



General Assembly

Distr.: General
11 September 2013

English only

Human Rights Council

Twenty-fourth session

Agenda item 7

Human rights situation in Palestine and other
occupied Arab territories

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the General Arab Women Federation, the Union of Arab Jurists, the Arab Lawyers Union, North-South XX1, the United Towns Agency for the North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status; the International Human Rights Association of American Minorities, the Indian Council of South America, the World Peace Council, International Educational Development, Inc., non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 September 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Israeli occupation of the Palestinian Territories*

Since 1948, more than 6 million Palestinians have been displaced to make way for the state of Israel and another 834,000 have become refugees in the aftermath of the Israeli occupation of the West Bank and Gaza. Since then, hundreds of official reports have been issued by international, regional and national agencies, NGOs and governments exposing the human rights violations committed by Israel against the Palestinian land and people, and raising alarms about the resulting abuses and destruction of Palestinian property and the damage to the Palestinian economy.

Most reports have only added a new layer of statistics to the ante.¹

This report presents the salient facts and conclusions from the most recent investigations² conducted by the international and European bodies charged with oversight of the Occupied Palestinian Territory (oPT).³ Eleven Reports were examined.⁴

The observations and calls to action highlight all facets of Israeli control of Palestinian land and people, each now stretched to a breaking point that is no longer sustainable. The timing is ripe for international and European governing bodies to play the role the US cannot due to its internal political climate – that of enforcer.

* Please see last page for list of NGOs without consultative status, also sharing the views expressed in this statement.

¹ It has been a first step that the European Commission announced that in 2014 it would withhold its “grants, prizes and other financial instruments” from Israeli entities that operate in the OPT, yet such a decision came far too late and was far not enough as its effectiveness was undermined by the German government’s criticism.

² It examines all reports of 2012 and January-July 2013, including reports issued by the various branches and affiliates of the United Nations and the European Parliament, as well as findings issued by international think tanks and human rights organizations.

³ The Treatment of Palestinians living in the current State of Israel and the status of refugees exiled to the diaspora are beyond the scope of this report.

⁴ “The Palestinian economy in East Jerusalem: Enduring annexation, isolation and disintegration,” Report by the United Nations Country Team in the OPT, United Nations Special Coordinator for the Middle East Peace Process (UNSCO) 27 August 2012, <http://www.unrwa.org/etemplate.php?id=1423>; “Policy Briefing – Area C: More than 60% of the occupied West Bank threatened by Israeli annexation,” May 2012 and 2013, International Labor Conference, 101st and 102nd sessions http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS_213298/lang--en/index.htm; “Recent Experience and Prospects of the Economy of the West Bank and Gaza: Staff Report Prepared for the Meeting of the Ad Hoc Liaison Committee,” Directorate-General for External Policies of the Union Policy Department, European Parliament March 2012 <http://www.euronews.com/2010/03/23/jerusalem-heart-of-the-israeli-palestinian-conflict/>; “Fiscal Challenges and Long-Term Economic Costs: Economic Monitoring Report to the Ad Hoc Liaison Committee,” 11 March 2013, World Bank; “Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the oPT, including East Jerusalem”; “Children in Israeli Military Detention: Observations and Recommendation”; “Extreme Makeover? (I and II): Israel’s Politics of Land and Faith in East Jerusalem and The Withering of Arab Jerusalem”; “Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the oPT,”; “Gaza in 2020: A livable place?”; “Report of the Director-General: The situation of workers of the occupied Arab territories”; “Jerusalem: The Heart of the Israeli-Palestinian Conflict”

Summary of Findings

Mandates of international law

Numerous international agreements ratified by Israel obligate it to respect, protect, promote and fulfill the full range of social, economic, cultural, civil and political rights of everyone living within its jurisdiction. UN bodies monitoring the implementation of these treaties have consistently concluded their applicability to acts committed in the oPT.⁵ The International Court of Justice (ICJ) confirmed this in 2004. Thus, Israel is bound by international humanitarian and international human rights law.

Lack of good faith

“State building” has contributed to the creation of a dependency culture in the oPT and masking the hollowing-out of the Palestinian economy. Public opinion across the European Union is consistently less patient with Israeli policies and more sympathetic to the Palestinians’ predicament. Further entrenchment of the occupation as hope for a two-state solution fades will make the parallels with apartheid South Africa increasingly difficult to ignore. Israel is more and more under pressure to finally submit to international humanitarian and international human rights law.

Economic development and public welfare

Economic activity in the OPT has slowed significantly following robust GDP growth in recent years. 25.8% of people living in the oPT⁶ earned below the poverty line in 2011. Deep poverty afflicted 12.9%⁷. Without international and local aid programs those numbers would be higher⁸. As an urban economy, Gaza’s heavily reliant on intensive trade, communication and movement of people. Gaza has been essentially isolated since 2005. Under present circumstances, its economy is fundamentally unviable in the long term. Israel is largely responsible for this misery.

