"

Nine days at Durban, 2001
FORUM TEXT, WITHDRAWALS AND ADOPTION, BY DATE

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Source: World Conference against Racism, 2001; WCAR NGO Forum, 2001; US Department of State, 2001.

Did legal scholars apply the apartheid treaty test before 2021?

John Dugard and John Reynolds published a peer-reviewed article in the European Journal of International Law in 2013. It concluded that "there are indeed strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory." That was **8 years** before Human Rights Watch's report. The article reads the 1965, 1973 and 1998 instruments against Israeli law and practice in the West Bank, East Jerusalem and Gaza.

The article is refereed legal argument. It counts and samples nothing.

On the group element, the authors write that "the interpretation of racial groups as developed in international law appears sufficiently broad to understand Jewish Israelis and Palestinian Arabs as distinct groups," because "the question of racial groups is a sociological rather than a biological one." That conclusion concerns the two groups in relation to each other, and the authors state it with the qualifier "appears."

On the 1973 Apartheid Convention's reference to apartheid "as practised in southern Africa," they write that the Convention "was not intended to be confined to those circumstances." Their territorial scope matches the area where Human Rights Watch would later find the full crime. Both the 2013 article and the 2021 report confine that finding to the occupied territory. The broader treaty question is examined in the apartheid definition under international law.

The article discloses its lead author's position. Dugard's author footnote records that he was Special Rapporteur on the human rights situation in the Occupied Palestinian Territory to

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the Commission on Human Rights and the Human Rights Council from 2001 to 2008, and a judge ad hoc of the International Court of Justice. He was writing on the mandate he had held.

The same journal issue carries a peer-reviewed reply, pages 915 to 928, titled "A Reply to John Dugard and John Reynolds" (Zilbershats, 2013). Zilbershats argues that the analysis conflates sovereign territory with belligerent occupation and sets aside the armed-conflict context. The two articles stand side by side in the 2013 record, and the treaty question they dispute is the one Human Rights Watch applied in 2021.

Did a UN body publish an apartheid report before the NGOs?

The Times of Israel reported on 17 March 2017 that Rima Khalaf, Executive Secretary of the UN Economic and Social Commission for Western Asia, had resigned. Her commission's report concluding that Israel had established "an apartheid regime" had been withdrawn at the UN Secretary-General's request. That was **4 years** before Human Rights Watch's report.

The Times of Israel names the report's authors as Richard Falk and Virginia Tilley. The report was published in March 2017 and withdrawn within the same month. The newspaper's headline placed "apartheid Israel" in quotation marks, attributing the phrase to the report rather than adopting it.

The withdrawal is the institutional record. Because the Secretary-General asked for the report to be withdrawn, it stands as a commissioned document that was retracted, not as a finding of the United Nations. Its conclusion belongs to its authors.

In the sequence of dated documents, the 2017 report falls:

- 16 years after the Durban NGO Forum text
- 4 years after the Dugard and Reynolds article
- just under 4 years before B'Tselem's January 2021 paper

It is the one document in that sequence issued inside an intergovernmental body and then withdrawn by it. Its operative term, "an apartheid regime," is the same noun B'Tselem's 2021

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definition turned on ("an apartheid regime"). It differs from the "apartheid state" phrasing of the 2001 forum text.

The account here rests on Israeli press reporting of the resignation and withdrawal, dated to the day of the resignation. The withdrawn report itself is named, not relied on, and none of its contents beyond the conclusion the newspaper quoted is carried here.

Did Israeli officeholders use the word before the NGO reports?

Yossi Sarid, a former Israeli minister, published a Haaretz column on 25 April 2008 titled "Yes, It Is Apartheid." That was about **13 years** before B'Tselem's January 2021 paper. It applies the word in the present tense, and it was made after Sarid had left office.

Earlier uses in that record are warnings rather than descriptions:

- **Yitzhak Rabin, 1976.** In an interview recorded by his press secretary and first published in the documentary "Rabin: In His Own Words," he warned that Israel could not hold "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 reported the remark on 25 September 2015. Rabin prefaced it, "this I ask really not be used."
- **Ehud Olmert, 2007.** As prime minister, he told Haaretz on 29 November 2007 that Israel facing "a South African-style struggle for equal voting rights" would mean "the State of Israel is finished." The word apartheid is not in his words. A Boston Globe headline of 30 November 2007 supplied it.

Later uses before 2021 mix the two forms:

- **Ehud Barak, 2010.** As defence minister, he told the Herzliya Conference in February 2010, as reported by Tablet, "If this bloc of millions of Palestinians cannot vote, that will be an apartheid state." This is a conditional warning, and it uses the question's exact phrase.
- **Alon Liel, 2013.** He told the Times of Israel on 21 February 2013 that the West Bank occupation "is a sort of Israeli apartheid."

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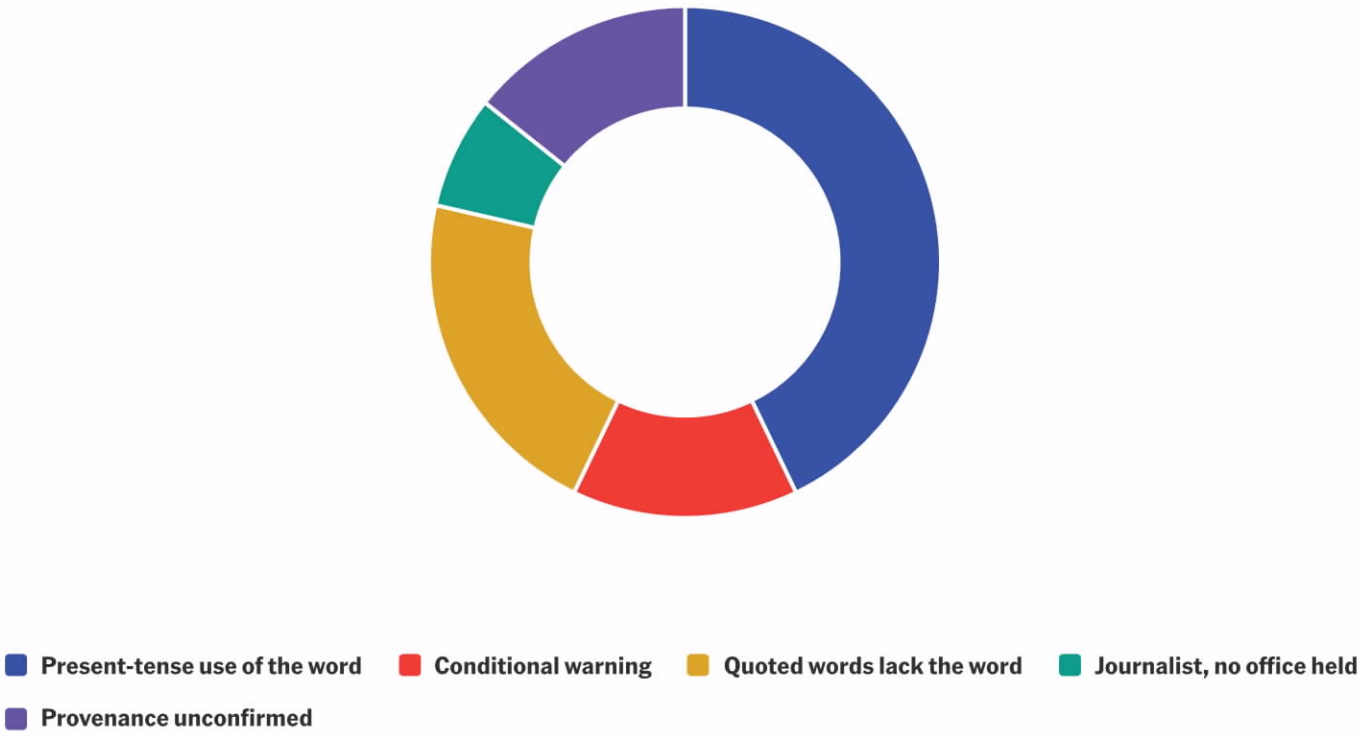
The most-circulated roster, Zachary Foster's "15 Former Israeli Leaders Call it Apartheid" (Palestine Nexus, 2024), lists 14 entries under a title of fifteen. Checked entry by entry against its linked reporting on 23 September 2026, the Institute's own reading sorts them as follows:

- 6 apply the word to present conditions.
- 2 are conditional warnings.
- 3 quote words that do not include "apartheid."
- 1 is a journalist who held no office.
- 2 rest on provenance that could not be confirmed.

Every present-tense statement on the list was made after the speaker had left the office named. A full entry-by-entry check of the list is in the 14 named statements.

How the 14 entries on a roster of "15" read

ENTRIES ON ONE COMPILATION, SORTED BY WHAT THE QUOTED WORDS DO



Source: Foster, 2024; category split is the Hanover Institute's reading of the page, checked 23 September 2026.

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Methodology and limitations

The report draws on these types of source:

- **The advocacy documents themselves.** The Human Rights Watch and Amnesty International reports were captured in full, page and PDF, on 16 November 2026. B'Tselem's position paper was captured as a PDF on the same day; its web page returned an error and was not captured. Each is labelled a monitoring or advocacy organization, using the mission statement printed in its own pages.
- **An adopted intergovernmental instrument.** The Durban Declaration was read from the official UN edition of 2002. The count of 0 occurrences of "Zionism" comes from a full-text search of that edition on 19 August 2026.
- **The NGO Forum text.** It was read from 3 third-party copies, and paragraphs 98 and 162 were confirmed word-identical across the copies by direct string search.
- **A government statement.** Powell's 2001 statement comes from the State Department archive and is labelled as the United States' own account.
- **Peer-reviewed legal articles.** Dugard and Reynolds, and Zilbershats, are refereed legal argument, not measurement.
- **Israeli press reporting.** The 2017 withdrawal account comes from the Times of Israel.
- **The press record of officeholder statements**, read directly on 23 September 2026, and **an advocacy compilation**, Foster (2024).

Dates are taken from the documents themselves. Human Rights Watch's date of 27 April 2021 comes from its landing-page dateline, and Amnesty International's date of 1 February 2022 comes from its document page. The 280-day interval is computed from those two dates. B'Tselem's paper is dated to the month only, because no captured page carries a day.

The 6, 2, 3, 1 and 2 split of Foster's roster is the Institute's own reading of that page, not a count the page publishes. A 2002 Haaretz column by former attorney general Michael Ben-Yair could not be read in full, because Haaretz's archive copy is paywalled after its opening paragraph. His dated use of the word is therefore taken from his signed op-ed of 10 February 2022.

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The Dugard and Reynolds article is paired throughout with its published rebuttal. Its lead author's former UN mandate is stated where the article is used.

Conclusion

So when did the claim begin? Human Rights Watch published its finding on 27 April 2021 and Amnesty International on 1 February 2022, with B'Tselem's position paper about 3 months ahead of both. The phrase "apartheid state" was on paper at Durban on 3 September 2001, in an NGO Forum text that the governments meeting there never adopted.

The years between are not empty:

- A peer-reviewed article tested the treaty definitions against the occupied territory in 2013.
- A UN regional commission's report reached "an apartheid regime" in 2017 and was withdrawn within the month.
- A former Israeli minister titled a 2008 column "Yes, It Is Apartheid."

