

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



**VIOLATIONS OF INTERNATIONAL LAW IN PALESTINE AND OTHER OCCUPIED
TERRITORIES BY ISRAEL AND OTHER INTERNATIONAL LEGAL ISSUES
RELATED TO THE QUESTION OF PALESTINE**

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I. Introduction

1. The item “Deportation of Palestinians in Violation of International Law particularly the Fourth Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in Occupied Territories” was deliberated at the AALCO’s Twenty-Seventh Annual Session, held in Singapore (1988), recommended by the Government of the Islamic Republic of Iran. The Government of Islamic Republic of Iran, after a preliminary exchange of views had submitted to the AALCO Secretariat a Memorandum, and the Secretariat was called upon to study the legal consequences of the deportation of Palestinians from occupied territories.

2. At the Thirty-Fourth Session held in Doha (1995) the Organization, *inter alia* decided that this item be considered in conjunction with the question of the Status and Treatment of Refugees. At its Thirty Fifth Session (Manila, 1996) after due deliberations the Secretariat was directed to continue to monitor the developments in the occupied territories from the viewpoint of relevant legal aspects.

3. At the subsequent Sessions, the scope of the item was enlarged, *inter-alia*, to include, at the Thirty-Seventh Session, “Deportation of Palestinians and other Israeli Practices”, and the item “Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in the Occupied Territories in Violation of International Law Particularly the Fourth Geneva Convention of 1949” was placed on the agenda of the Thirty-Eight Session (Accra 1999).

4. At the Thirty-Ninth (Cairo, 2000) Session, it was decided to further enlarge the scope of the item and the Secretariat was directed to monitor the developments in (all) occupied territories from the viewpoint of relevant legal aspects. The item has since been seriously discussed at the successive Sessions of the Organization as part of its Work Programme and the Organization has examined the violations of international law committed by the State of Israel against the Palestinian People.

5. The issue relating to the Statehood of Palestine once again gained international momentum in 2012. The Fifty-First Annual Session of AALCO held in Abuja, in June 2012, mandated the Secretariat, vide resolution RES/51/S 4 adopted on 22 June 2012, to *inter alia* conduct a study to examine and establish the legal requirements and principles that would determine the status of Palestine as a State, taking into consideration requirements of international law and existing international norms and standards, and to submit the outcome of the study for the further consideration of Member States. In compliance with this mandate, the AALCO Secretariat has brought out the study entitled “The Statehood of Palestine under International law”.

6. More recently, in light of the grave violations of international law by the State of Israel in Gaza, the issue was once again deliberated at the Fifty-Fourth Annual Session held in Beijing, (2015) and AALCO/RES/54/S 4 was passed which changed the title of the agenda item to “Violations of International Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues related to the Question of Palestine.”

7. In 2017, the Secretariat of AALCO prepared a “Special Study” titled “The Legality of Israel’s Prolonged Occupation of Palestinian Territories and its Colonial Practices Therein” in pursuance of the mandate given to it at the Fifty-Fifth Annual Session held in New Delhi in 2016.

8. At the Fifty-Seventh Annual Session of AALCO (2018), the deliberations focused on the relocation of its Embassy by the United States of America to the Jerusalem in contravention to various UN Security Council and General Assembly Resolutions. The discussions also focused upon the continuous violations of International Human Rights Law and the International Humanitarian Law in the Gaza Strip as well as the West Bank and other occupied Palestinian Territory. Further, a mandate was also provided to the AALCO Secretariat to prepare a “Special Study” on the recent US action recognizing Jerusalem as the capital of Israel and the illegality of the shifting of the embassy to Jerusalem in light of the recent application preferred by the State of Palestine against United States of America at the ICJ for violations of the Vienna Convention on Diplomatic Relations, 1969.

9. The present brief, after summarizing the deliberations on the topic at the Fifty-Seventh Annual Session, focuses on the issue regarding the recognition of Jerusalem as the capital of

Israel and the relocation of the US Embassy to Jerusalem, which has also been dealt with in detail in the Special Study to be released at the Annual Session.

