

United Nations Commission on Human Rights 58th Session

Item 5: Self-Determination

*Oral Intervention made by the **Palestinian Centre for Human Rights (PCHR)**, a non-governmental organisation with Special Consultative Status (Speaker: Victoria Metcalfe, PCHR's International Legal Officer)*

The Palestinian Centre for Human Rights condemns Israel's denial of the Palestinian right to self-determination through its ongoing 35-year illegal belligerent military occupation of the Gaza Strip and West Bank, including Jerusalem.

Not only has Israel consistently and systematically violated its legal obligations as an Occupying Power under the Fourth Geneva Convention to protect Palestinian civilians, including the perpetration of war crimes, but the occupation itself is a violation of international law, as most recently reiterated by UN Secretary General Kofi Annan on 12 March 2002 in his statement to the UN Security Council. Israel's military occupation exhibits those elements of colonialism as set forth in the Declaration of Independence to Colonial Countries and Peoples¹, namely "*alien subjugation, domination and exploitation*" of another people, including by using "*armed action*", "*other repressive measures against dependent persons*" with "*disruption of the national unity and territorial integrity of a country*". In its adoption of the Declaration, the General Assembly noted that it was "*aware of the increasing conflicts resulting from the denial of or impediments in way of the freedom of ... (dependent subjugated) peoples, which constitute a serious threat to world peace*" and "*believing that the process of liberation is irresistible and irreversible and ... in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith*". As the Special Rapporteur on the Occupied Palestinian Territories (John Dugard) most recently reaffirmed, Israel's ongoing military occupation is indeed the root cause of violence in Israel and the Occupied Palestinian Territories.

The longstanding nature of this occupation does not affect its illegality. On the contrary, as the occupation has continued, its colonial nature has become clearer. This colonial nature is particularly evident in the settlement and settlement expansion policy of the Israeli government which seek to ensure the ultimate total annexation of the Occupied Palestinian Territories. The ongoing expansion of settlements, whose existence is a violation of article 49 (6) of the Fourth Geneva Convention, a grave breach, and a war crime under article 85/4 (a) of the First Additional Protocol to the Geneva Conventions, has created "facts on the ground" in a *fait accompli* which not only continue to deny the Palestinians their inalienable right to self-determination, but also serve to make any future attempts to realise this right evermore difficult. The number of settlers in the OPT outside Jerusalem increased by approximately 70% between 1993 and 2000, and the

¹ Adopted by General Assembly Resolution 1514 (XV) of 14 December 1960.

number of settlers in the illegally annexed area of Jerusalem increased by a factor of 9 over the same period. There are now approximately 400,000 Israeli settlers living illegally on Palestinian land.

Settlements continue to prevent the realisation of the Palestinian right to self-determination through: the expansion of the territory on which they are established, including the creation of buffer zones separating settlements from Palestinian areas; the disruption of territorial continuity by the development of settlement infrastructure, including separate road systems; and the diversion of natural resources, including water sources.

Levelling of Palestinian land and properties surrounding settlements with the purpose of expropriation and the creation of a buffer zone has increased dramatically since September 2000; trees have been uprooted, crops and agricultural facilities, including irrigation networks, have been destroyed. Palestinian homes located near settlements have been demolished by bulldozers and tanks, forcing Palestinian civilians to flee from their homes, often without an opportunity to remove any belongings, in circumstances in which the UN Committee Against Torture in November 2001 confirmed constituted cruel, inhuman and degrading treatment. Many Palestinians have also been forced from their homes through the regular and repeated military bombardment, including snipers, and tank fire, which have resulted in the creation of “no-go” areas in Palestinian refugee camps located close to settlements.

The development of the settlement road system has also included land levelling and house demolition. Currently, PCHR is representing a number of Palestinian families whose homes and lands have either been destroyed, or are currently under threat of demolition by the Israeli military, purely for the fact that they are located near to roads linking the Gush Katif settlement block, the Kfar Darom and the Netzarim settlements in the Gaza Strip with Israel. Most recently, eight Palestinian homes were destroyed in the Al-Mughraqa neighbourhood near Netzarim settlement in the Gaza Strip on 14 March 2002. These homes, which are located adjacent to the Netzarim settlement road were destroyed without providing the owners an opportunity to appeal, and indeed, without allowing the residents time to remove any belongings. A further 17 homes are threatened with demolition. Palestinian homes and land in the Abu al-Ajin neighbourhood, located near the Kissufim settlement road have also been destroyed and others are under threat of demolition. These lands and homes are being cleared to make way for the construction of the Kissufim settlement road bridge. Prior to the beginning of the Intifada, Israel had military control of 42% of the Gaza Strip, mostly for settlers use. Since September 2000, in areas surrounding settlements or adjacent to settler roads a further 15,300 dunums of Palestinian agricultural land have been levelled and 520 Palestinian homes have been demolished.

The diversion of water resources has been a consistent policy of the Israeli authorities for a number of years. Israel currently diverts almost 88% of the renewable water resources in the OPTs for its own and settlers' use. The annual per capita consumption of water among settlers in the Gaza Strip is 1000 cubic metres, compared to 172 per Palestinian.

This diversion is further facilitated through the deliberate destruction of Palestinian water wells, water pools and water pipes.

Even in the event of the withdrawal of the Israeli military from the OPTs, Israel will maintain effective control of the territories, and will continue to prevent the establishment of a truly viable Palestinian state through its widespread controls, including of the economy, foreign policy, and borders, unless this process of colonial expansionism is reversed, including the dismantlement of the settlements, economic development, the redirection of the water resources.

PCHR asserts that the ongoing Israeli military occupation of the Gaza Strip, and the West Bank, including Jerusalem, is an illegal colonial occupation with the ultimate aim of full annexation of the Occupied Palestinian Territories. In this context, PCHR calls upon The Commission on Human Rights:

- To reconfirm the illegality of the occupation
- To demand a full, immediate, and unconditional withdrawal from the Occupied Palestinian Territories, including the orderly dismantlement of settlements
- To urge the international community to prepare a comprehensive assistance package to ensure the establishment of a viable independent Palestinian state
- To demand an end to Israel's colonialist and expansionist policies
- To demand an end to and reversal of all policies which prevent the establishment of a viable independent Palestinian state, including the diversion of water resources, economic controls
- To call on the High Contracting Parties to the Fourth Geneva Convention to take measures to ensure Israel's respect for the Convention
- To provide for international protection for Palestinian civilians