The two major reports also stand apart from the phrase in the question. Human Rights Watch set "apartheid state" aside as undefined in law and found the full crime only in the occupied territory. Amnesty found a system reaching inside Israel and dated it to 1948. The governments at Durban, meanwhile, adopted a text in which "Zionism" appears 0 times.

What changes when a public argument dates "apartheid" to 2021? That date marks the arrival of crime findings that explicitly applied treaty definitions. A phrase that had already circulated for 20 years, in a text no government adopted, and in the words of former officeholders speaking after their terms had ended, is a different thing. Whether a debate is about a legal finding with stated limits or about a label with a longer and looser history is a question each citation in it answers, one date at a time.

Frequently Asked Questions

Does the adopted Durban Declaration mention antisemitism?

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Yes. Declaration paragraph 61 of the World Conference against Racism (2001) records "deep concern" at "the increase in anti-Semitism and Islamophobia in various parts of the world." Paragraph 58 reads, in full, "We recall that the Holocaust must never be forgotten;". The printed spelling in the official edition is hyphenated, as quoted.

Was the 1973 Apartheid Convention written only for southern Africa?

Dugard and Reynolds (2013) read its "as practised in southern Africa" wording as reflecting "prevailing circumstances in southern Africa" without being "intended to be confined to those circumstances." Zilbershats (2013), in the same journal issue, contests the article's application to the occupied territory on other grounds, chiefly the distinction between sovereign territory and belligerent occupation.

What does the adopted Durban Declaration say about refugees?

Declaration paragraph 65 (World Conference against Racism, 2001) reads: "We recognize the right of refugees to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return;". Paragraph 64 calls for a peace "in which all peoples shall co-exist and enjoy equality, justice and internationally recognized human rights, and security;".

Did B'Tselem compare Israel with South Africa?

B'Tselem (2021) wrote that "There are, of course, differences between the regimes," noting that "the division in South Africa was based on race and skin color, while in Israel it is based on nationality and ethnicity." It grounds its use of the term in a regime's "organizing principle" rather than in the South African case.

Why can a citation to "Durban paragraph 63" point to two different texts?

The adopted Declaration and the Programme of Action each have their own paragraph 63 (World Conference against Racism, 2001). Declaration paragraph 63 concerns the Palestinian people and Israel's security. Programme of Action paragraph 63 encourages business-sector codes of conduct "with a view to preventing trafficking in persons."

Did Michael Ben-Yair use the phrase "apartheid regime" in 2002?

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That is unconfirmed here: Haaretz's archive copy of his column of 3 March 2002, "The War's Seventh Day," is paywalled after its opening paragraph, so the full text could not be read. His dated use of "an apartheid regime" read in full is a signed op-ed in TheJournal.ie on 10 February 2022, as recorded in the press record of officeholder statements.

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RELATED RESEARCH

DATA REPORT 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.

DATA REPORT AUGUST 12, 2026

What Do Human Rights Groups Argue When They Call Israel an Apartheid State? Reading the Treaty Text, the Determinations

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and Israel's Own Records

The published apartheid arguments rest on a three-element treaty test. What each element claims, and what the primary records hold.

DATA REPORT AUGUST 12, 2026

Does Israel's Rule Meet the Apartheid Definition Under International Law? Reading the Three Treaty Texts, the Ratifications and the Court Record

Three treaties define apartheid differently. What each requires, which ones Israel has ratified, and what the one judicial instrument on record held.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

Who prosecutes settler violence? Police files, closure rates and the jurisdiction rules

Israel Police investigations of West Bank nationalist crime rose from 139 in 2019 to 779 in 2025. What indictment rates, reviews and court orders show.

Settler Violence | West Bank | Law Enforcement | State Accountability | Israel Police | Outposts



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Of the investigations Israel Police opened into Jewish nationalist crime against Palestinians in the West Bank, 6.6% produced an indictment, by the Israel Police's own count as reported by Haaretz in July 2026, over a period in which the cases opened each year rose from 139 in 2019 to 779 in 2025. The phrase "plausible deniability" asks a plain question about that gap: where does the state's name appear on the record, and where does it not? It appears, signed and dated, on the land route. A review summarised at the request of the Prime Minister's bureau and published in English in March 2005 counted 105 unauthorized outposts and found that state ministries had financed building at them with no government decision behind it, and Israel's Supreme Court has twice ordered the evacuation of outposts standing on privately owned Palestinian land.

Key Findings

- 6.6% of investigations into nationalist crime against Palestinians in the West Bank ended in an indictment, by the Israel Police's own count as reported by Haaretz in July 2026, as cases opened rose from 139 in 2019 to 779 in 2025.
- The summary opinion prepared at the request of the Prime Minister's bureau and published in March 2005 recorded NIS 71,870,000 spent by the Ministry of Construction and Housing on unauthorized outposts between 2000 and 2004, and found that "State and public authorities took part in breaking the law."
- Under Article XVII(2)(c) of the 1995 Interim Agreement between Israel and the PLO, the Palestinian Council's personal jurisdiction applies "to all persons, except for Israelis."
- In 2020, 7 of about 1,500 appeal files handled by the State Attorney's Appeals Unit ended in an instruction to indict, and the Israel Police keep no data at all on files closed for "lack of guilt," per the State Comptroller of Israel's May 2022 audit.
- On 2 August 2011 the Israeli Supreme Court ordered the State to evacuate Migron, a site the State itself described as the largest outpost in the territories, holding that its erection and expansion "constitute blatant and defiant violations of the law and of the Palestinian landowners' property rights."

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What share of settler-violence cases ends in a formal charge?

6.6% of investigations into Jewish nationalist crime against Palestinians in the West Bank produced an indictment, according to Israel Police data reported by Haaretz on 8 July 2026.

The same data put the investigations opened at 139 in 2019 and 779 in 2025, a change Haaretz's headline gives as a rise of more than 560%, though the two counts give about 460%. Both figures are the police force's own count, on the police force's own classification. The 6.6% is a share of investigations the police opened under the heading of nationalist crime, not a share of all incidents that occurred, and the openly published text does not state which years it covers. A rise in registered cases can reflect more conduct, more reporting, or a wider classification, and the report distinguishes none of those.

A second count, built on a different denominator, runs in the same direction. Yesh Din, an Israeli monitoring organization, published a data sheet dated December 2023 reporting that of 1,664 police investigation files it tracked from 2005 to September 2023 into suspected Israeli violence against Palestinians in the West Bank, 3% ended in a full or partial conviction, and that of the 1,615 files concluded, 93.7% closed without an indictment. That is the organization's own documentation on its own case criteria, not an official statistic, and its file set is the set it followed rather than the full police register.

The two counts measure different objects across different spans. One is the police force's share of its own recorded cases in the most recent period; the other is a monitoring body's share of the files it tracked across eighteen years. Neither publisher reconciles its figure with the other's, and no Israeli official release read here sets them side by side. What both describe is a two-stage process in which the first stage, registration, is far wider than the second.

Is it said the state never formally authorizes settler actions?

It is often said that the state avoids owning settler conduct by never formally authorizing it. **105 unauthorized outposts** were known to the author of the opinion summarised at the request of the Prime Minister's bureau and published in English on the Foreign Ministry's pages in March 2005, a figure the summary immediately qualifies as one that "probably does not reflect the true number of outposts in the area."

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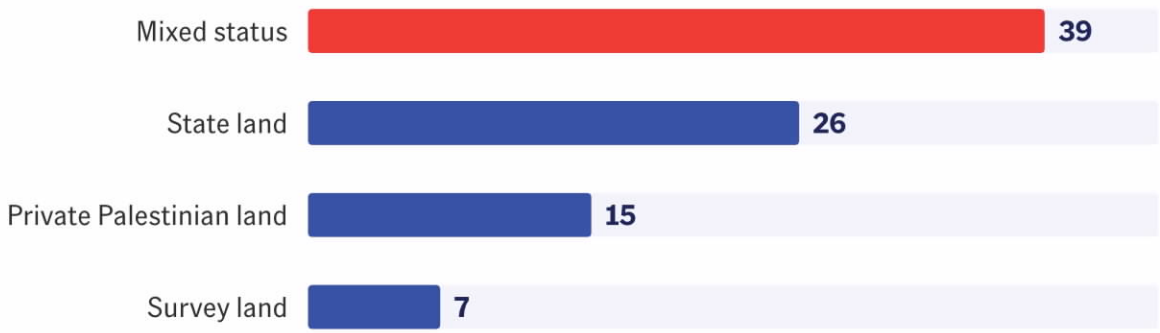
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Its first characteristic of an unauthorized outpost is that "there was no government decision to establish it, and in any case no authorized political echelon approved its establishment." Its central finding is the state's own: "The problem is State and public authorities took part in breaking the law. They are the ones who financed construction without a resolution by the political echelon, in contrary to government resolutions, with no legal planning status, sometimes not on State owned land, sometimes on private Palestinian property or on survey land."

The money is itemised. The Ministry of Construction and Housing reported spending NIS 71,870,000 on unauthorized outposts between 2000 and 2004, a figure the summary says does not settle with the Ministry's own working schemes, so it is a floor. Of 140 caravans already placed in the territories when a 2003 tender was published, 90 were in unauthorized outposts, and a further 64 were conveyed to them between August and December 2004.

Land status of unauthorized outposts

CATEGORIES THE MARCH 2005 SUMMARY NUMBERS; IT ADDS THAT A FEW MORE SIT ON LAND WHOSE STATUS WAS NOT YET RESOLVED, WITHOUT A COUNT



Source: Prime Minister's Office of Israel, 2005, Summary of the Opinion Concerning Unauthorized Outposts. Official record.

The commission appointed on 13 February 2012 by the Prime Minister and the Minister of Justice, which signed its report on 21 June 2012, concluded that "the establishment of settlements cannot in and of itself be considered to be illegal," and that settlements defined as "unauthorized" or "illegal" had been established "with the knowledge, encouragement and tacit agreement of the most senior political level," naming "government ministers and the Prime Minister," and that "consequently such conduct is to be seen as implied agreement."

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The Prime Minister's Office published the full report in Hebrew, with only its conclusions and recommendations officially translated; the complete English text in circulation was produced by an organization that had itself made submissions to the commission and is named in the report.

Which authority may prosecute a settler in the West Bank?

12,865 cases were opened in 2020 by the Israel Police district that covers the West Bank, for offences of disturbing public order, security violations and damage to property, on the district's own count as reported in the State Comptroller of Israel's follow-up audit of that district, published in May 2022. The audit measures the district's policing capability and publishes no count of complaints, investigations or indictments for offences by Israeli civilians against Palestinians.

The Interim Agreement signed by Israel and the PLO at Washington on 28 September 1995 provides at Article XVII(2)(c) that the Council's personal jurisdiction applies "to all persons, except for Israelis," lists "settlements" and "Israelis" among the matters carved out of its jurisdiction entirely at Article XVII(1), and provides at Article XVII(4)(a) 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." Article XIII gives Israel "the overriding responsibility for security for the purpose of protecting Israelis" in Area B. The agreement set that division for an interim period, with three further redeployments to be completed within 18 months of the Council's inauguration and permanent-status negotiations to begin no later than 4 May 1996.

