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## **Israel's Restlessness to join Certified International Affiliation** **Why Israel should NOT Join the EU & the NATO**

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### **Overview**

To join the EU partnership Agreements; and NATO usually requires commitments on the party intending to join. Turkey for instance has been overwhelmed with requirements for commitments to carry out various reforms in the different fields; political, economic, trade, and particularly in human rights. In exchange, the country may be offered tariff-free access to some or all EU markets (industrial goods, agricultural products, etc), and financial or technical assistance. However, Israel is an exception. Off course it is! Especially that Israel manipulates the world as being the frontier line to the free world's war against terror.

This concept was articulated in -Israel Radio- interview with Lieberman; the founder and head of the Israeli rightwing extreme party 'Yisrael Beiteinu' who said: *'The war we're fighting in the Middle East is not Israel's war, but the entire free world's [war], and we are standing on the frontlines,'*

### **But the Values and principles the EU Stand for:**

The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values, which are set out in Article I-2, are common to the Member States. Moreover, the societies of the Member States are characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. These values play an important role, especially in two specific cases. Firstly, under the procedure for accession set out in Article I-58, any European State wishing to become a member of the Union must respect these values in order to be considered eligible for admission. Secondly, failure by a Member State to respect these values may lead to the suspension of that Member State's rights deriving from membership of the Union (Article I-59).



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*In comparison with the existing Treaties, the Constitution has included new values, notably human dignity, equality, the rights of minorities and the characterization of the values upheld by the societies of the Member States.*

Israel has long sought to join the NATO but its application was not accepted for several considerations; still, Israel was the only state outside the alliance invited to attend the NATO meetings. However, the conception of Israel joining the NATO at this particular time seems and much inconceivable for several reasons, including:

- Throughout the past two decades and the past 8 years into the new millennium, Israel has lost much of its long built image as a loner state in a hostile environment and appeared for much to what it stands for as an occupation. This has reflected widely on the views and the notions held by the people of the NATO countries toward Israel, and now a racist and threatening factor on stability and peace in the region.
- The fact that the reasons why Israel was not able to join the NATO and the EU have not changed and has even become greater than before. The commitments and conditions required by any country seek to join the NATO are simply inapplicable to Israel; one of which: to not be involved in a border dispute with others. Israel still refuses to define its borders. 'Naturally'; to reject Israel's nomination and/ or undermine it in an unfavorable manner in the public by any of the NATO members is not wise; in fact, it is a threatening step to bring that country one step closer to a disciplinary measures in the form of economic penalties and worst yet to label it as Anti- Semitic.
- The NATO alliance will consequently become part of the Israeli occupation of the Palestinian territory, the Golan Heights, and southern Lebanon; more than that an accomplice to the constant Israeli aggressions against the Palestinians and the Lebanon like that shelling of the UN compound in southern Lebanon in 1996 killing 106 civilians who were seeking shelter from the Israeli bombing their village. The awkward status of the NATO alliance is that it will be endorsing such acts; in fact they will be even inclined to defend them and respond to any



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act of self-defense on the victims' part since it will be retaliation on all NATO members.

- For Israel to join the NATO alliance or the EU will jeopardizes the political, economic and any kind of relationships between the earlier and the Arab region as a whole; since many of them still refuses to recognize Israel but this will turn into a tough choice for both the NATO members and the Arab countries; on the other hand it will be good for Israel in both cases.

## **Israel's Colonial activities are against International Laws**

### **Lead-up**

Almost 56 years has passed to the endorsement of the Fourth Geneva Convention by almost every country in the world. This admirable and conclusive output represents a deposit of experiences of all wars that predated the outset of the convention document in question. The articles of the convention have proven to be invaluable to its end, which is the 'protection of civilian persons in time of war'. In the Israeli - Palestinian conflict, the latter have always regarded the articles of the convention to great importance in their right of pursuance of an independent state of their own. One particular article of the convention is crucial in definition to the Palestinians, article 49 (section III, Occupied Territories) states: ***The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. -- Article 49, Geneva Convention relative to the Protection of Civilian Persons in Time of War, (12 August 1949).***

The relevance of this particular article did present itself not until the 1967 war, when Israel captured the West Bank; including East Jerusalem (5661 Km<sup>2</sup>) and the Gaza Strip (362 Km<sup>2</sup>) and the Syrian's Golan Heights. The consecutive Israeli governments (Labor & Likud) relentlessly perused implementation of the settlements program in the territories occupied during the 1967 war in order to consolidate the Israeli State control over the occupied areas and consequently preclude the possible emergence of a Palestinian State.



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The consecutive Israeli governments played the settlements card the same way it did in the era that predated the 1967 war and the 1948 war, which is to establish sovereignty, security and define territorial limits. However, it was proven that settlements had to do with defining territorial limits -Land Grab- of the Israeli State and more importantly to validate and legitimize the Israeli Army existence in the occupied areas; allegedly to protect the illegal existence of the Israeli settlers, whom without, **'the Israeli Army would be just an invading army ruling over foreign population' Moshe Dayan, former Israeli defense minister.**

To that end, Israel has applied different approaches to control the Palestinians' land; between confiscation and declaring closed military areas, Israel utterly controlled over 61% of the West Bank and 24% of the Gaza Strip, thereby placing it out of Palestinian reach. Some of the appropriation methods practiced by Israel to control the Palestinian lands are:

- Land confiscation allegedly for security claims.
- Declaring substantial areas as natural reserve and restrict accesses to them.
- Declaring substantial areas as military areas and restrict accesses to them.
- Using the Oslo Accord II to consolidate control on area 'C'.
- Confiscate large areas to build network of bypass roads to serve the Israeli settlements.

