



Economic and Social Council

Distr.
GENERAL

E/CN.4/2003/NGO/198
17 March 2003

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Item 5 of the provisional agenda

**THE RIGHT OF PEOPLES TO SELF-DETERMINATION
AND ITS APPLICATION TO PEOPLES UNDER COLONIAL
OR ALIEN DOMINATION OR FOREIGN OCCUPATION**

Written statement* submitted by Palestinian Centre for Human Rights,
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.

[5 February 2003]

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

The Palestinian Centre for Human Rights (PCHR) condemns Israel's continued belligerent occupation of the Occupied Palestinian Territories (OPTs) and notes with alarm the expansion of its illegal settlements within these territories. It has long been recognized internationally that Palestinian people have the right to self-determination.¹ This legal right includes the establishment of a viable and independent Palestinian state within the borders of the territories that were occupied by Israel in 1967. PCHR wishes to remind this Commission of the ongoing violation of the Palestinians' right to self-determination by the State of Israel.

The West Bank, including East Jerusalem, and the Gaza Strip have been militarily occupied by Israel since 1967. The Oslo Accords were intended to create interim measures that would facilitate a gradual transfer of control from the Israeli military occupation to an independent Palestinian state. However, the Accords have actually allowed the State of Israel and its military to maintain effective day-to-day control of the whole of the OPTs, yet transferring more costly responsibilities such as civil administration, and welfare services to the Palestinian Authority and international aid agencies. PCHR wishes to detail for this Commission the manner in which the State of Israel has sought to maintain and expand its control of the OPTs, in violation of the right of the Palestinian people to self-determination.

As frequently detailed to this Commission by PCHR, the ongoing expansion of settlements and settlement infrastructure serves to change the facts on the ground, further complicating the establishment of the Palestinian state on the complete territorial area of the West Bank, including Jerusalem and the Gaza Strip. The settlement programme also serves to maintain and expand Israel's control over the OPTs. In addition to settlements, Israel has employed various other practices in order to maintain control, including military law, identity card restrictions, tax collection and other economic controls. Since the beginning of this Intifada, however, the military policies of land-clearing, closure and military attacks, have been used on an unprecedented scale to maintain and expand effective control by the Israeli military of the OPTs and to expand of the area of territorial

control, including through settlement expansion, and to undermine all developments made previously towards the establishment of the Palestinian state. PCHR wishes to highlight these particular practices and their role in facilitating the continuing denial of the right of the Palestinian people to self-determination.

Land-Clearing

The demolition and destruction of Palestinian homes, agricultural land and other properties is not a new practice. However, the Israeli military practice of clearing Palestinian lands has intensified since the beginning of this Intifada, clearing 10% of Palestinian agricultural land in the Gaza Strip alone. In addition, 1142 Palestinian homes have been demolished, leaving approximately 11000 homeless. These land-clearing operations are generally conducted ostensibly for reasons of "security", or for failure to obtain building permits. However, evidence of any real "security" threat is not presented either prior to or after these clearing operations. In reality, it is becoming increasingly clear that these operations are invariably conducted for the ultimate purpose of expanding the areas of territory under Israel's effective control, primarily in the context of expansion of settlements and settlement infrastructure. In the Gaza Strip, this can be seen particularly clearly; the large-scale land-clearing operation that the Israeli military has been conducting in the central Gaza Strip to the east of the Gush Katif settlement block, has now cleared sufficient Palestinian land to facilitate the construction of a motor-way bridge enabling settlers residing in Gush Katif, to cross back into Israel without having to cross Palestinian roads. Like many such land-clearing operations, this area (326 dunums) has been subjected to a gradual clearing of crops, trees and property over a period of 3 years. Despite the repeated submission of legal complaints by PCHR, no compensation has been provided to the victims of this destruction. In the Gaza Strip, and more recently in the West Bank, these land-clearing operations are also taking place along the lengths of the border with Israel, to facilitate the creation of a "security zone" around Israeli territory. However, the land used to create these clear areas is taken exclusively from Palestinian territory. Throughout the OPTs, these land-clearing operations have been used to increase the area of Palestinian land under effective Israeli control, further diminishing the actual territorial area on which the future Palestinian state will be established and further destroying territorial continuity inside the Gaza Strip and the West Bank.