Who is prosecuted	By which authority	Named in
Israeli civilians in the West Bank	Israeli criminal law applied personally, investigated by the Israel Police Samaria and Judea District	Interim Agreement, Articles XVII(1), XVII(2)(c) and XVII(4)(a), **1995**
Persons in areas outside the Council's territorial jurisdiction	Israel, through its military government	Interim Agreement, Article XVII(4)(a), **1995**
Border Police officers under IDF command whose gunfire injured or killed Palestinians	The IDF and the Military Police, following a January 2018 decision of the Prime Minister	State Comptroller of Israel, **2022**

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The same audit records which deficiencies from an earlier examination had not been rectified by June 2021: bulletproof vehicles unsuited to the district's missions and unchanged in kind and number, most ceramic vests past their plate expiry date, the transfer of Palestinian vehicle and driver licensing information from the Civil Administration to the police, and the investigation of falsified real-estate transactions. Sections of that chapter were published under confidentiality, so every count in it is a floor.

How much settler violence never enters an official file?

The only quantified figure published for non-reporting comes from a monitoring body rather than a register. Yesh Din, in its data sheet dated December 2023, documented 160 cases of violence against Palestinians or their property between January and September 2023 and reported that **92** of the victims in those cases, 57.5%, did not file a complaint with the police. That is the organization's own documentation on its own case criteria, and it is not an official count.

The 6.6% indictment rate is a share of investigations the Israel Police opened. The State Comptroller's 2022 audit of file-closing practice examines files that were opened. Neither instrument is built to detect an incident that generated no file, and no Israeli official publication read here states a rate of non-reporting for offences of this kind.

The state auditor does record one adjacent quantity, and it concerns people who never learned what happened to a file that named them. Across 2015 to 2020, about 130,000 complainees had investigation files opened without ever being questioned under caution, of whom about 126,000 were closed on the "circumstances" ground and 675 on "lack of evidence," in both cases without the police notifying them, at an annual average the audit puts at approximately 21,000 files.

A figure describing what the state registered is a lower bound on what occurred, by the ordinary logic of a complaint-driven register, and the size of the gap is not measured by the register itself. A share computed on registered cases, such as the 6.6%, is a share of a base that the non-reporting figure above suggests is narrower than the phenomenon, so the two cannot be multiplied together or read as shares of the same thing.

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What happens to the cases that do reach an indictment?

Charging and sanction are two separate stages with separate rates, and the second is not published by the police. Of the indictments with known outcomes in the file set Yesh Din tracked, **54%**, 50 cases, ended in full or partial conviction, and 46%, 43 cases, ended without a conviction, either because the court found the defendants guilty but decided not to convict or because the indictment was vacated or withdrawn.

Those shares are of 93 indictments with known outcomes, not of the 1,664 files.

The arithmetic across the two stages reconciles on the organization's own figures. Fifty convictions out of 1,664 investigation files is 3%, which is the conviction rate the same data sheet reports for the full set covering 2005 to September 2023.

A rate at which charges are brought describes prosecutorial decision-making on the evidence gathered. A rate at which charges result in a sanction describes what happens once a court is seized of the matter. They are produced by different bodies, they can move in opposite directions, and a report that collapses them cannot say which stage a change occurred at.

The Israel Police release reported in 2026 gives the first stage, at 6.6%, and gives no conviction share. The Yesh Din data sheet gives both, on its own case criteria and its own denominators, and is a monitoring organization's documentation rather than an official statistic. No Israeli official publication read here reports a conviction rate for this class of case, which means the second stage of the process reaches the public, at present, only through the count of a non-governmental body.

What does Israel's own state auditor record about these files?

7 of about 1,500 appeal files in 2020 ended in an instruction to indict, per the State Comptroller of Israel's May 2022 chapter on closing criminal files by the Israel Police and the Office of the State Attorney.

Across 2018 to 2020, the Appeals Unit decided to close approximately 2,000 files annually following complainants' appeals, with indictments in about 0.5% of appeals and approximately 94% dismissed.

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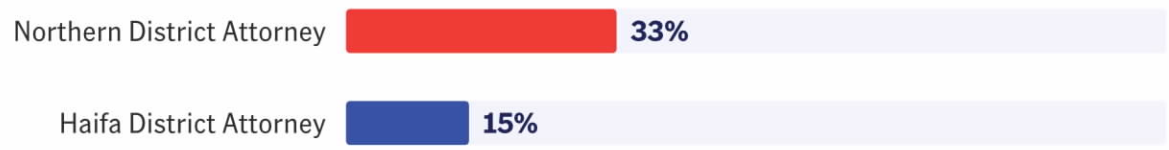
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The same audit records that the police keep no data at all on one of the three main closure grounds. In the auditor's words, "there is no data on closing of suspects' files on the ground of 'lack of guilt' in the computerized systems of the Police's Research and Statistics Department," so implementation of the governing State Attorney's directive by the police cannot be examined. It also found that no notice of closing was sent to the complainant or the suspect in 30% to 40% of closed files, and that notices which were sent went by regular post with no record of delivery, leaving the start of the complainant's 60-day appeal window unfixed. Of 34 decisions examined on appeals and requests to change a closing ground, 13 lacked reasoning.

Which ground a file is closed on varies by prosecution district. In 2020 the chance that a suspect's file was closed for "lack of guilt" was approximately 33% at the Northern District Attorney's Office and approximately 15% at Haifa.

Share of files closed for lack of guilt, 2020

TWO OF THE SIX CRIMINAL DISTRICT ATTORNEY'S OFFICES, AS REPORTED BY THE STATE AUDITOR



Source: State Comptroller of Israel, 2022, Closing Criminal Files by the Israel Police and the Office of the State Attorney. Official record.

Its one table counting closures by ground excludes, by its own footnote, the ground of "offender unknown," because the table presents data for suspects' files only, which removes exactly the class of case in which no suspect was identified. And the chapter contains no disaggregation whatever by police district, by offence category or by the identity of complainants: the terms for the West Bank and its districts do not appear in it.

Which land transfers does the state claim in its own name?

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418,900 core Jews lived in the West Bank at the beginning of 2019, with a further 221,800 in the East Jerusalem neighborhoods incorporated after 1967, on the estimates Sergio DellaPergola published in the American Jewish Year Book 2019. The population is counted, published annually and broken out by territory. The route by which land becomes available for it is likewise signed, numbered and dated at every step.

That route begins with a military order. Order 59, signed on 23 Tammuz 5727, 31 July 1967, by the GOC Central Command as Commander of IDF Forces in the West Bank Area, defines government property by who owned it on 7 June 1967 and creates a Custodian, appointed by the military commander, empowered to take possession of it. It was published in Hebrew and Arabic in the Collection of Proclamations, Orders and Appointments, booklet 5 at page 162, has been amended nine times, and has no official English text of any kind.

The criteria for declaring land available run back further. The 1858 Ottoman Land Code sets five classes of land at Article 1, defines dead land at Article 6 by distance from habitation, and provides at Article 68 that arable land left fallow for three successive years without a valid excuse "becomes the right of Tapu," in Ongley's 1892 English translation, with the former owner able to recover it for its equivalent value and only otherwise going to auction. That text does not say the land reverts to the state, and it is not official.

How the resulting population is reported has itself changed. Sivan Hirsch-Hoefler and Lihi Ben Shitrit, in a 2020 review for POMEPS which is not peer-reviewed, document that East Jerusalem moved into the general population count for Israel proper in the 1968 Central Bureau of Statistics yearbook, that a 1970 footnote folded settlers into Israel's total as "Israeli residents in the Administrated Territories," that by 1983 settlement localities were counted in the total number of Israeli localities, and that in 1997 the separate territories chapter was removed. The same review records that the Bureau excludes unrecognized outposts from its count.

So the administrative route carries a signature, a date and a serial number at each stage, and the registration record is public. The conduct counted in the first section of this report carries none of those.

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Have courts ever attributed settler conduct to the state?

On **2 August 2011** the Israeli Supreme Court, sitting as the High Court of Justice in HCJ 8887/06, issued a final order requiring the State to evacuate the outpost of Migron, a site the State itself described as the largest outpost in the territories, with some 45 families and about 250 residents as of February 2009. The petition had been filed on 30 June 2006 by Palestinian landowners, later joined by the Peace Now movement.

The State conceded the facts. In the Court's summary, it "did not dispute that the lands which constitute the object of the Petition are registered lands under private Palestinian ownership, within the confines of the Palestinian villages of Burqa and Dir Dabwan, and that the Outpost, Migron, is illegal." The Court held that "the erection of the Outpost and its continued expansion constitute blatant and defiant violations of the law and of the Palestinian landowners' property rights," and set a deadline of 31 March 2012. A second case followed the same shape: in HCJ 9949/08, decided on 25 December 2014, the Court ordered removal of the entire Amona outpost within two years on the ground that it stood on privately owned Palestinian land without authorisation, and on 14 November 2016 it rejected the government's request to delay implementation further.

An earlier judgment set the test those cases apply. In HCJ 390/79, decided 22 October 1979, the Court annulled an order of possession as to the petitioners' registered plots after finding that the initiative for the settlement had come from the political echelons, which then approached the Chief of the General Staff for a professional opinion, so that the military consideration "was subordinate to the primary, political decision." The same judgment held that possession of privately owned land for the purposes of a civilian settlement "is potentially justified under Article 52 of the Hague Regulations," and expressly declined to decide the treaty question under Article 49(6) of the Fourth Geneva Convention.

An international body has addressed the settlement enterprise as such. The International Court of Justice, in an advisory opinion of 19 July 2024 requested by the General Assembly, held by eleven votes to four that Israel's continued presence in the Occupied Palestinian Territory is unlawful, and by fourteen votes to one that Israel is obliged to cease immediately all new settlement activities and to evacuate all settlers. An advisory opinion is not a judgment and binds no party. What the domestic record holds is a run of orders attaching

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illegality to named sites and duties to the State, alongside no judgment read here attributing any individual act of violence to it.

Where do the accounts of settler violence disagree?

Two Israeli official registers report different movements over different periods. The Israel Defense Forces and the Shin Bet recorded a **27%** rise in attacks by settlers on Palestinians and Israeli security forces in 2025 against 2024, on figures reported by The Times of Israel on 19 January 2026.

That rise is 867 incidents against 682, with severe incidents up from 83 to 128. The Israel Police recorded investigations into nationalist crime rising from 139 in 2019 to 779 in 2025. The two are each body's own count, on separate classifications across separate spans, and neither body publishes a reconciliation with the other.

The monitoring counts add a third category again. Yesh Din's file set counts police investigation files it tracked; the police count investigations their own system classifies as nationalist crime; the army and the Shin Bet count incidents they logged. A case can appear in one, two or none of them, and no shared denominator exists.

The category itself is contested in Israeli research. The Jerusalem Institute for Strategy and Security published an analysis in April 2026, "The 'Settler Violence' Influence Warfare Campaign," arguing that the term and its counts function as an influence warfare campaign rather than a neutral description, while stating that violence by Jews against Palestinians does occur and warrants full enforcement. It is a research institute's argument, not peer-reviewed and carrying no measurement this report relies on, and it is the clearest statement of the position that the disagreement is about what the category counts, not only about how it is enforced.

The methods dispute reaches the monitors as well. NGO Monitor, an Israeli organization whose subject is other organizations' output, reported in its Annual Report 2024 that its network mapping identified 157 groups in the United States with over 3,000 connections and 111 in Canada with over 1,800; the report does not state the mapping's inclusion criteria.

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Methodology

This report examines the record of attribution: which body registers an act, which body may charge it, and where each figure was produced.