The loss of Palestinian natural resources, such as land and water, to occupation and settlements and the isolation of Palestinian producers from regional and global markets, led to their inability to obtain supplies needed for production and to export their goods and services. ⁹Lifting the occupation could practically double the size of the local economy. Prolonged occupation, and the socio-economic impact of confrontation with an expanding settler/colonial-type enterprise, is the main cause of the failure of Palestinian economic development efforts. Ending settlement and occupation is the *sine qua non* for sustainable development to take root.

Access to water

Presently, Israel uses 86 % of the water extracted from the region’s Mountain Aquifer, the sole water source for West Bank Palestinians and a resource that by international agreement must be shared equitably by both sides. Israel controls the quantity of water extracted by the Palestinians and has veto power over Palestinian and Palestinian Authority investment in water infrastructure. In the Gaza Strip, all agricultural water comes from wells. There is a severe deterioration of water quality caused by the destruction of infrastructure and the

⁵ This holds true for acts during both peace and war.

⁶ 17.8 % of residents in the West Bank and 38.8% in Gaza

⁷ 7.8 and 21.1%, respectively

⁸ For example, in Gaza, the overall poverty rate would rise to 49.9%

⁹ In total, the Palestinian Ministry for the National Economy estimates that the economic cost of the Israeli occupation totaled more than \$6.9 billion, or nearly 85 % of the total GDP.

continued blockade, which make repair and replacement difficult if not impossible. By such practices Israel seriously violates the International Covenant on Economic, Social and Cultural Rights.

Land use and movement restrictions

Under 1993 Oslo Peace Accords terms, more than 60% of the West Bank remains under full Israeli military and administrative control.¹⁰ Still in 2013 Israel restricts Palestinians' access to land and resources through systemic segregation, forcibly evicting and displacing Palestinian residents, demolishing civilian property and expanding Israeli settlements. Palestinians have seen more than 1 million dunums (247,104 acres) of their land seized for military or state use or due to archaic absentee property laws.

Physical barriers like checkpoints and roadblocks, combined with complex, equally onerous administrative controls, continue to confine daily life and economic development in the West Bank. In Gaza, farmers are denied access to vital agricultural lands within the "buffer zone" along the border with Israel, as well as to their most productive fishing waters. Although Israel's encroachment into Area C has long been condemned by the EU, efforts to improve the situation are continually undermined. Minimal recommendations set out by the EU's 2011 report on Area C remain unimplemented and consistent pressure is lacking. While the EU has expressed its concern, decisive action is long overdue.

Settlements

The settlements violate Article 49 of the Fourth Geneva Convention (the Convention)¹¹, which prohibits the transfer of an occupying power's civilian population into occupied territory. This illegality has been confirmed by the ICJ, the High Contracting Parties to the Convention and the UN Security Council. The settlements are "a mesh of construction and infrastructure leading to a creeping annexation that prevents the establishment of a contiguous and viable Palestinian State and undermines the right of the Palestinian people to self-determination.

Roughly 250 Israeli settlements and outposts now consume approximately 43% of the West Bank, with the total population (including East Jerusalem) estimated at more than 520,000 (double of that upon negotiation of the Oslo Accords, which were originally intended to create a framework for ending the occupation). If there are to be any real prospects for peace, the tide of settlement activity must be turned. Action is not only a political imperative; it is also a humanitarian imperative and an obligation under international law and IHL.

East Jerusalem

Israeli policy of severing political, economic and social links between the West Bank and East Jerusalem has caused a serious deterioration in Palestinian living conditions. Settlements have hemmed in Arab East Jerusalemite neighborhoods, which have become slums in the midst of an expanding Jewish presence. Trade with the West Bank has also been choked off by the Separation Barrier and checkpoints. Organized political life has been virtually eradicated by the clampdown on Palestinian institutions; and their social and economic deprivation is rendered the more obvious by proximity to better-off Jewish neighbors.

¹⁰ Article 27 stipulated that Israel would gradually relinquish control by 1999. That did not occur.

¹¹ Compare Article 49, Fourth Geneva Convention of 1949
<http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument>

Although Israel may not have achieved its demographic goal, it succeeded in disempowering Arab Jerusalemites. Israel annexed East Jerusalem, with its Palestinian population, immediately after capturing the territory from Jordan in 1967 and has built housing developments for Jews there, but the annexation remains unrecognized internationally. Jerusalem's disputed status under international law means that external interventions are not only legitimate but also incumbent upon the international community, which in 1949 assumed the moral responsibility for the city's future.