Closure and Curfew

The closure and curfew policy of the Israeli military has facilitated the continued occupation, expanded Israeli control over daily life of Palestinian society and government, and served to further undermine any political, economic or social developments towards the establishment of the future state. Closures and curfews have been instituted throughout the entirety of the OPTs since the beginning of this Intifada and have been used with increasing intensity. Closures of the external borders with Israel, Jordan and Egypt have halted individual commercial, social and political travel. It has also impeded the development of diplomatic and other relations between the future Palestinian state and other nations. Internal closures have prevented daily individual travel for work, school, medical care, food, family and other reasons. These internal restrictions have also severely impeded local and national governmental institutions from conducting or developing their civil responsibilities, including particularly with respect to welfare services and law and order. The closure of the "safe passage" and the total separation of the West Bank and the Gaza Strip has, in particular, severely restricted the functions of the Palestinian Authority, its Ministries and its security services, serving to eliminate any territorial continuity between the two areas necessary for the development of the future state. The closure and curfew policy, including its renewed system of permits for internal and external travel, has enabled the Israeli military to control all movement of Palestinians including government employees, within and between villages and towns, between the West Bank and the Gaza Strip and between the OPTs and abroad. This policy has directly resulted in a deepening humanitarian crisis, has crippled economic, political and social life and has served to undermine the development of normal governmental functions.

Military Attacks

Since the beginning of this Intifada, the Israeli military has perpetrated systematic military attacks on civilian institutions and infrastructure in the OPTs. Palestinian ministries have been attacked, ransacked and vandalized; media institutions have been blown up with explosives; the two Presidential compounds in Gaza city and Ramallah have been all but destroyed in aerial attacks and by ground forces; police stations, prisons and other detention centres have been targeted by missiles from helicopter gunships and F16 fighter jets; despite having been already totally closed down by the Israeli authorities, Gaza airport has been destroyed first by missiles and then by bulldozers in several operations rendering it irreparable; schools and hospitals have also been attacked during military operations. These attacks have systematically eroded all civil government infrastructures which had been developed in recent years, thereby physically dismantling the infrastructure necessary for the establishment of a Palestinian state.

The military attacks coupled with the closure and curfew policy have resulted in civil administration by the Palestinian Authority having been superseded by Israeli military control in most areas of the OPTs. The Palestinian Authority has been rendered largely defunct by the military attacks, and the closures and curfews. The economic crisis precipitated by the closure policy has further crippled the ailing government. Throughout 2002, the Israeli military has proven time and again that it has maintained total effective control over the whole of the OPTs, through its military incursions, imposition of closures and curfews, land-clearing operations, destruction of civil government institutions and infrastructure, mass arrests and detentions, and political assassinations. Even the attempts to institute the political reforms demanded by Israel and the international community have been undermined by the systematic nature of the Israeli military destruction of all elements of a functioning government. The events of the past year have clearly illustrated for the world community that Israel continues to maintain and expand its colonialist military occupation of the West Bank, East Jerusalem and the Gaza Strip, further undermining territorial integrity and continuity and systematically dismantling any physical or other developments previously made towards the establishment of the Palestinian state.

PCHR calls upon this Commission

- To reaffirm the legitimate right of the Palestinians to self-determination
- To condemn Israel's ongoing illegal military occupation of the Gaza Strip as an occupation with colonialist aims
- To condemn those practices which maintain this occupation, including closure and land-clearing.

Note

¹Several United Resolutions have been passed with respect to the right to self-determination. They were all compiled by the General Assembly into Resolution 2625, approved unanimously on November 24 1971.