The sources sit in four tiers. Primary and official records: the Interim Agreement of 28 September 1995 in the English text published by the Israeli Ministry of Foreign Affairs; Military Order 59 of 31 July 1967, published in Hebrew and Arabic only, with no official English text, so its provisions are described rather than quoted; the Ottoman Land Code of 1858 in Ongley's unofficial English translation of 1892; the judgments in HCJ 390/79, HCJ 8887/06 and HCJ 9949/08, the first two read in the Israeli judiciary's English translations, the third having no official English text. Government-commissioned reviews: the March 2005 opinion on unauthorized outposts, read in the official English summary, the full opinion being Hebrew-only and considerably longer; and the 2012 commission report on the legal status of building in Judea and Samaria, published in Hebrew by the Prime Minister's Office with only its conclusions officially translated, whose complete English translation in circulation was produced by an organization that made submissions to the commission. Official audits: the State Comptroller of Israel's May 2022 report, chapters on the Samaria and Judea District and on closing criminal files, read in the Comptroller's own English abstracts, with sections of the district chapter published under confidentiality.

Party counts reported through news outlets are labelled as such: the Israel Police figures of 6.6% and of 139 and 779 investigations were reported by Haaretz on 8 July 2026, and the 27% figure for 2025 recorded by the army and the Shin Bet was reported by The Times of Israel on 19 January 2026. The publishing body in each case is the police force or the security services, not the outlet.

Two categories of source are named in the body and carry no figure the report stands on. Yesh Din is an Israeli monitoring organization whose December 2023 data sheet counts files and cases it tracked on its own criteria, not an official register. The International Court of Justice advisory opinion of 19 July 2024 is a legal conclusion on a contested question; its recorded votes are reported as votes.

Three limits bear on any reading. The State Comptroller's chapter on closing criminal files carries no breakdown by police district, by offence category or by complainant identity, and

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the one table counting closures by ground excludes files where the offender is unknown. No Israeli official publication read here reports a non-reporting rate or a conviction rate for this class of case. And the police, army and monitoring counts use different classifications over different periods, so none of their figures may be summed, divided into one another, or plotted as one series.

Conclusion

So where does the state's name appear? On the land route, everywhere and by design: a military order of 31 July 1967 with a serial number and a signature, a Custodian appointed by the commander, criteria drawn from named articles of an 1858 code, a population series that folded East Jerusalem into Israel's general count in the 1968 yearbook and settlement localities into the national total by 1983, and 418,900 core Jews recorded in the West Bank at the beginning of 2019.

On the conduct, the record thins at each stage and thins for reasons the state itself has documented. Its police opened 139 such investigations in 2019 and 779 in 2025, and charged in 6.6% of cases. Its own commissioned review counted 105 outposts established with no government decision, recorded NIS 71,870,000 spent at them by one ministry between 2000 and 2004, and concluded that public authorities took part in breaking the law. Its later commission described the same building as carrying the tacit agreement of the most senior political level. Its state auditor found that the police keep no data on one of the three main closure grounds, that 30% to 40% of closed files generated no notice at all, and that 7 of about 1,500 appeals in 2020 ended in an instruction to indict. Its courts ordered two named outposts evacuated on land the State conceded was privately owned, and in 1979 annulled an order of possession after finding the political echelon had initiated it and the military had endorsed it afterwards. And the jurisdiction clause its negotiators signed in 1995 places Israeli civilians outside the reach of the one other authority in the territory.

None of that is concealed. It is published, numbered, translated in part, and audited by the state's own institutions. The distinction the record actually draws is not between what is known and what is hidden, but between an act the state signs and an act it registers. A signature creates a duty that a court can enforce against a named body; a registration creates a

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case that may or may not be charged, in a system whose own auditor cannot say how many of its closures rest on which ground.

Which leaves the question the arithmetic sharpens rather than settles. When a state counts the conduct, funds the places where it occurs, adjudicates the property it affects, and attaches formal responsibility in 6.6% of the cases it counted, who is left in a position to attribute the remaining 93.4%, and on whose record would that attribution be made?

Frequently Asked Questions

Who appoints the Custodian of Government Property in the West Bank?

The military commander. Order 59 of 31 July 1967, signed by the GOC Central Command as Commander of IDF Forces in the West Bank Area, defines the Custodian as the person appointed by the military commander for the purposes of that order, and defines government property by who owned it on 7 June 1967.

Why do Israeli and Palestinian residents of the same territory answer to different courts?

Because the 1995 Interim Agreement drew personal jurisdiction, not only territorial jurisdiction. Article XVII(2)(c) provides that the Palestinian Council's personal jurisdiction applies "to all persons, except for Israelis," and Article XVII(4)(a) leaves authority over Israelis with Israel through its military government. The West Bank was declared a closed area by a 1967 order of the military commander.

What counts as an unauthorized outpost in the state's own definition?

The March 2005 opinion summary prepared for the Prime Minister's bureau defines one by the absence of a decision: "There was no government decision to establish it, and in any case no authorized political echelon approved its establishment." It also requires the site to sit at least a few hundred metres from an existing settlement, so unauthorized building inside or adjoining a recognised settlement falls outside the count of 105.

Which body investigates Border Police gunfire in the West Bank?

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The IDF and the Military Police, since October 2019. The State Comptroller's May 2022 follow-up audit records that authority to examine and investigate gunfire by Border Police officers operating under IDF command that injured or killed Palestinians was transferred to those bodies following a January 2018 decision of the Prime Minister, and lists this among the deficiencies from an earlier audit that had been rectified.

Does the 1858 Ottoman Land Code still govern anything?

Its articles remain the criteria the declaration process works from. Article 1 sets the five classes of land, Article 6 defines dead land by an audible-voice distance test of about a mile and a half, and Article 68 sets the three-year non-cultivation rule, which Ongley's 1892 English translation renders as the land becoming the right of Tapu rather than reverting to the state, with the former owner able to recover it for its equivalent value.

What did the 1979 Elon Moreh judgment actually decide?

It annulled one order of possession as to the petitioners' registered plots, on a dominant-purpose test, after finding that the initiative came from the political echelons and the military opinion followed. It did not hold settlement unlawful in principle: the Court wrote that possession of privately owned land for the purposes of a civilian settlement "is potentially justified under Article 52 of the Hague Regulations," and it expressly declined to decide the question under Article 49(6) of the Fourth Geneva Convention.

Why do the Israeli police and army report different settler-violence trends?

They count different objects over different periods. The police figures, 139 investigations in 2019 and 779 in 2025, cover cases opened as nationalist crime; the 27% figure recorded by the army and the Shin Bet covers incidents logged during 2025 against 2024, with severe incidents up from 83 to 128. Each is that body's own count on its own classification, and neither body publishes a reconciliation with the other.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

What is anti-Zionism? A 1919 petition, a 1995 survey and three definitions

From a 1919 petition signed by 300 American Jews to three antisemitism definitions: what the dated record shows anti-Zionism has opposed.

Anti-Zionism | Zionism | Antisemitism Definitions | Reform Judaism | Jewish History



Under the headline “Anti-Zionist Petition To President Wilson,” The Denver Jewish News of 19 March 1919 printed a statement whose signers set out “objections

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to the organization of a Jewish State in Palestine as proposed by the Zionist Societies in this country and Europe and to the segregation of the Jews as a nationalistic unit in any country." That pairing, opposition to a Jewish state joined to a denial that Jews form a nation, recurs across the dated record on different grounds: a Jewish socialist party's class analysis in April 1901, and a British Cabinet minister's concern in August 1917 that Jews would be "treated as foreigners." Measured opinion separates the strands: in a 1995 survey of Arab citizens of Israel, 35.3% rejected the state's right to exist as a Jewish-Zionist state while 6.8% rejected its right to exist at all (Smooha, 1997). The 2016, 2021 and 2024 antisemitism definitions part on whether opposing a Jewish state is antisemitic, and each frames its answer as dependent on context.

Key Findings

- 300 signers, on contemporaneous wire reports, put their names to the 1919 Statement to the Peace Conference, presented to President Wilson on 4 March 1919, which objected to "the organization of a Jewish State in Palestine" and asked for a state "recognizing no distinctions of creed or race or ethnic descent" (Berkowitz, Jastrow, Senior and the signers, 1919).
- In a September to October 1995 survey of 1,200 Arab citizens of Israel, 35.3% rejected Israel's right to exist as a Jewish-Zionist state and 6.8% rejected its right to exist at all (Smooha, 1997).
- The Bund's Fourth Congress resolved in April 1901 that political Zionism's aim, where it claimed the whole or a large part of the Jewish people, was "utopian and unrealisable" (Bund, 1898 to 1901, Institute translation).
- The 1885 Pittsburgh Platform declared "We consider ourselves no longer a nation, but a religious community," a stand the movement's 1937 Columbus Platform reversed (Pittsburgh Rabbinical Conference, 1885).
- The IHRA text adopted on 26 May 2016 lists denying Jewish self-determination as an example that "could, taking into account the overall context," be antisemitic, while the Jerusalem Declaration on Antisemitism, initially signed by 210 scholars in 2021, classes

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binational and unitary-state proposals as, on the face of it, not antisemitic (International Holocaust Remembrance Alliance, 2016; Jerusalem Declaration on Antisemitism, 2021).

What does anti-Zionism oppose, on the documentary record?

The **300** American Jews whose signatures the Douglas Daily International reported on 5 March 1919 put their names to two objections: to "the organization of a Jewish State in Palestine" and to "the segregation of the Jews as a nationalistic unit in any country." The count is the newspaper's, repeated by the Wisconsin Weekly Blade on 15 March 1919; the statement itself states no total (Berkowitz, Jastrow, Senior and the signers, 1919).

The document is a signed petition of roughly 1,400 words, drafted by Rabbi Henry Berkowitz of Philadelphia, Professor Morris Jastrow of the University of Pennsylvania and Max Senior of Cincinnati. Representative Julius Kahn of California presented it to President Woodrow Wilson on 4 March 1919, on the account of Max E. Berkowitz's 1932 biography of the drafter as quoted by Irving Levitas (Levitas, 1962). The label "anti-Zionist" comes from The Denver Jewish News headline; the text calls its authors "the undersigned citizens of the United States." The movement it answered is described in the Institute's report on Zionism.

Its objections rest on a claim about Jewish identity. Objection 5, in the text Levitas reproduced from the drafting committee's file, reads: "it is an error to assume that the bond uniting them is of a national character. They are bound by two factors: First, the bond of common religious beliefs and aspirations and, secondly, the bond of common traditions, customs, and experiences." Objection 1 states that "All Jews repudiate every suspicion of a double allegiance," which the signers held to be "necessarily implied" in a sovereign Jewish state.

The petition did not oppose statehood in Palestine. Its closing asks "that Palestine be constituted as a free and independent state, to be governed under a democratic form of government recognizing no distinctions of creed or race or ethnic descent," and ends: "We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State."

The count carries a date. The 1932 biography refers to "the two hundred and ninety-nine other signatories," which with Berkowitz makes 300, matching both wire reports. Levitas

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records the committee still soliciting signatures by covering letter, and one Detroit rabbi announcing his decision to sign on 22 April 1919, seven weeks after the presentation.

The statement claims to voice "the majority of American Jews born in this country," a claim inside a petition rather than a measurement. The same Denver Jewish News page printed the Zionist Organization of America's rival claim to speak for American Jews, under the headline "American Lawmakers Favor Jewish State." Neither organization published a method.