10. Further, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Prof. S. Michael Lynk published his report on 15 March 2019¹ that focuses on the human rights and humanitarian law violations committed by Israel, in accordance with his mandate.² The present brief summarizes key findings of this report and presents the recommendations before the Member States of AALCO at the annual session.

¹ UNHRC, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967' (15 March 2019) UN Doc. A/HRC/40/73.

² UNHRC, 'Question of the violation of human rights in the occupied Arab territories, including Palestine' (19 February 1993) UN Doc. E/CN.4/RES/1993/2.

II. Deliberation at the Fifty-Seventh Annual Session of AALCO (Tokyo, Japan, 9-12 October 2018)

11. During the Fifty-Seventh Annual Session, Agenda Item titled “Violations of International In Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues Related to the Question of Palestine” in the context of the status of Jerusalem, and recent decision taken by the United States of America to relocate its Embassy in Jerusalem.

12. **The Secretary-General, H.E. Prof Dr. Kennedy Gastorn**, in his introductory remarks, recalled that the topic on the agenda was included on the recommendation of the Islamic Republic of Iran in 1988, and since then AALCO has been reflecting upon numerous legal issues relating to the situation. It was also stated that the occupying power continues to defy international law as well as the various resolutions and decisions adopted by the UN Security Council as well as the UN General Assembly. The Member States who were present were also apprised that the brief for the annual session on the topic largely focussed on the legal status of Jerusalem.

13. Thereafter, the delegates of the **State of Palestine, State of Qatar, Republic of Libya, Republic of Indonesia, Islamic Republic of Iran, Socialist Republic of Viet Nam, People’s Republic of China, and Malaysia** delivered their statements on the topic.

14. **The Delegate of the State of Palestine**, raised a number of issues relating to the occupation and blockade of the Palestinian territories, leading to wide-scale violations of human rights-civil and political as well as economic and social, violation of international humanitarian law, commission of international crimes, as well as wilful disregard of UNSC decisions and obligatory UNGA recommendations and resolutions, in effect nullifying the two-state solution for peace. The period of time which was close to fifty-one years during which the illegal occupation has been maintained in violation of human rights and humanitarian was highlighted in the statement.

15. The meeting was also apprised about the adoption of the racist law called ‘National State Law of the Jewish People’ that excluded Arabs from their right to citizenship, as well as the measures taken by the State of Israel involving forced deportation of the Palestinian Bedouin community in Khan Al Ahmar, east of Jerusalem.

16. Before, concluding a plea was made to AALCO and its Member States to coordinate its actions with a view to bring an end to violations of international law in the Occupied Territories in Palestine as well as support the Palestinian People in every way possible.

17. **The Delegate of the State of Qatar**, reaffirmed the unwavering support of the State of Qatar for the rights of the Palestinian people and its condemnation of illegal Israeli practices in respect of the Palestinian People. The meeting was informed of the belief of the State of Qatar that the situation cannot be resolved by relegating their solutions to the balance of power between the occupier and occupied peoples, but only through respect for international legitimacy.

18. As regards, the barbaric and aggressive acts committed by the Israeli forces in the Gaza Strip, and the continuation of settlement in the West Bank, the State of Qatar was of the view that such acts must be condemned by all States. It was also reiterated that the resolution of the dispute must be through peaceful means based on the principles of the Two States solution and the Arab Peace Initiative.

19. **The Delegate of the Republic of Libya**, expressed solidarity on behalf of the Republic of Libya with the Palestinian People and deplored the violations of the Hague Conventions of 1907 and the IVth Geneva Convention of 1949 being committed by Israel in the occupied Palestinian Territories. It was urged on behalf of the Republic of Libya that Member States as well as the AALCO Secretariat to condemn the methodological violations of international law in occupied Palestinian Territories.