Demolitions

Since 1967, Israeli authorities have demolished more than 27,000 Palestinian homes in the OPT. The Israeli Committee Against Home Demolitions (ICAHN) counts 160,000 displaced Palestinians during that time period. These demolitions on alleged military or security grounds contravene Article 53 of the Convention,¹² which states that an occupying power is forbidden to destroy the property of the local population "except where such destruction is rendered absolutely necessary by military operations." Furthermore, according to Article 147¹³, the extensive destruction of property not justified by military necessity constitutes a war crime.

Detention of prisoners

An estimated 700,000 Palestinians have been held in Israeli military detention. In 2012 alone approximately 4,100 were in detention¹⁴. The Israeli military court system does not ensure Palestinians fair trials, clear evidentiary or procedural rules, the presumption of innocence, or the right to hear witnesses or examine all material evidence. Children are especially affected.

For the past 10 years, approximately 700 Palestinian children¹⁵ were arrested, interrogated and detained by the Israeli army, police or security agents, annually – an average of two daily. Ill-treatment of children who come into contact with the (Israeli) military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing.

Conclusions

The international and European communities must not consign their extensive investigations and well-thought-out preventive actions to the dustbin of history. There is no shortage of concrete proposals for action, yet few steps beyond warnings have been taken. Israel consistently ignores and defies the UN and UN resolutions condemning settlements and Israel's treatment of Palestinians. Even in the midst of negotiations, Israel announced the approval of 1,900 additional settler homes.

If the international community does not want to lose credibility, it must increase pressure before it is too late.

¹² Compare Article 53, Fourth Geneva Convention of 1949
<http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument>

¹³ Article 147 of the Fourth Geneva Convention

¹⁴ 143 were aged 16-18 and 21 were below 16

¹⁵ The children are mostly boys and aged 12-17 years.

Notes:

The following are NGOs without consultative status, who also share the views expressed in this statement: BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK), Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home, Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), The Democratic Activist, Democracy Rising.org, Democratic Underground, Human Resources (Tbilisi, Georgia), Democratic Renewal, Democrats.com, Earth Day.org, Earth Island Institute, East Cobb Democratic Alliance (Cobb County, GA), Eastern Long Island Democracy for America (NY), ECU Peace and Justice NC, Election Solar Bus, Environmentalists Against War, Envision a New America, Foundation for the Development of Fox Valley Citizens for Peace and Justice (IL), Global Exchange.org, Global Network Against Weapons & Nuclear Power in Space, Global Resistance Network, Gold Star Families for Peace, Grandmothers Against the War, Grandmothers for Peace, Grass Roots Impeachment, Grass Roots Impeachment Movement, Grassroots North shore WI, Green Delaware, Hawaii CD-01 Impeachment Action Coalition, Historians Against the War, Honk to Impeach, Idriss Stelley Foundation, Impeach Bush Cheney, Independent Progressive Politics Network, Impeach Bush Coalition, Impeach Bush TV.org, Impeachbush-cheney.com, Impeach Central, Impeach for Peace - Marshall, TX, Impeachable Treason, Impeach Duh, Impeachment Sunday, Inform Progressive Virginia, International Socialist Organization, Impeach Bush Cheney Net, Iraq Veterans Against the War, Iraq Veterans Against the War - Kansas City, Justice Through Music, Lake Merritt Neighbours Organized for Peace (Oakland, CA), Latinos for America, Leader of the Free Word - a great screen saver, Liberal Democracy Alliance, Liberal Kids, LIBERTY TREE Foundation for the Democratic Revolution, Los Angeles National Impeachment Centre, Louisiana Activist Network, Marijuana Policy Project, Massachusetts Impeachment Coalition, Men's Project for Peace, Michael Moore Online.org, Michigan Peace Works, Military Families Against the War (UK), Military Free Zone, Stop the War Coalition (Bedford, UK), Plataforma Aturem la Guerra (Stop the War Catalonia), Million Musicians March, Mission Not Accomplished, Montgomery County Progressive Alliance (MD), Musicians and Fine Artists for World Peace, Muslims for Peace (Australia), National Lawyers Guild - Chicago chapter, National

Lawyers Guild - Detroit & Michigan chapter, Northeast Impeachment Coalition, North Jersey Impeach Group (NJ), Northeast Georgia Peace Corner Group (Helen, GA), Northwest Ohio Peace Coalition, Northwest Progressive Institute (Pacific Northwest US), Not in Our Name.org, Not in Our Name (Aotearoa, New Zealand), Nyack Impeachment Initiative (NJ), Ohio Progressive Action Coalition, One Global Community, Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionale- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org, Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme.