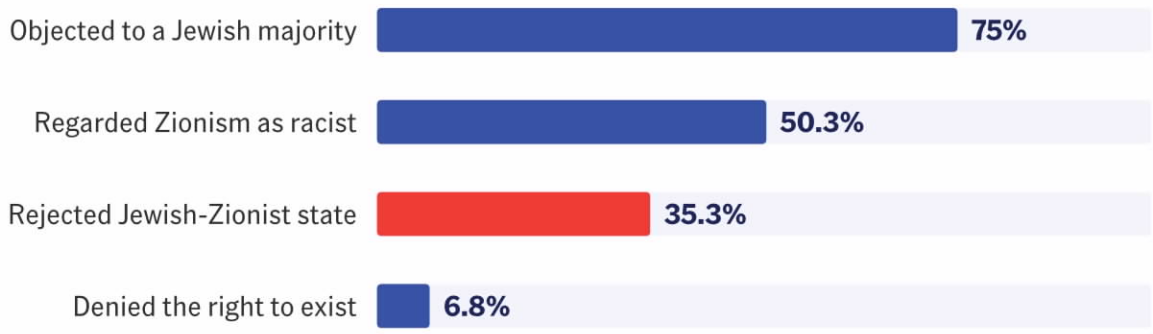
Does anti-Zionism mean denying Israel's right to exist?

In Sammy Smooha's September to October 1995 survey of Arab citizens of Israel, **35.3%** rejected Israel's right to exist as a Jewish-Zionist state (Smooha, 1997, peer-reviewed). In the same survey, 24.7% described themselves as anti-Zionist and 73.6% as non-Zionist, so rejecting the state's Jewish-Zionist character ran wider than the self-applied label.

The same survey separates that position from rejecting the state outright. Smooha recorded 6.8% of the same sample denying Israel's right to exist at all, so rejecting the state's Jewish-Zionist character was about five times as common as rejecting the state. Half the sample, 50.3%, regarded Zionism as racist, and 75.0% objected to Israel keeping a Jewish majority. Each figure answers a separate question, so the four shares overlap and do not sum.

Positions on the state among Arab citizens of Israel

SHARE AGREEING WITH EACH ITEM, 1995 SURVEY, N = 1,200; ITEMS OVERLAP



Source: Smooha, 1997, reporting his own September to October 1995 face-to-face survey, n = 1,200, within the pre-1967 borders excluding East Jerusalem.

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The distinction appears in the 1919 record as well. The petitioners asked for Palestine to be "a free and independent state" without "distinctions of creed or race or ethnic descent," not for no state at all. In both records the objection falls on the state's Jewish character rather than on its existence.

The measurement has firm limits. Smooha's sample was 1,200 Arab citizens aged 18 or older, interviewed face to face within the pre-1967 borders and excluding East Jerusalem, the fifth wave of a series he ran in 1976, 1980, 1985, 1988 and 1995. It measures one population in one year, more than three decades ago. It is not a survey of anti-Zionists, of Palestinians outside Israel, or of opinion today, and its figures are 1995 measurements published in 1997.

The article in which the figures appear is a theoretical typology published in Israel Studies, a blind-reviewed journal. Its subject is a model of the Israeli state, and the survey percentages are evidence within that argument rather than a census of political positions.

Why did the Jewish socialist Bund reject political Zionism in 1901?

The Bund, a Jewish workers' party, adopted its resolution on Zionism at its Fourth Congress in late **April 1901**, the fourth of four congresses held in the party's first four years. It judged political Zionism's territorial aim "utopian and unrealisable" insofar as it claimed to gather all or a significant part of the Jewish people (Bund, 1898 to 1901, Institute translation from the Russian).

The resolution, recorded as section XVII of the Central Committee's printed report of August 1901, reads in full in the Institute's working translation: "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 final aim of political Zionism, the procurement of a territory for the Jewish people, insofar as it would hold a small part of that people, a matter of no great significance that does not solve the 'Jewish question', and, insofar as it claims to concentrate the whole Jewish people or even a significant part of it there, utopian and unrealisable. The congress considers that the agitation of the Zionists inflames national feeling and may hinder the development of class consciousness. As for the cultural activity of certain Zionist groups, the congress regards it as it regards any legal activity."

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A separate vote of the same congress, attended by 24 delegates, barred Zionists from party bodies: “In no case are Zionists to be admitted to either our economic or our political organizations.” The resolution addresses political Zionism and its territorial aim; the cultural clause and the exclusion are distinct decisions.

The objection followed the party’s position on equality. The Third Congress, held in Kovno on 23 to 25 December 1899, resolved that the Bund “puts forward among its political demands the demand only for civil, and not national, equality of rights.” The founding congress of 1897 adopted no programme on the account of its convener, A. I. Kremer, who wrote in 1922 that “Questions of programme and tactics were not discussed.” A. Mutnik wrote in 1909 that resolutions were accepted as self-evident; the two memoirs disagree, and neither is a minute.

By 1901 the Central Committee’s report describes the party adopting “national autonomy” within a federation of nationalities, and rejecting a territorial solution that its own footnote identifies as the Polish Socialist Party’s model, not Zionism. That passage is the Central Committee’s narrative of the debate. The operative text of the national-question resolution is printed on page 177 of the 1901 Geneva brochure, whose public digital copy is illegible. All English renderings here are working translations from the documentary edition published by ROSSPEN in 2010.

Why did a Jewish Cabinet minister oppose Zionism in 1917?

E. S. Montagu, Secretary of State for India, circulated War Cabinet paper G.T. 1868 on **23 August 1917**, ten weeks before the Balfour Declaration of 2 November 1917, arguing that a draft British declaration on Palestine was “anti-Semitic in result” (Montagu, 1917, The National Archives, CAB 24/24/71). It answers Lord Rothschild’s letter of 18 July 1917 and a reply then still unissued, not the Declaration as sent.

The purpose clause, quoted whole because its qualifications carry its meaning: “I have chosen the above title for this memorandum, not in any hostile sense, not by any means as quarrelling with an anti-Semitic view which may be held by my colleagues, not with a desire to deny that anti-Semitism can be held by rational men, not even with a view to suggesting that the Government is deliberately anti-Semitic ; but I wish to place on record my view that

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the policy of His Majesty's Government is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world." The hyphenation and capitals are the printed paper's own.

Montagu claims his standing "as the one Jewish Minister in the Government," and states his view of the movement directly: "Zionism has always seemed to me to be a mischievous political creed, untenable by any patriotic citizen of the United Kingdom." The first of the four principles he lays down on page 2 reads: "1. I assert that there is not a Jewish nation."

His charge of antisemitism "in result" runs through citizenship. He reads the draft as implying that "Turks and other Mahommedans in Palestine will be regarded as foreigners, just in the same way as Jews will hereafter be treated as foreigners in every country but Palestine." He writes that he "would willingly disfranchise every Zionist," and asks the Government to refuse "a conclusion which makes aliens and foreigners by implication, if not at once by law, of all their Jewish fellow-citizens."

The paper does not oppose Jewish settlement in Palestine. Its alternative, on page 3: "I would say to Lord Rothschild that the Government will be prepared to do everything in their power 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. I would ask that the Government should go no further." The structure matches the American petition of 1919: equal rights for Jews in Palestine, no Jewish political unit, and an objection grounded in the status of Jews elsewhere.

Page 1 was read from the image The National Archives publishes of the copy filed at CAB 21/58, folio 218. Pages 2 and 3 were read from a relayed photographic scan of the same print, whose first page matches the archive's image word for word. The paper records what one minister put on the Cabinet record on one date. It is not evidence of what British Jews believed, of what the Cabinet decided, or of what the Declaration meant when it issued.

Did American Reform Judaism keep its 1885 stance on return?

The Central Conference of American Rabbis adopted the Columbus Platform in **1937**, affirming "the obligation of all Jewry to aid in its upbuilding as a Jewish homeland" and

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reversing the 1885 Pittsburgh Platform's statement that Reform Jews "expect neither a return to Palestine" nor national restoration (Pittsburgh Rabbinical Conference, 1885; Central Conference of American Rabbis, 1937).

Article five of the 1885 Declaration of Principles, as the Central Conference of American Rabbis publishes it, reads: "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." The clause belongs to the register of Temple restoration, which its middle limb fixes. It predates the First Zionist Congress of 29 August 1897 by nearly twelve years, so it records a theological position on national restoration rather than a position on political Zionism, and "the Jewish state" in it is not the State of Israel, proclaimed 62 years later.

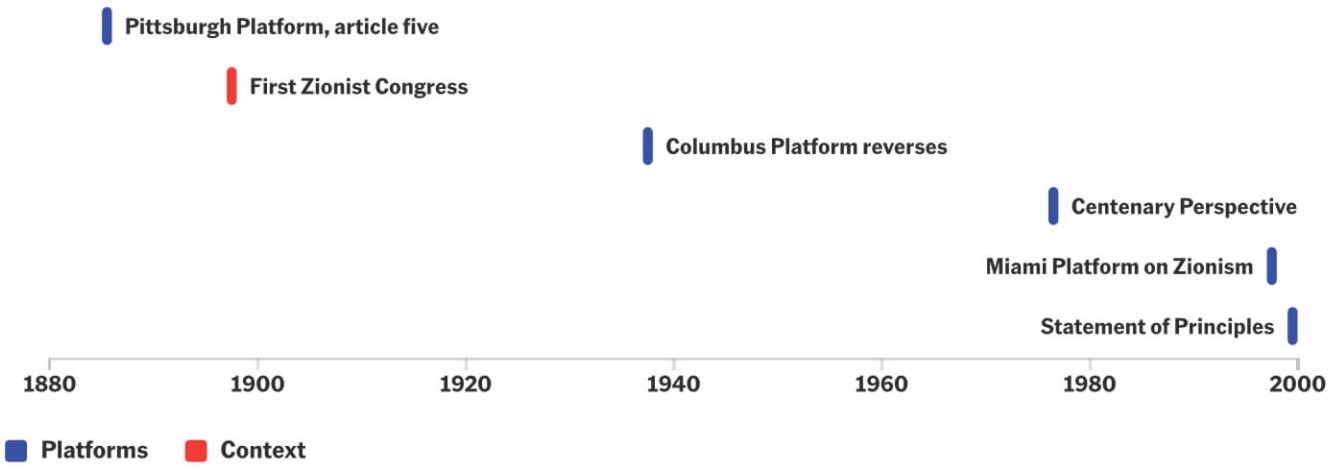
The conference was convened by Kaufmann Kohler of New York, with Isaac Mayer Wise presiding. The Central Conference of American Rabbis was founded on 9 July 1889, on its own history page, and did not adopt the 1885 text; it is the successor body that publishes it.

The reversal is recorded by the movement itself. The Miami Platform, accepted by the Central Conference of American Rabbis on 24 June 1997, states: "In 1885 the framers of the Pittsburgh Platform of Reform Judaism declared that they no longer expected Jews to return to a national homeland in Palestine." It continues: "By 1937 the CCAR had reversed its stand on Jewish peoplehood" (Central Conference of American Rabbis, 1997). The platforms of 1976, 1997 and 1999 each appear in the conference's published sequence, and none restores the 1885 clause.

Reform Judaism's platforms and the return clause
DATED TEXTS IN THE PUBLISHED PLATFORM SEQUENCE

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Source: Pittsburgh Rabbinical Conference, 1885, with the platform sequence as published by the Central Conference of American Rabbis.

