

BADIL's Written Statement,

UNHRC, 49th, Item #2 (25 February 2022):

Practical and effective measures are necessary to fulfil the Rights of the Palestinian People

BADIL Resource Center for Palestinian Residency and Refugees Rights welcomes the efforts of the High Commissioner, Secretary General, President of the Human Rights Council and all bodies, committees and commissions involved in investigating, reporting and researching on the Question of Palestine and the deplorable state of the human rights situation faced by the Palestinian people.

Despite the submission of numerous reports, the adoption of dozens of resolutions, the investigations of various regular and special committees and commissions, and the extensive documentation of systemic and systematic human rights violations and multiple international crimes perpetrated by Israel, the human rights situation of the Palestinian people continues to steadily deteriorate.

Palestinians continue to experience the coercive environment engineered by Israeli policies and practices of forcible transfer and displacement, particularly in east Jerusalem and Area C of the West Bank.¹

The military blockade on the Gaza Strip continues unabated, as does the rapidly declining humanitarian situation there. Reconstruction efforts, the free movement of people and materials into and out of the Gaza Strip and the delivery of humanitarian aid and assistance continue to be thwarted by Israel.

Palestinians, regardless of their geographic location, are exposed to segregation, fragmentation and isolation policies implemented by Israel designed to marginalize the Palestinian people's right to self-determination.²

Despite the existence of two UN agencies created for the protection of Palestinian refugees and displaced persons, this population not only continues to expand but also continues to lack access to effective protection, including humanitarian assistance and physical and legal protection.³

¹ See BADIL Resource Center for Palestinian Residency and Refugee Rights, *Jerusalem: The Epitome of Israeli Annexation, Colonization, and Forcible Transfer*, bulletin no. 28 (Bethlehem: BADIL, 2019), available at: https://www.badil.org/cached_uploads/view/2021/04/19/bulletin-no28-jerusalemannexation-1618827682.pdf; See BADIL Resource Center for Palestinian Residency and Refugee Rights, *The Case of Etzion Colonial Bloc* (Bethlehem: BADIL, 2019), available at: https://www.badil.org/cached_uploads/view/2021/04/20/etzionbloc-israeliannexation-1618907810.pdf

² See BADIL Resource Center for Palestinian Residency and Refugee Rights, *Forced Population Transfer: The Case of Palestine – Segregation, Fragmentation, and Isolation*, working paper no. 23 (Bethlehem: BADIL, 2020), available at: https://www.badil.org/cached_uploads/view/2021/04/19/wp23-sfi-1618823935.pdf

³ See BADIL Resource Center for Palestinian Residency and Refugee Rights, *Survey of Palestinian Refugees and Internally Displaced Persons 2016 – 2018*, Volume IX (Bethlehem: BADIL, 2018), pp. 52-95, available at: https://www.badil.org/cached_uploads/view/2021/06/04/survey2016-2018-eng-1622811412.pdf; See BADIL Resource Center for

Israel continues to enjoy international impunity for the crimes of forcible transfer,⁴ annexation,⁵ and policies and practices that amount to colonization and apartheid.⁶

This situation has not only led to the destruction of the most basic human rights identified by international treaties and conventions, but also the erosion of the inalienable rights of the Palestinian people, namely the right of self-determination and the right of return of Palestinian refugees and internally displaced persons.⁷

Furthermore, Palestinian civil society has been forced to divert its efforts and resources away from these core issues, which constitute the root causes of the conflict to the defense of individual human rights defenders and organizations under unfounded allegations of terrorism.⁸

Rather than adopting additional protection measures to those individuals and organizations, the international community continues to adopt measures and policies that exponentially shrink and the already miniscule civil society space.⁹

Additionally, rather than imposing sanctions to bring Israel into compliance with international law, states and regional bodies continue to impose policies and regulations that criminalize legitimate non-armed resistance, such as the Palestinian Boycott, Divestment and Sanctions movement (BDS) and its supporters and equates any criticism of Israel as anti-Semitic.¹⁰