20. In furtherance of the same, it was suggested that an item of the violations being committed by Israel be placed on the agenda for the following annual session and that the AALCO

Secretariat prepare a new legal study that includes the recent US action recognizing Jerusalem as the capital of Israel and the illegality of the shifting of the embassy to Jerusalem.

21. **The Delegate of the Republic of Indonesia** conveyed his unwavering support for the right and legitimate struggle of the Palestinian people for their self-determination and the establishment of an independent, sovereign and viable Palestinian State under the Two State solution based on the UN resolutions. It was also highlighted that the support was also reflected, among other things, with the establishment of the Indonesian Honorary Consulate in Ramallah, State of Palestine, 2016.

22. It was also brought to the attention of the meeting that the Republic of Indonesia's support for the State of Palestine not only consisted of political support but extended to economic and technical areas as well. Pursuant to that undertaking, Indonesia and Palestine had formalized a trade MOU granting products made in Palestine an open tax-free market in Indonesia.

23. As regards the recent action of the US to move its embassy to Jerusalem, it was stated that Indonesia is strongly against any unilateral move to recognize Jerusalem as the capital city of Israel, and supported the initiative of the AALCO Secretariat to prepare a special study on the subject.

24. **The Delegate of the Islamic Republic of Iran**, expressed the firm position on the Statehood of Palestine and the illegitimacy of any claims of sovereignty or statehood by the Occupying Power. It was also recalled that the legal status of Al-Quds Al-Sharif has remained unchanged for decades, which has been confirmed by the UN Security Council, the UN General Assembly as well as the International Court of Justice.

25. The meeting was also reminded of the obligations contained in various UN Security Council to refrain from taking any measures which could alter the legal Status of the Al Quds Al Sharif namely Resolutions 252 of 21 May 1968 and 478 of 30 June 1980. Draft Security Council Resolution S/2017 II 060 that failed to be adopted due to the exercise of the veto by the United

States was also recalled along with the recent resolution adopted by the UN General Assembly on 21 December 2017 declaring similar actions and decisions to be a nullity in law.

26. Reference was also made to the obligation not to recognize situations created as the result of violations of peremptory rules of international law, the defiance of the Israeli regime and its non- repudiation by certain States. It was also deplored that some States have purported to aid the existence of the illegal situation while others have unwillingly helped by demonstrating silence.

27. **The Delegate of the Socialist Republic of Viet Nam**, expressed concern over the escalating violence in the Gaza Strip and called upon the parties to denounce and refrain from the use of force, cease violent escalation, settle conflict through peaceful means, to make efforts to seek a comprehensive, fair and sustainable solution, which protects life of the civilians and the legitimate interests of relevant parties as well as peace and stability in the region.

28. Support was also expressed for all international and regional efforts for the establishment of a State of Palestine, with full independence, sovereignty and peacefully coexisting with the State of Israel with the boundary established before June 1967 and East Jerusalem as its capital. Along this line, it was stated that Viet Nam has supported the Palestinian Embassy in Ha Noi since 1988 with a view that all solutions relating to Jerusalem must comply with international law in particular the resolutions of the United Nations and with the consent of the relevant parties.

29. **The Delegate of the People's Republic of China**, affirmed support for the establishment of an independent Palestinian State that enjoys full sovereignty, with East Jerusalem as its capital and based on the 1967 borders. It was also noted that the settlement issue had become the most serious and real threat to the Two-State solution, regarding which the position of China was clear in considering the settlement as a violation of international law. It was also reminded that the ICJ in its advisory opinion on the Legal Consequences of the Construction of Wall in the Occupied Palestinian Territory and a series of UN General Assembly and Security Council resolutions have also confirmed the position of the People's Republic of China on the issue.

30. It was also recalled that it had been 71 years since the UN General Assembly had adopted the Partition Plan for Palestine and 70 years had passed since the establishment of the State of Israel. However, in spite of the passage of much time, Palestine had not yet been established as an independent State and peace between the parties had not been achieved.