The best-known nineteenth-century religious objection to national restoration was therefore a dated position of one movement that the same movement, through its successor body, set aside in 1937. The question of how Jewish identity and the land relate is taken up in the Institute's report on Zionism and Judaism.

How does the 2016 IHRA text treat opposing a Jewish state?

The International Holocaust Remembrance Alliance adopted its "non-legally binding working definition of antisemitism" on **26 May 2016**, and the text never uses the word "anti-Zionism." Its nearest example, offered as one that "could, taking into account the overall context," apply, is "Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor" (International Holocaust Remembrance Alliance, 2016).

The core definition is two sentences: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." The decision reads "Adopt the following non-legally binding working definition of antisemitism:", followed by those two sentences. A separate line then introduces the examples: "To guide IHRA in its work, the following examples may serve as illustrations:".

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The list carries its own qualifier: examples "could, taking into account the overall context, include, but are not limited to" the items that follow. The framing paragraph on Israel has two limbs: "Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic."

A second example concerns the state of Israel, which supplies its pronoun: "Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation." Neither example names Zionism or anti-Zionism, and neither mentions boycotts; an application to any of these is made by whoever applies it.

The adoption page names 48 UN member states, from the United Kingdom on 12 December 2016 to the Dominican Republic on 24 August 2026, and publishes no total. Its footnote reads: "Different countries and organizations will use different terminology, including adopt, endorse, embrace, recognize, support, and so on." The roll is therefore a list of governments that took some position on the text, under varied verbs. How the definition has been applied to boycott campaigns is set out in the Institute's report on boycotts and the antisemitism definitions.

Which anti-Zionist positions does the Jerusalem Declaration call not antisemitic?

The Jerusalem Declaration on Antisemitism, launched on 25 March 2021 and "Initially signed by **210** scholars," lists among examples that "on the face of it" are not antisemitic support for full equality "between the river and the sea," whether in two states, a binational state or a unitary democratic state (Jerusalem Declaration on Antisemitism, 2021). Its publisher's page now reports "more than 400 signatories."

Guideline 12, in the signatories' PDF, holds that it is not antisemitic to support "arrangements that accord full equality to all inhabitants 'between the river and the sea', whether in two states, a binational state, unitary democratic state, federal state, or in whatever form." The arrangements it lists are the constitutional alternatives to a Jewish state that the 1919 petition and the 1995 survey describe in other words. Guideline 13 adds that,

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"even if contentious, it is not antisemitic, in and of itself, to compare Israel with other historical cases, including settler-colonialism or apartheid."

The declaration draws a limit in its section B, headed "Israel and Palestine: examples that, on the face of it, are antisemitic." Guideline 10 reads: "Denying the right of Jews in the State of Israel to exist and flourish, collectively and individually, as Jews, in accordance with the principle of equality." Guideline 7 reads: "Holding Jews collectively responsible for Israel's conduct or treating Jews, simply because they are Jewish, as agents of Israel." Section C adds that its examples are not antisemitic "whether or not one approves of the view or action."

The core definition is one sentence: "Antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish)." The preamble states its purpose: "We propose our nonlegally binding Declaration as an alternative to the IHRA Definition. Institutions that have already adopted the IHRA Definition can use our text as a tool for interpreting it." It instructs that guidelines 6 to 15 "should be taken together" and read "always with a view to context."

The declaration is a scholarly text whose authority rests on its signers; no state, parliament or intergovernmental body has adopted it. The signatories publish two English copies that differ in six places of punctuation and wording, and the quotations here are from the PDF. The measured evidence on whether anti-Zionist attitudes and antisemitic attitudes travel together is reviewed in the Institute's report on whether anti-Zionism is antisemitism.

Does the Nexus Document count criticism of Zionism as antisemitic?

The Nexus Document, in its **June 2024** revision, states that "As a general rule, criticism of Zionism and Israel, opposition to Israel's policies, or nonviolent political action directed at the State of Israel and/or its policies should not, as such, be deemed antisemitic," item 1 under its heading "What is Not Antisemitic?" (Nexus Task Force, 2021, updated June 2024). The IHRA text never uses the word Zionism; the Nexus Document and the Jerusalem Declaration both do.

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The same document sets a limit in its other list. Item 9 under "What is Antisemitic?" reads: "It is antisemitic to treat Israel differently solely because it is a Jewish state, using standards different than those applied to other countries." Item 2 under the same heading sets the test: "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." Item 5 under "What is Not Antisemitic?" adds that "Paying disproportionate attention to Israel and treating Israel differently than other countries is not prima facie proof of antisemitism."

Its definition is broader than the other two: "Antisemitism consists of anti-Jewish beliefs, attitudes, actions or systemic conditions." The document describes itself as "designed as a guide for policymakers and community leaders as they grapple with the complexities at the intersection of Israel and antisemitism," derived from a Task Force White Paper. Its own trailer dates the sequence: "The Nexus Document was published in February 2021 and updated in June 2024." The quotations here are from the 2024 PDF; the February 2021 text was not retrievable.

Two provenances belong beside it. The Nexus Task Force is affiliated with the Center for the Study of Hate at Bard College, and the Nexus Project states on the page carrying the document that it "is fiscally sponsored by the New Israel Fund."

Instrument	Date and status	On opposing a Jewish state
International Holocaust Remembrance Alliance (2016)	**26 May 2016**, adopted intergovernmental text, non-legally binding	Denying self-determination "could, taking into account the overall context," be antisemitic
Jerusalem Declaration on Antisemitism (2021)	25 March 2021, **210** initial scholarly signers, adopted by no state	Binational and unitary-state support is "on the face of it" not antisemitic
Nexus Task Force (2021, updated June 2024)	**June 2024** revision, academic project, New Israel Fund sponsored	Criticism of Zionism "should not, as such, be deemed antisemitic"

Source: the three instruments as published by their issuing bodies, read 14 September 2026.

Methodology and limitations

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The evidence is documentary. It comprises five primary historical texts (the 1885 Pittsburgh Platform, the Bund's 1898 to 1901 congress records, the 1917 Cabinet paper, the 1919 petition, and the Reform movement's 1937 and 1997 platforms), one peer-reviewed article reporting an original survey, and three definitional instruments of different standing: an adopted intergovernmental text, a scholarly declaration and an academic project document. The sections measure how the term's objections were written down and how three definitions classify them, not whether any objection is correct.

The 1919 petition states no signer count; the figure of 300 comes from two contemporaneous wire reports and reconciles with a 1932 biography. No scan of the printed original was located, and the copy presented to President Wilson was not found in the Foreign Relations of the United States volume searched. Passages are quoted from the American Jewish Archives reproduction wherever it carries them, and from The Denver Jewish News, which uses its own spellings, only for the opening.

The Bund documents exist only in Russian; every English rendering is the Institute's working translation from the 2010 ROSSPEN edition. Memoirs of the 1897 congress were written 12 to 33 years after it and disagree with one another. Montagu's pages 2 and 3 were read from a relayed scan validated against the archive's own image of page 1.

Smooha's figures come from one face-to-face survey of 1,200 Arab citizens of Israel in 1995, excluding East Jerusalem. No source in this evidence base measures the share of any population that holds anti-Zionist views today, and no official body publishes such a count.

Conclusion

So what is anti-Zionism, read from the dated record rather than from a dictionary line? The documents that first opposed Zionism opposed two things together: a Jewish state, and the idea that Jews form a nation. The 300 signers of 1919, the Bund's 24 delegates of 1901 and Montagu in 1917 all held the second as the ground of the first, on religious, class and civic reasoning respectively.

The portrait is specific. None of the early objectors asked for Jews to be absent from Palestine: the petition asked for a state without "distinctions of creed or race," and Montagu for

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"complete liberty of settlement." The best-known religious objection, Reform's of 1885, was reversed by its own movement in 1937. Measured opinion separated the strands sharply, with rejecting a Jewish-Zionist state about five times as common as rejecting the state itself among Arab citizens of Israel in 1995. And three definitions written between 2016 and 2024 draw the antisemitism line in three places, each conditioned on context.

The early documents rested on a claim about Jewish identity; the later definitions turn on how that claim is applied to living Jews. Montagu feared a policy that would make Jews "foreigners"; the Jerusalem Declaration and the IHRA text each warn against treating Jews as agents of a state or denying them a collective right. Where an argument against a Jewish state stops being an argument about a state and starts sorting Jews by their supposed loyalty, is it still the position the 1919 signers held, or has it become one of the inputs that feed the hatred both the signers and the definitions say they oppose?

Frequently Asked Questions

Where is the original 1919 anti-Zionist petition held?

Irving Levitas found the drafting committee's file, with printed copies of the statement and a listing of signatories, at a Kansas City congregation, and in 1957 donated material to the Henry Berkowitz Papers at the American Jewish Archives in Cincinnati, Manuscript Collection No. 25 (Levitas, 1962). The finding aid indexes Paris Peace Conference correspondence in box 1 but does not itemise the statement.

Is the IHRA working definition legally binding?

No: the International Holocaust Remembrance Alliance (2016) describes it as "non-legally binding" in its adoption sentence and in the filename of its own PDF. Its criminal-law paragraph states that "Antisemitic acts are criminal when they are so defined by law."

Did the Bund oppose all forms of Jewish autonomy?

No: the Bund's Central Committee reported in 1901 that the Fourth Congress backed "national autonomy" on matters such as language, education and art within a federation of

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nationalities (Bund, 1898 to 1901, Institute translation). What it rejected was territorial independence as the guarantee of national equality.

How did Sammy Smooha classify Israel?

Smooha (1997) proposed "ethnic democracy" as a fourth type, "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 named Northern Ireland from 1921 to 1972 and Poland from 1918 to 1935 among other cases.

Which countries took a position on the IHRA definition first and most recently?

The International Holocaust Remembrance Alliance (2016) lists the United Kingdom first, on 12 December 2016, and the Dominican Republic most recently, on 24 August 2026, among 48 named UN member states. The page uses varied verbs for those positions and publishes no total.

Was the 1885 Pittsburgh Platform ever formally ratified?

No page of the Central Conference of American Rabbis states either way, and the conference that adopted it in November 1885 predates that body by nearly four years (Pittsburgh Rabbinical Conference, 1885). On the account the Central Conference of American Rabbis publishes, the rabbis met from 16 to 19 November 1885 with Isaac Mayer Wise presiding.

Does the Jerusalem Declaration say any boycott of Israel is acceptable?

Guideline 14 of the Jerusalem Declaration on Antisemitism (2021) states that boycott, divestment and sanctions "are not, in and of themselves, antisemitic" in the Israeli case. The preamble requires each guideline to be read with the others and "always with a view to context," so the guideline classifies a form of protest rather than any particular campaign.

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DATA REPORT BY THE HANOVER INSTITUTE NOVEMBER 16, 2026

What is the Balfour Declaration? The 67 words and the record around them

The 1917 Balfour Declaration is one 67-word sentence. Its letter, the 1922 Mandate, a Cabinet dissent and the 1937 Peel report record its terms.

