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**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, Association Ma'onah for Human Rights
and Immigration, Indian Movement "Tupaj Amaru",
International-Lawyers.Org, Union of Arab Jurists,
United Towns Agency for North-South Cooperation,
non-governmental organizations in special consultative
status, International Educational Development, Inc., World
Peace Council, 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.

[27 May 2020]

* Issued as received, in the language(s) of submission only.

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The Annexation Planned by Israel Constitutes a Gross Violation of International Law

Introduction

The Government of Israel threatens to annex the West Bank, which is part of the Occupied Palestinian Territory. The United States of America (US), a permanent member of the Security Council (SC), has fully supported the annexation. This was confirmed by the so-called Trump Peace Plan, which seeks to legitimize Israel's constant and ongoing systematic violations of international human rights and humanitarian laws in the Occupied Palestinian Territory (OPT) for generations.

There are numerous reasons for Israel to abandon this destructive path. The obvious reason being that annexation by force is a flagrant violation of international law. The occupation of the West Bank has been a *de facto* annexation, prohibited by the Charter of the United Nations (UN) and the Fourth Geneva Convention of 1949. Currently, Israel is searching for ways to prolong its imposed authority over the OPT via a *de jure* annexation, which would put the occupied West Bank under Israeli law and relegate Palestinians to the highly populated areas. If pursued, these deplorable actions by Israel would further accelerate and intensify the ongoing human rights violations in the OPT, destroying any hope of restoring the right of Palestinians to self-determination. These as well as numerous other gross violations are well-known to the international community and have been captured by a voluminous mountain of documented evidence, including the work of UN special mandate holders and numerous accounts brought to light by human rights defenders.

It is important to note that Israel has annexed territory in the past despite international objections. Israel annexed East Jerusalem after seizing it, declaring the entire city as its united capital. In addition, Israel annexed the Golan Heights in 1981, which it had captured from the Syrian Arab Republic in the 1967 war. It is also important to recognize that the US administration has endorsed both of these prior annexations. Therefore, Israel's threat to annex the West Bank must be taken seriously and requires urgent action to prevent its realization.

The Importance of International Law

For decades, the policies practiced by the occupying power, Israel, have resulted in systematic human rights violations against Palestinians in the OPT. Checkpoints, settler-only roads, seizure of private Palestinian land, demolitions, and the separation wall barrier are among the many strategies that Israel has used to violate the rights of Palestinians. These strategies of oppression have made the daily lives of Palestinians unbearable. They have led to expanding settlements, State-backed settlers' aggression and increased violence against Palestinians, who face the daily humiliation and oppression merely for living on land that has been theirs for centuries.

International law must be respected by UN member states and no State should be above the law. Specifically Israel, which has its very own existence derived from UN General Assembly resolution 181 in 1947, but persistently disrespects and outright refuses to comply with the numerous UN resolutions on the OPT.

The importance of UNSC Resolution 242 cannot be emphasized enough as it was unanimously adopted following the 1967 War between Israel and Egypt, Jordan and Syria. The resolution unequivocally asserts "the inadmissibility of the acquisition of territory by war" and specifically calls on Israel to withdraw its troops from territory occupied during the war and to terminate all claims or states of belligerency and to respect and acknowledge the sovereignty, territorial integrity and political independence of every State in the area.

A fundamental principle of international law, as replicated in the Charter of the United Nations, is that the use of force in any form is prohibited; including the acquisition of territory by the use of force. This is also stated in UNSC Resolution 338. It is widely accepted that the acquisition of a territory by force may amount to aggression. In light of its recent threats and

prior annexations, it is unsurprising that Israel is not a party to the Rome Statute, which provides that “any annexation by the use of force of the territory of another State or part thereof” is an act of aggression.

The Illegality of Israeli Settlement Activities

Israeli’s building of settlements has been rapidly expanding as part of its campaign to ethnically cleanse the OPT of Palestinians. The Israeli government has relentlessly led and implemented its settlements enterprise in the West Bank and Gaza since 1967.

The expansion of settlements is a direct and blatant violation of the right of Palestinians to self-determination and undermine any possibility of a solution to the decades-long Israeli occupation of Palestine. An annexation would allow Israel to keep all the present illegal settlements in the occupied West Bank. At present, there are around 460,000 illegal settlements.