31. The meeting was also apprised of the four-point proposal for the settlement of the Palestinian issue that firmly advanced a political settlement based on the two-state solution; upholding a common, comprehensive, cooperative and sustainable security concept; further coordinating efforts of the international community strengthening the concert efforts for peace and adopting a multi-pronged approach to promote peace through development.

32. It was also informed that in July that year at the opening ceremony of the Eighth Ministerial Conference of the China-Arab States Cooperation Forum, President Xi reiterated China's position on the Palestinian issue and announced new measures of assistance to Palestine. It was also emphasized that China stood ready to work with others to promote a comprehensive, just and lasting solution to the Palestinian issue at an early date.

33. **The Delegate of Malaysia**, reiterated the view expressed by the Hon'ble Prime Minister of Malaysia at the General Debate of the 73rd session of the UN General Assembly on 28 September 2018 who firmly condemned the decision made by the US, which deliberately provoked Palestine by recognizing Jerusalem as the capital of Israel.

34. As regards the special study on the topic proposed by the AALCO Secretariat, it was observed that it might be a useful reference to the Member States, provided the publication shall not be a duplication of existing publications which may result in a waste of resources. Further, it was also recommended that the AALCO Secretariat provide a clear outline on the scope of the Special Study so as to facilitate Malaysia and other Member States in providing positive input wherever necessary.

III. Issues for focussed deliberation at the Fifty-Eighth Annual Session of AALCO, 2019.

(A) Legal status of Jerusalem.

35. Pursuant to a proclamation signed by the President of the United States (US), a decision was made by the United States to shift its Embassy from Tel Aviv to Jerusalem, extending unilateral recognition of Jerusalem as the undivided capital of Israel.³ In furtherance of the same, the proclamation places reliance on the Jerusalem Embassy Act, 1995 (Public Law 104-45) passed by US Congress.

36. In a clear reversal of long standing US policy and utter disregard for a number of UN Security Council resolutions in particular resolution 478 (1980),⁴ the act was criticized by a number of States.

37. Shortly, after the proclamation was made on 6 December 2017, the Arab Republic of Egypt moved a draft resolution before the UNSC on 18 December 2017, that obtained 14 votes in favour but failed to be adopted due to the veto being cast by the delegation of the United States.

38. Thereafter a similar draft text was introduced by Turkey and Yemen before the UN General Assembly convened for its tenth emergency session on 21 December 2017. The text was adopted by the UN General Assembly with 129 votes in favour, 9 against and with 35 abstentions.

39. The relevant extract of the operative paragraphs of UNGA Resolution ES-10/19 reads as follows:

³ The White House, 'Presidential Proclamation Recognizing Jerusalem as the Capital of the State of Israel and Relocating the United States Embassy to Israel to Jerusalem' (6 December 2017) <<https://www.whitehouse.gov/presidential-actions/presidential-proclamation-recognizing-jerusalem-capital-state-israel-relocating-united-states-embassy-israel-jerusalem/>> accessed 29 August 2019.

⁴ UNSC Res. 478 (20 August 1980) UN Doc. S/RES/478/1980.

“1. *Affirms* that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council, and in this regard calls upon all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem, pursuant to Council Resolution 478 (1980);

2. *Demands* that all States comply with Security Council resolutions regarding the Holy City of Jerusalem, and not recognize any actions or measures contrary to those resolutions.”⁵

40. Majority of States expressing their concerns in the UN Security Council and General Assembly have affirmed that the US decision to relocate its Embassy to Jerusalem is contrary to international law, and on that basis held that the decision had no legal effect and was in fact null and void.

41. Although the US Presidential statement referred to maintaining the *status quo* as regards the holy sites in Jerusalem, the reactions of States to the inauguration of the Embassy on 14 May 2018 was overwhelmingly critical.