Balfour Declaration | Mandate for Palestine | Peel Commission | British Policy | Primary Sources



The Balfour Declaration is a single sentence of 67 words in which His Majesty's Government stated, in a letter from Foreign Secretary Arthur James Balfour to Lord

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Rothschild dated 2 November 1917, that "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people," subject to two safeguard clauses. Most people remember the phrase "national home." The sentence's actual commitments, and the people they cover, sit in its verbs and its two provisos. The Council of the League of Nations wrote the Declaration into the Mandate for Palestine in 1922, and in 1937 the Palestine Royal Commission, a review Britain commissioned as the Mandatory power, concluded that the obligations it carried had "proved irreconcilable."

Key Findings

- His Majesty's Government's declaration of 2 November 1917 is one sentence of 67 words. It uses "a national home," not "a state," and commits the Government to "view with favour" and to "use their best endeavours to facilitate" (His Majesty's Government, 1917).
- The Mandate for Palestine, approved by the Council of the League of Nations in 1922, made the Mandatory "responsible for putting into effect" the 1917 declaration. Its Article 2 extended the civil and religious safeguard to "all the inhabitants of Palestine, irrespective of race and religion" (His Majesty's Government, 1917, Mandate text).
- On 23 August 1917, ten weeks before the Declaration was sent, Secretary of State for India E. S. Montagu told the War Cabinet in paper G.T. 1868 that the draft policy was anti-Semitic "in result." In the same sentence he wrote that he was not suggesting the Government was "deliberately anti-Semitic" (Montagu, 1917).
- A Statement to the Peace Conference, presented to President Woodrow Wilson on 4 March 1919, asked that Palestine not be "organized as a Jewish State." Two wire reports that month put its signers at 300, a number the document itself never states (Berkowitz, Jastrow, Senior and the signers, 1919).
- The Palestine Royal Commission, Britain's own commissioned review as the Mandatory power, found in its report signed on 22 June 1937 that Britain could not "both concede the Arab claim to self-government and secure the establishment of the Jewish National Home" (Palestine Royal Commission, 1937).

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What does the Balfour Declaration actually say?

His Majesty's Government's declaration of 2 November 1917 runs to **67 words** in one sentence. It was conveyed in a letter from Foreign Secretary Arthur James Balfour to Lord Rothschild, which the Avalon Project at Yale Law School transcribes; the original is held at the British Library as Add MS 41178 A. The letter is a Cabinet-approved statement of government policy, not a treaty.

Either half of the operative sentence, quoted alone, changes its meaning, so it is given here whole: "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

The sentence has three working parts. Its main verb is "view with favour." Its undertaking is to "use their best endeavours to facilitate the achievement of this object." Its condition, introduced by "it being clearly understood," places two limits on that undertaking. The first concerns the population already living in Palestine. The second concerns Jews living elsewhere.

The covering letter states how the Government classed the text. It opens: "Dear Lord Rothschild, I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet." It closes: "I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation." The letter names its own status twice, as a "declaration of sympathy" and as a text "approved by, the Cabinet."

The letter's form is part of the record. It is addressed to a correspondent for onward transmission to a Zionist body, not to a foreign government or an international organisation. The sentence contains no boundary for Palestine, no population figure, no timetable and no administrative mechanism. Its later legal weight came through a separate instrument, the League of Nations Mandate of 1922, covered in a later section. Two texts therefore carry the commitment, and they use different wording. Every quotation in what follows names which of the two it comes from.

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Which founding documents trace themselves back to the Declaration?

The Provisional Government of Israel's Declaration of the Establishment of the State of Israel, read on 14 May 1948 and signed by **37** members of the People's Council, recites the Balfour Declaration of 2 November 1917 among its own antecedents, according to the Knesset's published English text. The Mandate for Palestine of 1922 names the same letter in its preamble.

The 1948 text sets out its own historical chain in its recitals. It begins with the First Zionist Congress of 1897, convened by Theodor Herzl. It then moves to the Balfour Declaration, then to the League of Nations Mandate, and then to the United Nations General Assembly resolution of 29 November 1947, which it describes as a recognition that "is irrevocable." Only after that sequence does the operative clause declare "THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL." David Ben-Gurion signed first. These recitals are the founding state's own account of its lineage, published by a party to the events. They are what the founding text asserts, not independent historical findings.

The earlier link in the chain is international. The preamble of the Mandate for Palestine makes the Mandatory "responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers." The 1917 letter is therefore named by two instruments of different kinds. One is a League of Nations instrument of 1922. The other is a state's founding declaration of 1948.

The recital chain in Israel's 1948 founding text

ANTECEDENTS AS LISTED IN THE DECLARATION OF THE ESTABLISHMENT OF THE STATE OF ISRAEL, KNESSET ENGLISH TEXT



The sequence is the founding text's own narrative, published by a party to the events.

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Source: Provisional Government of Israel, 1948 (Knesset English text); His Majesty's Government, 1917 (Mandate preamble).

The view that the Declaration became a foundation of later policy, and of the wider dispute over Palestine, therefore has a basis in the documents themselves. Both the 1922 and the 1948 instruments cite it by date. The record of how those dated instruments fit into the origins of the conflict runs past 1948. Within the Declaration's own story, the two citations mark the points at which a 1917 letter was carried into later texts with their own authors and their own wording.

Did the Declaration promise a Jewish state?

The operative sentence His Majesty's Government issued on 2 November 1917 uses the word "state" **zero** times. It speaks of "a national home for the Jewish people," not "a state" and not "the national home," and it commits the Government only to "view with favour" that object and to "use their best endeavours to facilitate" it.

The verbs set the level of commitment. "View with favour" expresses an attitude. "Use their best endeavours to facilitate" promises effort toward an outcome, not the outcome itself. The sentence names no form of government, no sovereignty, no boundary, no timetable and no population threshold. Its indefinite article, "a national home," leaves open whether Palestine as a whole or some part of it is meant.

Later instruments use different wording, and the differences are visible side by side.

Instrument	Wording	Source
Declaration letter, **1917**	"a national home for the Jewish people"	His Majesty's Government, 1917
Statement to the Peace Conference, **1919**	objects to "a Jewish State in Palestine"	Berkowitz, Jastrow, Senior and the signers, 1919
Mandate for Palestine, Article 2, **1922**	"the Jewish national home"	His Majesty's Government, 1917 (Mandate text)
Royal Commission report, **1937**	"the Jewish National Home"	Palestine Royal Commission, 1937

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Instrument	Wording	Source
Declaration of Establishment, **1948**	"a Jewish State in Eretz-Israel"	Provisional Government of Israel, 1948

Source: the instruments named in the third column, quoted from the texts cited in Sources.

By 1922 the article had moved from "a" to "the." Article 2 of the Mandate makes the Mandatory responsible for "the establishment of the Jewish national home, as laid down in the preamble." The Royal Commission's 1937 report capitalises the phrase as "the Jewish National Home." The word "state" enters through other instruments. The 1919 Statement to the Peace Conference objected to one. The 1937 Commission proposed "two sovereign independent States," one Arab and one Jewish. The 1948 founding text declared one.

The question of statehood was therefore argued in documents surrounding the Declaration, by authors writing in 1919, 1937 and 1948, and each of those texts has its own date and standing. The 1917 sentence does not contain the word. Read against its own terms, it describes British sympathy and British effort, in that order, limited by the two conditions that follow it.

Whose rights did the two safeguard clauses protect?

The 2 November 1917 sentence carries **two** safeguard clauses. His Majesty's Government wrote that nothing would be done to prejudice "the civil and religious rights of existing non-Jewish communities in Palestine," or "the rights and political status enjoyed by Jews in any other country." A single condition, "it being clearly understood," governs both.

The first clause protects a named category of rights, "civil and religious," for a population defined by what it is not: "existing non-Jewish communities in Palestine." The word "Arab" does not appear anywhere in the operative sentence. The word "existing" ties the protected group to communities present when the text was written. The clause does not mention political rights, political status or self-government.

The second clause protects something broader for a different population. It covers "the rights and political status enjoyed by Jews in any other country," meaning Jews living outside

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Palestine. The phrase "political status" appears in the second proviso and is absent from the first. That difference in scope is in the text itself. Quoting the first clause alone, or merging the two into a general promise to protect rights, removes it.

The concern behind the second clause appears on the record before and after November 1917. On 23 August 1917, Secretary of State for India E. S. Montagu asked the War Cabinet to refuse "a conclusion which makes aliens and foreigners by implication, if not at once by law, of all their Jewish fellow-citizens" (Montagu, 1917). In March 1919, the first objection of A Statement to the Peace Conference held that "a double allegiance" is "necessarily implied in" a sovereign Jewish state (Berkowitz, Jastrow, Senior and the signers, 1919). The Declaration's second proviso and these two texts address the same question. The documents read here do not record how the proviso was drafted.

The first clause was reworded when it moved into the Mandate of 1922, and that rewording widened the group it named. That change belongs to the instrument that gave the Declaration legal force, and the next section sets out the two wordings side by side.

How did a British letter become an international obligation?

The Council of the League of Nations approved the Mandate for Palestine in **1922**. Its preamble made the Mandatory "responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers." The 1917 letter gained its legal force through that international instrument, not on its own.

The Mandate turned a statement of sympathy into a set of duties. Article 2 makes the Mandatory responsible "for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion." Article 4 provides that "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine."

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The two texts must be kept apart. The letter of 1917 reads "view with favour" and "nothing shall be done which may prejudice." The Mandate's preamble restates the Declaration as "in favor of the establishment" and "nothing should be done which might prejudice." A quotation attributed to "the Balfour Declaration" that uses "should" or "might" is quoting the Mandate's restatement, not the letter.

Three changes between the letter and Article 2 can be read directly from the wording. The verb moves from "facilitate" to "secure." The article moves from "a national home" to "the Jewish national home." The safeguard moves from "existing non-Jewish communities" to "all the inhabitants of Palestine, irrespective of race and religion," so Jews and non-Jews alike now fall within it. The protected category stays the same, "civil and religious rights." Article 2 places a separate duty, "the development of self-governing institutions," beside the national home, and it does not specify how the two relate.

The obligation therefore lay with Britain as Mandatory under a League of Nations instrument, owed to the League's Council. Whether those duties could all be met at once became the question Britain's own Royal Commission took up fifteen years later.

Who inside the British Cabinet argued against the draft?

E. S. Montagu, Secretary of State for India, argued against the draft policy in War Cabinet paper G.T. 1868, dated **23 August 1917**, ten weeks before the Declaration was sent. The National Archives at Kew holds the printed paper as CAB 24/24/71, and a second copy of the same print sits at CAB 21/58, folio 218 (Montagu, 1917).

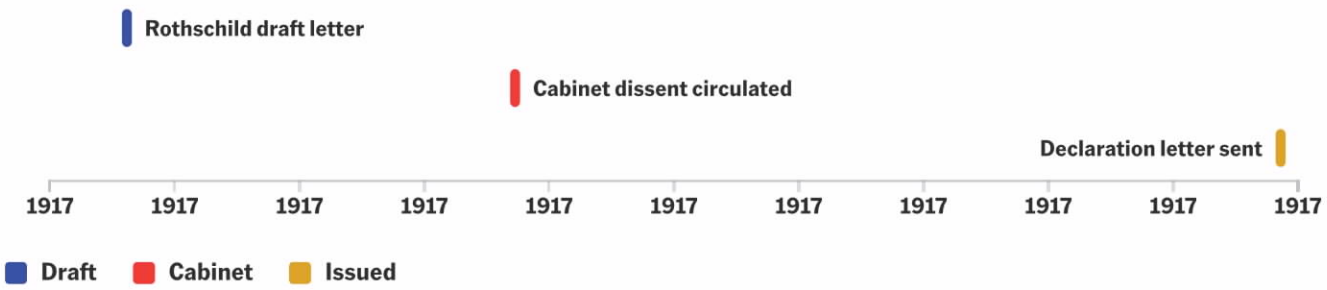
The paper is titled "The Anti-Semitism of the Present Government." Its first sentence qualifies that title and is given whole: "I have chosen the above title for this memorandum, not in any hostile sense, not by any means as quarrelling with an anti-Semitic view which may be held by my colleagues, not with a desire to deny that anti-Semitism can be held by rational men, not even with a view to suggesting that the Government is deliberately anti-Semitic ; but I wish to place on record my view that the policy of His Majesty's Government is anti-Semitic in result and will prove a rallying ground for Anti-Semites in every country in the world."