Moreover, Israel continues to obstruct the efforts of international bodies, UN committees and commissions, and the special rapporteurs from fulfilling their mandates and duties by denying access and entry to conduct their investigations and research. The positive and negative duties of third party states, international and regional bodies that must be triggered in response to Israel's well-documented human rights violations and international crimes and its failure and unwillingness to fulfill its international obligations and responsibilities remain elusive.¹¹

Palestinian Residency and Refugee Rights, *Forced Population Transfer: The Case of Palestine — Denial of Reparations*, working paper no. 22 (Bethlehem: BADIL, 2018), available at: https://www.badil.org/cached_uploads/view/2021/04/19/wp22-reparations-of-reparations-1618823911.pdf

⁴ see BADIL Resource Center for Palestinian Residency and Refugee Rights, *Coercive Environments: Israel's Forcible Transfer of Palestinians in the Occupied Territory*, (Bethlehem: BADIL, 2017), available at: https://badil.org/cached_uploads/view/2021/04/20/ft-coercive-environments-1618907680.pdf

⁵ See BADIL Resource Center for Palestinian Residency and Refugee Rights, *Creeping Annexation: A Pillar of the Zionist-Israeli Colonization of Mandatory Palestine*, working paper no. 25 (Bethlehem: BADIL, 2020), available at: https://www.badil.org/cached_uploads/view/2021/04/19/wp25-creepingannexation-1618823962.pdf

⁶ See BADIL Resource Center for Palestinian Residency and Refugee Rights, *The Nation State Law: The Culmination of 70 Years of Israeli Apartheid and Colonization*, Position Paper (Bethlehem: BADIL, 2018), available at: https://www.badil.org/cached_uploads/view/2021/04/20/nationstatelaw-positionpaper-badil-oct2018-1618905362.pdf

⁷ UNGA, Question of Palestine, A/RES/3236(XXIX), 22 November 1974, available at: <https://unispal.un.org/UNISPAL.NSF/0/025974039ACFB171852560DE00548BBE>

⁸ BADIL Resource Center for Palestinian Residency and Refugee Rights, "The GPRN Calls on the International Donor Community to Rescind the Anti-Terrorism Clauses and Conditions in Their Granting Contracts.", 1 December 2021, Press Release Available at: <https://badil.org/press-releases/12749.html>.

⁹ BADIL Resource Center for Palestinian Residency and Refugee Rights, *European Union Conditional Funding: Its Illegality and Political Implications*, working paper (Bethlehem: BADIL, 2020), available at: https://www.badil.org/cached_uploads/view/2021/04/20/europeanunionconditionalfunding-positionpaper-april2020-1618905422.pdf

¹⁰ See, for example, International Holocaust Remembrance Alliance, *About IHRA non-legally binding working definition of antisemitism*, available at: <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

¹¹ International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, A/56/10, November 2001, Article 40 and 41, available at: https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

Rather, member states continue to boycott Item 7 of the UNHRC regular sessions and some have taken measures to eliminate that agenda item as well as marginalize and de-legitimize the efforts of mandated agencies, such as UNRWA.¹²

The international community, whether international bodies or individual states, has yet to implement practical and operative measures to hold Israel accountable and ensure the human and inalienable rights of the Palestinian people.

Therefore, BADIL calls on the UNHRC and its member states to fulfil their responsibilities by embracing both positive and negative practical measures to bring Israel into compliance with international law. This includes not only condemning Israel's wrongful acts, but more importantly ceasing any aid and assistance, imposing a military embargo, and exerting economic and diplomatic sanctions in line with Chapter VII of the UN Charter to bring Israel into compliance with its international responsibilities.

¹² See BADIL Resource Center for Palestinian Residency and Refugee Rights, *Understanding the Political Underpinning of UNRWA's Chronic Funding Crisis* (Bethlehem: BADIL 2018), Bulletin No. 27, available at: https://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/bulletin-no27-unrwa-financial-crisis.pdf; See BADIL Resource Center for Palestinian Residency and Refugee Rights, *USA-UNRWA Framework Agreement: Assistance or Securitization?*, working paper no. 29 (Bethlehem: BADIL 2022), available at: https://badil.org/cached_uploads/view/2022/01/12/wp-29-unrwa-eng-1641973001.pdf