42. A number of legal arguments were also advanced by the US Permanent Representative during the deliberations in the UN Security Council ranging from reliance upon their own domestic law, espousing an unbridled sovereign right and stating that UN Security Council Resolution 478 (1980) was not legally binding.⁶

43. A number of scholars have analysed these arguments and expressed their critical views regarding their validity. The same has also been addressed in the Special Study prepared by the

⁵ UNGA Res. ES-10/19 (21 December 2017) UN Doc. E/RES/ES-10/19.

⁶ Statements made by the Permanent Representative of the US to the United Nations, 8139th Meeting, UNSC, UN Doc. S/PV.8139 (18 December 2017). See also 37th Meeting of the 10th Emergency Session, UNGA Res ES-10/19, (21 December 2017); See also, summary record of the 37th Meeting of the 10th Emergency Session, UNGA, UN Doc. A/ES-10/PV.37 (21 December 2017); See generally, V. Kattan, ‘Why U.S. Recognition of Jerusalem Could be Contrary to International Law’ (2018) 47 Journal of Palestine Studies 72, 76.

AALCO Secretariat, addressing these legal arguments and other similar arguments made prior in point of time, in a historical and legal context.

44. More than a year has elapsed since the inauguration of the Embassy, and apart from condemnation very little action has been taken with a view to encouraging States to comply with the resolutions of the UN bodies and international law. In light of the advisory opinion of the ICJ on the construction of the Wall,⁷ that undoubtedly reaffirmed the obligations of all States in relation to the occupied territories in Palestine, the AALCO Secretariat invites the attention of AALCO Member States to the situation at the present annual session.

(B) Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

45. In accordance with the mandate, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (hereinafter ‘the Special Rapporteur’) published his report on 15 March 2019 focussing on human rights and humanitarian law violations committed by Israel. The mandate specified that the Special Rapporteur should focus on the responsibilities of the occupying power, however he also notes that human rights violations by a State or non-State actor are condemnable and a hindrance in the peace process.

46. The report is divided into two parts; firstly, providing an overview of the violations of international human rights law and treaties in the Occupied Palestinian Territory (hereinafter ‘OPT’). The examination, although not exhaustive, endeavours to highlight those human rights violations that are egregious, and particularly pressing. The second part of the report examined the violations of the right to access natural resources and environmental degradation in the OPT.

47. Although the Special Rapporteur was excluded from visiting the OPT, and many affected individuals were not granted exit permits from the Gaza, he based the report primarily on written submissions and consultations with civil society representatives, victims, witnesses and UN

⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136

representatives. It was stated in the report that the Special Rapporteur undertook his annual mission to the region from 25-29 June 2018, when he travelled to Amman, Kingdom of Jordan with a view to collect information for his report. In his report he also acknowledged the role of civil society organization and human rights defenders, against whom a range of measures are taken depriving them of their civil and political rights particularly in relation to their mandate.

(i) Human Rights situation in the OPT

Gaza

48. In relation to Gaza, the Special Rapporteur reports that the humanitarian and human rights crisis there deteriorated significantly in 2018, evidenced by the high number of loss of lives and injuries. Between 30 March 2018 and 31 December 2019, 180 Palestinians including 30 children were killed by Israeli Security Forces as a result of use of excessive force by Israel against demonstrators. Two issues that the Special Rapporteur focussed his attention on in relation to the territory of Gaza were access to healthcare and realization of economic and social rights.

49. As regards the right to access to healthcare in Gaza, the Special Rapporteur deplored the restriction of permits for travel and the restriction of imports of essential fuel supplies, and other goods depleting the supply of almost all essential medicines. Further, patients who were in need of urgent medical attention were not permitted to leave Gaza due to their family connection with Hamas. Such a sweeping travel ban clearly amounts to collective punishment prohibited under Article 33 of the Fourth Geneva Convention and struck down by the Israeli High Court in a positive ruling in August 2018.

