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**Human rights situation in Palestine and other
occupied Arab territories**

Joint written statement* submitted by Al-Haq, Law in the Service of Man, the Al Mezan Centre for Human Rights, the Badil Resource Center for Palestinian Residency and Refugee Rights, non-governmental organizations in special consultative status

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

[4 June 2012]

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

Palestinian self-determination: Receding in the face of Israeli settlement expansion*

As Palestinian human rights organisations, we, the undersigned, express to the Council our grave concerns about the unremitting expansion of Israeli settlements and their associated infrastructure in the Occupied Palestinian Territory (OPT).

From the outset of the occupation of the West Bank, including East Jerusalem, in 1967, Israel has sought to incorporate into Israel all – or as much as is possible – of the land recognised under international law as territory on which the Palestinian people are entitled to exercise their right to self-determination. Regardless of their specific political agenda, since 1967 all Israeli governments have actively pursued and implemented a settlement policy that encourages and facilitates, including by financial incentives, the establishment and growth of settlements in the OPT. Currently some 500,000 Israeli settlers live in more than 200 colonies built on Palestinian land.

Israel has effectively appropriated hundreds of thousands of *dunums* of land for the establishment and expansion of Israeli colonies in the OPT as part of an extensive and systematic practice under the pretense of security reasons and military necessity. Once Israel has appropriated Palestinian land, it is solely allocated to Jewish settlers. Agricultural resources and aquifers are either appropriated or destroyed and countless olive trees are uprooted in the process of building the settlements and their associated infrastructure.¹ The creation of a network of roads and flourishing agricultural enterprises for the sole benefit of the settlers reveals Israel's practices of permanently changing the status of the occupied territory and effectively exercising sovereign power.

The appropriation of vast tracts of land for the establishment and expansion of Israeli colonies have dramatically reduced the land available to the Palestinian population. The Jordan Valley, which is the most fertile area of the OPT, is a case in point. Palestinians are today denied access to 77 per cent of the area.

Equally, through a matrix of military orders and regulations, water has been largely appropriated by the Occupying Power for the benefit of its own population, both inside Israel proper and in its colonies in the OPT. The discriminatory allocation of water is demonstrated by the fact that Israeli settlers in the OPT consume approximately six times the amount of water used by a Palestinian population of some 2.5 million.²

Concurrently, the Israeli judiciary has repeatedly ignored international law claims concerning the illegality of the exploitation of the natural resources of the occupied territory. Recently, the Israeli High Court of Justice authorised the continuation of the

* The Addameer Prisoners' Support and Human Rights Association, Defence for Children International - Palestine Section, Ensan Center for Human Rights and Democracy, Hurryyat - Centre for Defense of Liberties and Civil Rights, Ramallah Centre for Human Rights Studies, NGOs without consultative status, also share the views expressed in this statement.

¹ Al-Haq, 'Unmasking the "Freeze": Israel's Alleged Moratorium on Settlement Construction Whitewashes Egregious Violations of International Law' (26 April 2011) 10-11 <<http://www.alhaq.org/publications/publications-index/item/unmasking-the-freeze>> accessed 4 June 2012.

² Al-Haq and EWASH, 'Joint Parallel Report submitted by the Emergency Water, Sanitation and Hygiene group (EWASH) and Al-Haq to the Committee on Economic, Social and Cultural Rights on the occasion of the consideration of the Third Periodic Report of Israel' (September 2011) paragraph 27.

mining operations by Israeli private contractors in quarries situated in the West Bank,³ in violation of long established principles regarding the limitations on the use of natural resources in occupied territory.⁴

The illegal appropriation of natural resources, along with a discriminatory permit regime, restrictions on movement and the fragmentation of the occupied population into enclaves with minimal resources available, is gravely affecting a wide range of Palestinians' human rights. In particular, the economic and agricultural development of Palestinian communities is adversely affected – ultimately strangled – by Israel's illegal practices, while Israeli colonies continue to flourish. The latter largely benefit from strong economic relations with foreign countries, particularly in Europe.

For 45 years Palestinians have been continuously denied their sovereign rights over natural resources,⁵ and by extension the ability to freely dispose of their natural wealth and resources in accordance with their interests of national development and well-being. This is a clear violation of the right to self-determination of the Palestinian people, recognised as a peremptory norm of international law.⁶ Additionally, Israeli settlements in the OPT constitute a blatant violation of international law, namely of Article 49(6) of the Fourth Geneva Convention, “[t]he Occupying Power shall not deport or transfer part of its own population into the territories it occupies.” Numerous UN resolutions⁷ and the 2004 International Court of Justice Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* have also confirmed their illegal nature.⁸

International statements condemning settlement expansion have failed to generate any compliance with international law, on the contrary, the Israeli government recently hastened its attempts to legitimise colonies built on Palestinian land and disregarded the ruling of its own judiciary on the matter. It is therefore essential that member States of the UN immediately adopt effective measures to halt settlement expansion. The example provided by Denmark, South Africa and Switzerland to adequately label settlement produce entering their national markets represents a positive step in this regard.

However, the international community must expedite its efforts against further settlement expansion if they are genuinely believe that the right to self-determination of the Palestinian people can be exercised through a two-State solution to the Israeli-Palestinian conflict. As the United Nations Special Coordinator for the Middle East Peace Process, Robert Serry, recently stated in his briefing to the Security Council; “the search for a lasting peace that

³ Yesh Din – Volunteers for Human Rights vs. the Commander of the IDF Forces in the West Bank et al. (Israeli High Court of Justice, 2009) HCJ 2164/09.

⁴ Article 43 and 55 The Hague Regulations.

⁵ The principle of permanent sovereignty over the natural resources of the State is reflective of customary international law. See Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda) ICJ Rep 2005, paragraph 244 (hereafter: *Armed Activities Congo/Uganda*).

⁶ *Armed Activities Congo/Uganda* (n 5) paragraph 64; *Ibid*, Separate Opinion of Judge Ad Hoc Dugard, paragraphs 4, 10.

⁷ For example: UNSC Res 237 (14 June 1967) UN Doc S/RES/237, UNSC Res 271 (15 September 1969) UN Doc S/RES/271, UNSC Res 446 (22 March 1979) UN Doc S/RES/446 and UNSC Res 465 (1 March 1980) UN Doc S/RES/465. See also, UNGA Res 56/60 (10 December 2001) UN Doc A/RES/56/60 and UNGA Res 58/97 (17 December 2003) UN Doc A/RES/58/97.

⁸ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) ICJ Rep 2004, paragraphs 115-122. The Court declared that this provision prohibits not only forcible transfers, “but also any measures taken by an Occupying Power in order to organise or encourage transfers of parts of its own population into the occupied territory.” *Ibid*, paragraph 120.

ends the Arab-Israeli conflict and resolves all claims is [...] more urgent than ever, [...] the very viability of a two state solution is at stake.”

This Council and its member States should seize without further delay the opportunity provided by HRC Resolution A/HRC/RES/19/17 of 10 April 2012 to establish a 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 Occupied Palestinian Territory, including East Jerusalem. We, the undersigned organisations, call on the President of the Council to expedite the appointment of such a mission and urge all State parties, including Israel, to fully cooperate with this international mechanism.