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The paper answers a draft, not the issued text. Montagu wrote that he was "prompted by the receipt yesterday of a correspondence between Lord Rothschild and Mr. Balfour," adding that "Lord Rothschild's letter is dated the 18th July and Mr. Balfour's answer is to be dated August 1917." He claimed standing "as the one Jewish Minister in the Government." He called Zionism "a mischievous political creed, untenable by any patriotic citizen of the United Kingdom."

The draft, the dissent and the issued Declaration
DATED DOCUMENTS, JULY TO NOVEMBER 1917



Source: Montagu, 1917; His Majesty's Government, 1917.

On page 2, Montagu set out "four principles," the first being "I assert that there is not a Jewish nation." On page 3, he proposed an alternative: the Government would seek "for Jews in Palestine complete liberty of settlement and life on an equality with the inhabitants of that country who profess other religious beliefs. I would ask that the Government should go no further." The National Archives publishes page 1 as an image. Pages 2 and 3 were read from a relayed photographic scan of the same print, whose first page matches the archive's image word for word.

The paper contains no count, share or rate. It records what one minister put before the War Cabinet on one date. It does not record what the Cabinet decided or what other members believed.

Which American Jews petitioned against a Jewish state in 1919?

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Rabbi Henry Berkowitz, Professor Morris Jastrow and Max Senior drafted A Statement to the Peace Conference, which Representative Julius Kahn of California presented to President Woodrow Wilson on 4 March 1919, the day before Wilson sailed for Paris. Two wire reports that month put its signers at **300**, a figure the document never states.

The text, as printed in The Denver Jewish News of 19 March 1919, states its purpose as "objections to the organization of a Jewish State in Palestine as proposed by the Zionist Societies in this country and Europe and to the segregation of the Jews as a nationalistic unit in any country." A rejection of the Declaration's "national home" and five numbered objections follow. The fourth, as reproduced from the drafting committee's file by Irving Levitas (1962) in American Jewish Archives, protests "the re-establishment in Palestine of a distinctively Jewish State as utterly opposed to the principles of democracy." The closing asks that Palestine be "a free and independent state, to be governed under a democratic form of government recognizing no distinctions of creed or race or ethnic descent," and adds: "We do not wish to see Palestine, either now or at any time in the future, organized as a Jewish State."

The signer count comes from sources outside the document.

Source	Count stated	Date
Douglas Daily International	"Three hundred prominent American Jews"	**5 March 1919**
Wisconsin Weekly Blade	"300 prominent American Jews"	**15 March 1919**
Max E. Berkowitz, The Beloved Rabbi	"two hundred and ninety-nine other signatories"	**1932**
The Statement itself	none; "we, the undersigned"	**1919**

Source: Berkowitz, Jastrow, Senior and the signers, 1919, with the publications named in the first column.

The 1932 biography counts 299 signers other than the drafter, which gives the same 300. The total kept changing after presentation: Levitas's reading of the committee's correspondence records one rabbi announcing his decision to sign on 22 April 1919, seven weeks after 4 March. Any count is therefore a count as of a particular date.

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The Statement claims to voice "the opinion of the majority of American Jews born in this country." That claim appears inside an advocacy petition and is not a measurement. The same page carries a reply from Judge Julian W. Mack, president of the Zionist Organization of America, claiming "a majority of the adult Jews of America" on a tally of organisation memberships. Two organisations thus printed incompatible claims to speak for one population, on the same page and the same day, and neither claim rests on a survey. The petition is a dated record of Jewish opposition to political Zionism in 1919. It documents what its signers argued and does not measure the opinion of anyone else.

Could Britain keep both of the Declaration's promises?

The Palestine Royal Commission, a review Britain commissioned as the Mandatory power and reporting on its own obligations, concluded in a report signed on **22 June 1937** that the obligations Britain had undertaken toward Arabs and Jews "some twenty years ago" had "proved irreconcilable." The report was presented to Parliament in July 1937 as Cmd. 5479.

The full passage, Chapter XX, paragraph 17, reads: "Nor do we suggest that the obligations Britain undertook towards the Arabs and the Jews some twenty years ago have lost in moral or legal weight through what has happened since. The trouble is that they have proved irreconcilable; and, as far ahead as we can see, they must continue to conflict." It goes on that, "to put it in one sentence," the Commission could not, "in Palestine as it now is," "both concede the Arab claim to self-government and secure the establishment of the Jewish National Home."

The Commission was appointed by Royal Warrant of 7 August 1936, with William Robert Wellesley, Earl Peel, as Chairman. Its terms of reference were to find the underlying causes of the disturbances that began in April 1936, to examine how the Mandate was being implemented with respect to Britain's obligations to Arabs and Jews respectively, and to recommend remedies. Its six Commissioners sat in Jerusalem from November 1936. Earlier in the report (Chapter V, paragraph 47), the Commission described the Government of Palestine as "poised as it is above two irreconcilable communities, compelled to follow a path between them marked out by an elaborate, yet not very lucid, legal instrument."

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Its remedy is in Chapter XXII: "We return, then, to Partition as the only method we are able to propose for dealing with the root of the trouble." The plan would replace the Mandate with a treaty system and establish "two sovereign independent States," an Arab state joined with Trans-Jordan and a Jewish state, under a new Mandate for the Holy Places. This was a recommendation and was never enacted. The Palestine Partition Commission (the Woodhead Commission) reported in 1938 that it was unable to recommend boundaries for self-supporting Arab and Jewish States, the Government declared partition impracticable that November, and its White Paper of 1939 set out an alternative policy. The later history of the 1937 partition recommendation runs through those documents.

The finding answers the question in the heading as the Mandatory power itself answered it in 1937. The Commission placed the conflict between the national home and Arab self-government, the duty Article 2 of the Mandate had set beside it. It did not locate the conflict in the Declaration's safeguard clauses as such.

Methodology and limitations

The evidence consists of primary and official records. These are the 1917 letter and the 1922 Mandate, in the Avalon Project transcriptions at Yale Law School; the 1948 founding declaration, in the Knesset's English text; the 23 August 1917 Cabinet paper, held by The National Archives; and the 1937 Royal Commission report, Cmd. 5479. The 1919 petition, a primary historical artifact, is quoted from two reproductions: The Denver Jewish News of 19 March 1919, digitised by the Library of Congress, and Levitas (1962) in American Jewish Archives. No scan of the printed original was located. The two reproductions differ in places, so passages carried by the 1962 text are quoted from it, and the Denver printing is used for the opening paragraphs only. The Denver printing also respells words in its own house style.

The Avalon Project text of the Declaration is a university transcription. The original letter is held at the British Library as Add MS 41178 A. For the Montagu paper, page 1 was read from the archive's published image, and pages 2 and 3 from a relayed scan of the identical print. The Royal Commission report is cited by chapter and paragraph, because page numbers differ across editions.

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None of these documents measures anything. The Declaration contains no count, boundary or population figure. The Montagu paper contains no figure. The petition's signer total of 300 comes from two 1919 wire reports, and the petition itself states no total. The Royal Commission is the Mandatory power's own commissioned review, and its rounded population characterisations are not used as counts. The copy of the petition handed to President Wilson has not been located in the published Foreign Relations of the United States series.

Conclusion

So what is the Balfour Declaration, on the record of 2 November 1917? It is one sentence of 67 words. It contains the phrase most people remember, "a national home," but a narrower commitment than that phrase is often taken to carry. The Government would "view with favour" and "use their best endeavours to facilitate," and the word "state" appears nowhere in it.

The documents around it add to that picture. The sentence protects the civil and religious rights of "existing non-Jewish communities" and the political status of Jews elsewhere, two safeguards of different scope. It acquired legal force only when the League of Nations Mandate of 1922 adopted it in different words. It was opposed in the War Cabinet ten weeks before it issued, and by 300 American signers, on two wire reports' count, in 1919. Twenty years after it issued, Britain's own commissioned review, the Palestine Royal Commission of 1937, wrote that the obligations it set in motion could not both be met.

The letter that 1948's founding text names as its antecedent, and that the 1937 Commission found could not be carried out in full, is short enough to quote whole. How much of what it later came to stand for lies in those 67 words, and how much was added by the Mandate, the commissions and the declarations that later cited it by date?

Frequently Asked Questions

Where is the original Balfour Declaration letter kept?

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The British Library holds the original letter of 2 November 1917 as Add MS 41178 A. The Avalon Project at Yale Law School publishes a transcription of the text, which is the version most often quoted online.

Why is it called the Balfour Declaration if the Cabinet approved it?

The letter was signed by Foreign Secretary Arthur James Balfour, and the declaration is named after him. The letter itself says the declaration was conveyed "on behalf of His Majesty's Government" after it had been "submitted to, and approved by, the Cabinet" (His Majesty's Government, 1917).

How many witnesses did the Peel Commission hear?

The Palestine Royal Commission heard 60 witnesses at 30 public sessions and 53 witnesses at 40 private sessions, all held in Jerusalem from November 1936, and 10 more in London after its return, 2 at one public session and 8 at seven private sessions (Palestine Royal Commission, 1937). These figures come from the Mandatory power's own commissioned review.

What level of Jewish immigration did the 1937 Royal Commission recommend?

The Palestine Royal Commission recommended a "political high level" of Jewish immigration, "fixed for the next five years at 12,000 per annum" (Chapter X, paragraph 97). Like the partition plan, this was a recommendation.

Did the partition plan of 1937 include money for the proposed Arab state?

Chapter XXII, paragraph 27, of the Royal Commission report recommended a grant of £2,000,000 to the proposed Arab state (Palestine Royal Commission, 1937). The plan as a whole was never enacted.

Can the Montagu Cabinet paper be read online?

The National Archives catalogues the paper as CAB 24/24/71, states that the record is available online and can be downloaded. It publishes page 1 of the CAB 21/58 copy as an open image (Montagu, 1917).

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Where are the papers of the 1919 petition's drafters held?

The American Jewish Archives in Cincinnati holds the Henry Berkowitz Papers, Manuscript Collection No. 25, covering 1881 to 1936. They include the drafting committee's copies of the Statement and its signatory listing (Berkowitz, Jastrow, Senior and the signers, 1919). The finding aid does not itemise the Statement, so the listing can be consulted only in the reading room.

Who signed Israel's 1948 Declaration of Establishment?

The Declaration of the Establishment of the State of Israel was signed by the 37 members of the People's Council, with David Ben-Gurion signing first (Provisional Government of Israel, 1948). It was read in Tel Aviv on 14 May 1948 and published in Official Gazette Number 1.

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