50. In relation to the realization of economic and social rights in Gaza the Special Rapporteur observed that employment, healthcare, housing, food, water and sanitation are luxury in scarce supply, if available at all. A number of statistics point towards the abysmal condition of the people residing in Gaza where 53% of the population survive on less than 4.6 US dollars per day. Factors affecting the population other than the blockade that has devastating consequences

effecting lives and livelihood of the people of Gaza include the significant reduction in international aid to the UNRWA particularly due to the loss of critical US funding, and withholding of salaries of civil servants in Gaza. Overall the Special Rapporteur stated that in such a political climate the economic crisis was set to continue its rapid decline at the expense of the most fundamental human rights and basic human dignity of the population of Gaza.

The West Bank, including East Jerusalem

51. The key issues on which the Special Rapporteur focussed his attention on relating to the territory comprising of the West Bank and East Jerusalem were settler violence, and forced evictions in East Jerusalem. After due consideration of the facts, the Special Rapporteur arrived at the conclusion that in the environment of fear, uncertainty, and violence due to the heightened tensions in 2018 between the settlers and the forced evictions could amount to the forcible transfer as a grave breach of the Fourth Geneva Convention as well as a war crime under the Rome Statute.

(ii) Violation of rights in relation to natural resources

52. In Gaza, the collapse of the only aquifer and contamination of water as well as the destruction of the supply pipes has left the Palestinians with no choice but to purchase water from expensive water tankers brought on trucks and animals. It was also reported that the only natural source of water was also contaminated and unfit for consumption leading to a health crisis. Further, it has also been reported that large-scale deep sea mining, quarry companies, and oil and gas companies are harvesting minerals in the Dead-Sea and the West Bank. Groves of West bank olive trees which contribute to the economic well-being and is a symbol of the identity of the Palestinians are destroyed by Israeli settlers with virtual impunity.

53. In the face of such brazen acts against the population in the OPT, it becomes apparent that Israel as unlawful occupant regularly indulges in acts prohibited by the 1907 Hague Regulations as well as the Fourth Geneva Convention such as pillage and transfer of its own population to the territory. Further, these acts are also a grave violation of the human right of the people under

alien rule to be able to develop, manage, conserve and dispose of their own resources as per their right to self-determination.

54. The Special Rapporteur has also focussed on the impact of environmental harm on the human rights of the population in the OPT. The obligation is grounded in the duty to take care and prevent, that mandate States and Non-state actors to protect and nurture the environment as well as, limit and control activities that would pollute the same. Notably, it was expressed in the report that impact of the environmental degradation has not only been felt by the Palestinians but also by Israelis and others in the region.

55. In his report the Special Rapporteur identified two examples of environmental concern. The first example reported was the waste disposal activity being undertaken in the West Bank where Israel's domestic environmental regulatory regime does not apply to treat hazardous pollutants. A recent report of B'Tselem was also cited to argue that Israel has avoided the high costs of compliance by simply creating "sacrifice zone" in the OPT. The impact on the local water supply as well as the health of population in the surrounding communities due to these 'sacrifice zones' was unknown.

56. The second example referred to in the report concerned the Dead-Red Sea Project which involves the overexploitation of water in the Dead Sea for desalination and sale to the Palestinians. The report provides that Palestinians do not have any right to exercise the control over these activities in their territory that some have heralded as harbingers of prosperity.

(iii) Recommendations and conclusion

57. The Report of the Special Rapporteur concludes by stating that the activities of Israel in the OPT over the 51 years of occupation has become virtually indistinguishable from annexation. It has regarded the OPT as its own, for acquisitive purposes and foreign as regards its duty to protect the population. Further, the pillage of resources in the region in particular hydro resources which was the subject of focus in the report has made the right to development in the OPT a dead letter.

