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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.

[28 January 2020]

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

Human Rights in OPT

From the outset of the occupation of Palestinian territories, Israel has continuously applied subjugating policies, particularly through control over Palestinian natural resources. By denying Palestinians one of their most important resources, these policies will leave negative impacts on the lives of today and tomorrow's generation of the population. This trend shows that parallel to face to face conflict and blatant violation of Palestinians' rights such as right to life, right to ownership and right to self-determination, a bigger but silent conflict exists aiming at continuation of the occupation through strengthening exploitation power and complete elimination of the foundations of Palestinian Authority.

1 – Violation of the right of access to clean water

The total control of water is one of policies which Israel adopted following the occupation of East Jerusalem, the West Bank and Gaza Strip in June 1967. The long debate on the restrictions imposed on right of access to water as one of a fundamental human right reached its peak in UN General Assembly Resolution, 292/64, which "Recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of the right to life and all human rights."

According to the existing reports 97 per cent of water pumped from Gaza's aquifer, fails to meet the minimum standards of quality for potable water. Less than four per cent of freshwater (in Gaza) is drinkable and the surrounding sea is polluted by sewage.² Palestinians in Gaza must rely upon bottled water, which is quite expensive, particularly for many poor families who survive on external food assistance. On paper, Gazans have plentiful water resources, however, they are not within their control and the people have a great challenge in trying to access water that's safe and drinkable.³

The occupied West Bank is not better off either, the Palestinians living in the region are unable to dig new water wells in most of the West Bank, forbidden from utilizing Jordan River water and are forced to purchase nearly a quarter of their own water from Israel.⁴

1 Resolution 64/292, the United Nations General Assembly, 28 July 2010

2 <https://gulfnews.com/opinion/op-eds/water-crisis-is-poisoning-palestine-1.63626108>

3 <http://www.odvv.org/blog-2848-ODVV-interview-Israel-maintains-a-cost-free-occupation-over-the-Palestinian-territories>

4 <https://gulfnews.com/opinion/op-eds/water-crisis-is-poisoning-palestine-1.63626108>

2 – Destruction and denial of access to farmlands

Alongside policies of confiscation of underground water resources and water wells, Israel continues the expansion of settlements construction, with destruction of Palestinian homes and setting fire to Palestinian farms in the occupied territories. According to recent reports The agricultural potential of the Gaza strip has been equally undermined by the blockade, where some 35% of farmland falls within an Israeli-enforced “buffer zone”.⁵ Farmers wishing to use this arable land do so in constant threat of being targeted by Israeli Security Forces, including with live fire. Meanwhile Israel has damaged Palestinian farmland in Gaza by aerially spraying the land with herbicides. In one such aerial spraying operation by Israel in January 2018, 550 acres of agricultural lands belonging to 212 farmers were affected, with an estimated loss of 1.3 million USD.⁶

3 – Violation of right of access to natural gas and energy resources

According recent reports, the continued occupation continues to prevent Palestinians’ access to and enjoyment of their natural resources. In Gaza, the occupation by Israel has prevented Palestinians from developing their energy fields and natural gas continues to lie unutilized under Palestinian waters. With the blockade imposed by Israel on the Gaza Strip since 2007,⁷ any access to the gas fields, and the billions of dollars they represent, has become even more difficult. Furthermore, policies like permitting mining concessions to ten Israeli-operated quarries in Area C of the West Bank,⁸ placing all Palestinian water usage and development under 1967 military control⁹ and auctioning marine blocks off its coast for resource exploration by international oil and gas corporations have been applied since ۲۰۱۶.¹⁰

The highlighted points are only tiny examples of Israel’s actions which not only results in the violation of Palestinians’ human rights, but they are used as the main war weapons based on the colonial policies of Apartheid\which threatens thousands of Palestinians with homelessness and systematic

⁵ Palestinian Centre for Human Rights, “Gaza Strip: Attacks in the border areas and their consequences,” available at: https://reliefweb.int/sites/reliefweb.int/files/resources/ReliefWeb%20Mail%20-%20%5BPchrgaza-e%5D%20Fact%20Sheets_%20Gaza%20Strip_%20Attacks%20in%20the%20border%20areas%20and%20their%20consequences.pdf.

⁶ OCHA, “The humanitarian impact of restrictions on access to land near the perimeter fence in the Gaza Strip”, 3 August 2018 <https://www.ochaopt.org/content/humanitarian-impact-restrictions-access-land-near-perimeter-fence-gaza-strip>.

⁷ World Bank, 2017, Economic Monitoring Report to the Ad Hoc Liaison Committee, September 18.

⁸ Yesh Din – Volunteers for Human Rights v. Commander of IDF Forces in the West Bank, HCJ 2164/09 (26 December 2011).

⁹ Military Order No. 92 (August 1967)

¹⁰ <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->

¹¹ Richard Falk, the UN special rapporteur 2008-2014, wrote in a report to the UN Human Rights Council that Israel is guilty of racial discrimination, apartheid and torture in its “systematic oppression” of the Palestinian people. (UN document A/HRC/25/67)

forced displacements. This takes place while, First, the occupying power is entitled only to a limited use of the public natural resources of the occupied territory. According to Article 55 of the 1907 *Hague Regulations* the occupying power is acting “only as administrator and usufructuary” of the public immovable property of the occupied territory¹ and according to Article 52 it may only use the natural wealth of the territory to furnish its armed forces during the occupation, as strictly required by security, military and administrative necessity and without exceeding normal use.¹ 3

Second, Article 49 of the Fourth Geneva Convention states that an occupying power “shall not deport or transfer parts of its own civilian population into the territory it occupies” and according to the *Rome Statute*, such transfer is considered a war crime.¹ 4

Third, the occupying power’s duty to act as trustee towards the protected population would include the obligation of good governance.¹ 5

Recommendations

- Since the continuation of the occupation and treating the natural resources of Palestinians as owners by Israel result in the violation of Articles 52 and 55 of The Hague 1907 Convention, Article 49 of the Fourth Geneva Convention and Article 8(2) of the Rome Statute, while condemning the actions mentioned, Organization for Defending Victims of Violence (ODVV) deems Israel accountable for all these actions.
- The ODVV calls upon the international community and international human rights and humanitarian law institutions to while deeming colonial policies based on Apartheid as war crimes, put an end to the international silence against the crimes and not remain indifferent on the issue.
- The ODVV calls upon the international community and international human rights and humanitarian law institutions to seriously recognize the rights of Palestinians to demand compensation for exploitation of their natural resources and take practical action to realize the right.

¹ <https://ihl-databases.icrc.org/ihl/WebART/195-200065>

¹ 1907 Hague Regulations, Article 52.

¹ Fourth Geneva Convention, Article 49(6); Rome Statute, Article 8(2)(b)(viii).

¹ UNSC Res. 1483 (22 May 2003) directed the military coalition occupying Iraq to “...promote the welfare of the Iraqi people through the effective administration of the territory.”