In addition, the Jordan Valley would also be annexed by Israel. At present, Israel is engaged in pursuing ethnic cleansing in the Jordan Valley, abolishing bilateral agreements and demolishing Palestinian properties. The land of Jordan Valley is vital as it is used to grow half of the food required to sustain Palestinians living in the occupied West Bank. If the annexation planned by the new Israeli government were to take place, it would set the platform for the final stages of its ethnic cleansing campaign and the eradication of the last remnants of Palestinians in the OPT. That deplorable plan has been pursued by Israel consistently for decades. If the West Bank is annexed, the remaining Palestinians are doomed. The illegal settlements in the West Bank constitutes an enormous obstacle to peace in the region and the planned annexation is an attempt to legitimize these illegal settlements, which will end all hope for Palestinians’ right to self-determination.

Israeli authorities order the eviction of Palestinians from their houses and replace them with illegal settlers. Also, several Palestinian houses have been demolished to build houses for Israeli settlers. Palestinians have been denied building permits and this discrimination has resulted in violating the rights of Palestinians to adequate housing. Even after moving to a new area, the Palestinians face discrimination and harassment from the Israeli government, who support the settlers. To aggravate matters, Palestinians are deprived of direct control over their natural resources. Finally, the settlements have had the compelling effect of fragmenting the West Bank territory and changing its demographic composition.

The severity of the violations has caught the attention of the International Criminal Court (ICC), which is preparing to launch an investigation into Israel’s settlement policies and its possible war crimes. If Israel annexes the West Bank, it will multiply its existing gross violations of international law. UN Resolution 2334 asserts that Israeli settlements are a flagrant violation of international law and at present, the West Bank is under belligerent occupation. Moreover, under the Fourth Geneva Convention, the occupying power cannot transfer its population to occupied territory but Israel continues to systematically transfer its population and erect illegal settlements. As alluded earlier, the annexation of the West Bank would constitute a double illegality because Israel cannot lawfully annex the West Bank by force.

Conclusion

The international community must take immediate action.¹ Several European Union member states have warned and strongly advised against Israeli annexation of the West Bank. Jordan has also expressed its strong oppositions toward the annexation plans made by Israel.²

¹ To compound the reality and imminence of the threat of annexation, Israel has approved plans to build a road that which would divide the West Bank to allow a quick route from Jerusalem to the illegal settlements and stop the future establishment of an adjoining Palestinian state.

² In Jordan, more than half of the citizens are of Palestinian origin. In addition, around two million are registered as refugees from Israel’s 1948 War of Independence and their descendants.

Palestinians live in an open-air prison and the COVID-19 pandemic has put Palestinians under lockdown, living in fear of infection. For generations, Palestinians have been devoted to building institutions in preparation for statehood in accordance with the UN two-state solution based on the pre-1967 borders. The two-state solution is long overdue and a prerequisite to the Palestinians finally exercising their basic right to self-determination. It is important to note that the right to self-determination is the common right expressed in Article 1 of both the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). This reflects its fundamental nature to the exercise of all other rights. The right of Palestinians to self-determination has been violated by Israel's continued occupation of Palestinian land since 1967 and if Israel follows through with its threats of annexation, the right will be put in further dire straits without any real hope of realization.

Recommendations

We urge the international community to reject any annexation as it violates international law, and repeats the infringement and illegality of Israeli settlements in the OPT. The threats of annexation do not change Israel's legal obligations, as the occupying power, under international humanitarian law and international human rights law, nor deprive Palestinians of protections guaranteed under these legal frameworks.

We further recommend the following:

- Israel must immediately cease all illegal settlements activities, dismantle all settlements and move its illegal settlers from occupied territory into Israel proper.
- Ensure the rights of Palestinian refugees to return under international law. This is an individual human right, which cannot be taken away as a political concession.
- Pursue efforts to end the occupation of Palestinian land and firmly reaffirm the Palestinian peoples' fundamental right to self-determination.
- Pay increased attention to Israel's continuous breaches of international law through its expansion of settlements and the associated apartheid system.
- Guarantee adequate access to justice for Palestinians and take all necessary measures to prevent violence committed by Israel and its settlers against the Palestinian people.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.