58. In light of these conclusions arrived at after an appraisal of the facts and the applicable law the Special Rapporteur made the following Recommendations:

“The Special Rapporteur recommends that the Government of Israel comply with international law and end its 51 years of occupation of the Palestinian territory. The Special Rapporteur further recommends that the Government of Israel take the following immediate measures:

- (a) Comply fully with Security Council resolution 2334 (2016) concerning the settlements;
- (b) End the blockade of Gaza, lift all restrictions on imports and exports, and facilitate the rebuilding of its housing and infrastructure, with due consideration given to justifiable security considerations;
- (c) Ensure the protection of individuals seeking to exercise their rights to freedom of peaceful assembly and association, and freedom of expression, including human rights defenders;
- (d) End forced evictions and home demolitions, which contribute to the existence of a coercive environment and may lead to forcible transfer, a grave breach of the Fourth Geneva Convention.
- (e) Create an international Marshall Plan for Gaza and the West Bank, including East Jerusalem, that would – hand in hand with the defined end of the occupation – invest in and modernize the infrastructure of the Palestinian territory, increase its educational and training capacity, improve its legal culture of human rights, and incentivize its economic and social sectors to meet the challenges of self-determination.

With respect to natural resources and the environment, the Special Rapporteur recommends that the Government of Israel immediately take the following measures:

- (a) To end practices which infringe on Palestinians' access to their natural resources, in violation of Israel's duties as an occupying power, and which have a negative impact of the realization of human rights for the protected Palestinian population;
- (b) Ensure equitable access to clean water, which is both a fundamental human right in itself as well as an integral component for the realization of a range of other human rights;
- (c) End the extraction of natural resources not undertaken for the benefit of the protected population, but instead for the benefit of the occupying power, a practice which is prohibited by international humanitarian law;
- (d) Ensure that hazardous waste is disposed of in compliance with international standards and that waste disposal does not infringe upon the human rights of the protected population, and recognize that disposal of hazardous material is an issue which impacts all surrounding areas given the interconnectedness of the local environment;
- (e) Ensure that, during its remaining time as the occupying power, all prior agreements on water between Israel and the Palestinian Authority are renegotiated in order to establish true equity and cooperation in the ownership, exploration, distribution and use of water sources in the region.”

IV. Comments and observations of the AALCO Secretariat.

59. The grave breaches of the Fourth Geneva Convention, 1949 as well as the prohibition of annexation of territory acquired through the use of force are applicable to the situation in the OPT since it fell under occupation in 1967. As a result of the disregard shown for these norms by Israel, the International Community of State have time and again taken institutionalized as well as non-institutionalized measures not to provide aid and assistance in the maintenance of, or recognize the OPT as territory of the State of Israel.

60. UNSC Resolution 478 (1980) was a step taken in that direction so that no permanent change is made in the status of the OPT, and it received wide-scale support from the Community of States including the absence of a negative vote by the United States.

61. Over the years since the occupation, Israel has taken a number of steps towards altering the permanent character of the OPT, tantamount to annexation including the imposition of discriminatory laws, large-scale pillage, transfer of population to and from the OPT, as well as the relentless policy of establishing settlements. In furtherance of the same, it sought to incorporate East Jerusalem as part of its territory and declared the whole of Jerusalem as its undivided capital, called upon states, in utter violation of UN resolutions to establish their embassy therein. The US and some other States decided to accept the request and moved the Embassy to Jerusalem attracting criticism from an overwhelming majority of States from different geographical regions and diverse legal cultures.

62. The report of the Special Rapporteur too shows the tendency of Israel to take measures to permanently alter the status of the OTP. The exploitation of the natural resources, pillage, forced deportation; violence committed by settlers apart from constituting the international crimes for which individual and State responsibility are entailed must also be looked at from the perspective of annexation. There remains no doubt that urgent action on behalf of the International Community is need of the hour, as inaction in the face of such violation would amount to acquiescing in an illegal act.

63. Unfortunately, it remains a fear that with the passage of time the factual situation may constrain the international community in the future to recognize as legal the consequences of such brazenly illegal acts. Thus, there shall be no greater failure of the international community of States as a whole, than the failure to act now.