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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Organization for Defending Victims of Violence, a non-governmental organization 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.

[01 June 2019]

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



Human Rights in Occupied Palestinian Territories (OPT)

In no human rights concern such as the occupation of the State of Palestine have we witnessed the bitter fact that a large population has been forced to bear an imposed reality by occupation forces. Since 1967 with the occupation of the West Bank and the Gaza Strip, Israel has placed the hold on resources, settlement building and housing of Jews in the Occupied Palestinian Territories (OPT) as its strategic measures towards the realisation of its expansionist policies. Something which shows no end in sight, and on the contrary, according to eyewitness reports, NGOs and international organizations Israel is absorbing occupied territories through Settlement building and forced migration of individuals.

Throughout the OPT, thousands of Palestinians have been forcibly displaced or are at risk of forced displacement. Since 1967, Israel has forcibly evicted and displaced entire communities and demolished more than 50,000 Palestinian homes and structures.¹

1 Settlement building and forced migration of individuals:

In the West Bank, displacement is primarily driven by occupation-related policies, including the denial of issuing building permits and demolitions of houses, residency status challenges and the impact of the Barrier. In some cases, entire West Bank communities are at risk of forced transfer. In a similar way, in the Gaza Strip, displacement has primarily resulted from damage or destruction of homes during hostilities or military operations. Many displaced people in Gaza are unable to rebuild or repair their homes due to the inability of the Palestinian Government of National Consensus to assume effective government functions; Israel's longstanding restrictions on the import of building materials defined as "dual use items" and the slow pace of disbursement of pledges made by member states for reconstruction.²

This is while under the 1949 Fourth Geneva Convention the occupying power is absolutely forbidden to transfer any of its civilian population into the occupied territory,³ and according to the Rome Statute, such transfer is considered a war crime.⁴

2 Violation of right to self-determination through ownership domination of natural resources:

According to the UN Charter All people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Since the start of the occupation, through creation of barriers and imposing restrictions on Palestinians' access to natural resources in their own lands, Israel has undermined general development of infrastructures and advancements in OPT.

Actions like permitting mining concessions to ten Israeli-operated quarries in Area C of the West Bank,⁵ placing all Palestinian water usage and development under 1967 military control⁶ and auctioning marine blocks off its coast for resource exploration by international oil and gas corporations since 2016 (while at least four of the marine blocks apparently lie in waters off the coast of Gaza),⁷ shows that Israel's approach towards the natural resources of the Occupied Palestinian Territory is like a sovereign country.

¹ <https://www.amnesty.org/en/latest/news/2018/06/israel-illegal-demolition-and-forcible-transfer-of-palestinian-bedouin-village-amounts-to-war-crime/>

² <https://www.ochaopt.org/theme/displacement>

³ Article 49(6).

⁴ Article 8(2)(b)(viii).

⁵ Yesh Din – Volunteers for Human Rights v. Commander of IDF Forces in the West Bank, HCJ 2164/09 (26 December 2011).

⁶ Military Order No. 92 (August 1967)

⁷ <http://www.alhaq.org/advocacy/topics/housing-land-and-natural-resources/1322-al-haq-warns-third-states-and-gas-companies-against-bidding-for-gas-licenses-in-disputed-waters-off-the-israeli-and->

According to the 1907 Hague Regulations the occupying power is acting “only as administrator and usufructuary”⁸ of the public immovable property of the occupied territory and it must safeguard the capital of these resources according to the principle of conservation.⁹ It also can only use the natural wealth of the territory to furnish its armed forces during the occupation.¹⁰

3 Violation of the right to private ownership and access to land:

Between 2017-2018 approximately 90 Palestinian communities own land within or near 56 Israeli settlements and settlement outposts where now “prior coordination” is required to access the land. The coordination mechanism, run by the district coordination offices, is purportedly designed to allow Palestinian farmers to cultivate their lands that are located near settlements, or where settlements are built on their grounds. It should be mentioned that the military often denies Palestinians even the limited access afforded by the coordination mechanism.¹¹

Furthermore restrictive planning procedures applied by Israel makes it virtually impossible for Palestinians to obtain building permits, impeding the development of adequate housing, infrastructure and livelihoods. As reports show only 13 per cent of East Jerusalem is zoned for Palestinian construction, much of which is already built up, while 35 per cent has been allocated for Israeli settlements.¹²

The official and unofficial confiscation of lands and restricting access to them, results in the violation of the private ownership of individuals. Furthermore, the prevention of Palestinians’ access to their own lands whether on the pretext of threat and or protection, violates another collective of human rights such as freedom of movement and right to work.

According to recent information, the average number of incidents of settler violence per month rose in 2018, representing a 57 and 175 per cent increase compared with 2017 and 2016 respectively. Most of the physical attacks targeted farmers and herders and a number of attacks were in the presence of Israeli security forces, who did not uphold their obligations to protect the Palestinian population.¹³

Despite the continuous violations of Palestinian rights that take place in OPT along with Israel’s disregard of hundreds of General Assembly and the Human Rights Council resolutions on the necessity of protection of civilian rights in OPT; some member states’ opposition to agenda item 7 and the attempt to delete or undermine this item in the working agenda of the Human Rights Council proves to be backwards steps toward protection of Palestinians’ rights living under occupation.

Recommendations

- ODVV deems the resistance towards settlement building in the occupied territories requires a global approach, and calls upon the international human rights and humanitarian law institutions to put an end to their silence by deeming illegal settlement building as a war crime.
- ODVV calls upon the international community and international human rights and humanitarian law institutions to while paying attention to the blockade and targeted borders created in the occupied territories, make efforts towards the removal of these restrictions so that people of Palestine can enjoy their basic human rights.

⁸ Article 55.

⁹ M. Bothe, “The Administration of Occupied Territory”, in A. Clapham et al (eds.), (2015).

¹⁰ Article 52.

¹¹ Yesh Din: Yitzhar – A Case Study: Settler violence as a vehicle for taking over Palestinian land with state and military backing (October 25, 2018) p. 17.

¹² <https://www.ochaopt.org/location/west-bank>

¹³ Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, (30 January 2019), p.7.

- ODVV calls on Israel as an occupation force to be committed to its commitments in the occupied territories, immediately and fully halt settlement construction in the Palestinian occupied territories and stop the spread of discriminatory policies based on violence.
 - Since the occupation of a territory and governing it through force is illegal according to international law, and the occupation power is not the owner of occupied territories, the ODVV wants to see an end to the occupation of these lands, and the realization of the right to self-determination of the Palestinians.
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