According to international law, the territories that comes under the control of the belligerent occupant does not in any way becomes a sovereign territory of the occupying state and that its (the occupying state) control is noted as an interim and restricted rule over the territories it occupied and its inhabitants and that all resources available are under the occupant jurisdiction; providing it is used **only** for military security and to protect the rights and interests of the inhabitants and to reserve the sovereignty and status quo of the occupied territories and **not to set an orderly government rule of any kind.** Based on the aforementioned, the Israeli settlements in the occupied Palestinian territory comes in contradictory to the limits which compel Israel as a belligerent occupant as the Israeli settlements do not meet the interim category but seems to be of long duration intent; correlated with an orderly fashion governments, but not of a security significance to the Israeli military or state.



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**'In strategic terms, the settlements (in Judea, Samaria, and Gaza) are of no importance.'**

-- Binyamin Begin, son of the late Menahem Begin and a prominent voice in the Likud party writing in 1991. (Quoted in Findley, *Deliberate Deceptions*; p 159) Paul Findley notes that Begin added that their importance was that **'they constitute an obstacle, an insurmountable obstacle to the establishment of an independent Arab State west of the river Jordan.'**

Moshe Dayan explained, **Jewish settlements in the occupied territories are essential 'not because they can ensure security better than the army, but because without them we cannot keep the army in those territories. Without them the IDF would be a foreign army ruling a foreign population.'**

**Israel started wrong;** right from the beginning when the Israeli militias embark on war on mandate Palestine under the pretext to establish a state in conjunction with the UN Nations partition plan of 1947. However, the Israeli militias at that time exceeded the 56% designated for the Jewish State in the partition plan to occupy an overall 78% of mandate Palestine. During that time, more than 750,000 Palestinians were expelled from their homes to become refugees and 418 villages were depopulated and/or demolished.

In 1967, Israel occupied the West Bank including East Jerusalem and Gaza in addition to Sinai (Egypt) and the Golan Heights (Syria). On November 22, 1967, the U.N. Security Council Resolution 242 was issued, which emphasized the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security and called for the withdrawal of Israeli armed forces from territories occupied in the recent conflict (1967 war) and achieving a just settlement of the refugee problem. During such actions; Israel has violated the international law in an unprecedented manner and like no mother country in the World. These violations list as follows:



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## **Illegal Acquisition of Land by Force:**

Major Legal Principle Violated -

1. Acquisition of Territory by Military Conquest is Illegal
2. Occupation (either Legal or Illegal) is Generally Temporary and Must Never Lead to Sovereignty over Occupied or Conquered Lands of the Enemy People or Nation.

**As Per International Law -**

- UN Charter, article 2, para. 4 (1945)
- Hague Regulations IV (1907), articles 43 & 55
- Geneva Conventions IV (1949), article 47 & 54

## **Forbidding Civilians the Right to Return to their Homes following the end of Armed Conflict: Major Legal Principle Violated -**

1-- Parties to military conflict and occupation are required to allow civilians to return to their homes following the end of fighting no matter what their reasons for leaving.

As Per International Law -

- Geneva Conventions IV (1949), articles 45, 46 & 49
- Geneva Conventions Protocols I (1977), article 85(4d)
- UN General Assembly resolution 194(III) (1948), article 11
- UN Security Council resolution 237 (1967), article 1

## **Illegal Population Transfer: Major Legal Principle Violated - As Per International Law -**

It is Illegal for Occupant to move Significant Numbers of its own Population onto Occupied Enemy Lands.

- Geneva Conventions (1949), article 49(6)
- Geneva Conventions (Protocol I) (1977), article 85(4a)



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### **Illegal Practice of Collective Punishment: Major Legal Principle Violated -**

1-- No person may be punished for an offence he or she has not personally committed. Thus collective punishment is illegal.

As Per International Law -

- Geneva Conventions IV (1949), article 33
- Geneva Conventions (Protocol I) (1977), article 75(2d)

### **Practice of Racism: Major Legal Principle Violated - As Per International Law - As Per International Law -**

- International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965), Article 1(1)
- International Covenant on the Suppression and Punishment of the Crime of Apartheid (18 July 1976), Articles 1 & 2
- Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (8 Sept. 2001), Article 2

### **Practice of Apartheid: Major Legal Principle Violated - As Per International Law - As Per International Law -**

Apartheid involves massive violation of human rights which violates international law. Because it involves massive violations, Apartheid has been labeled a 'Crime against Humanity'.

- International Covenant on the Suppression and Punishment of the Crime of Apartheid, articles 1 & 2 (18 July 1976)

### **Illegal Military Occupation : Major Legal Principle Violated - As Per International Law -**

1. Military Action and Occupation are Only Legal when they are Purely Defensive.
2. Occupation Must Never Lead To Sovereignty over Occupied or Conquered Lands of the Enemy People or Nation.



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3. The Occupant is required to not Significantly Change Local Laws Unless Required for its Own Security or to benefit the Local Population.
4. The Occupant is required to Respect the Human Rights of the Native People except where it significantly jeopardizes its own Safety.
  - o UN Charter (1945), article 51
  - o Declaration On Principles Of International Law Concerning Friendly Relations And Co-Operation Among States In Accordance With The Charter Of The United Nations (1970), Principle 1

### **Illegal Modification of Local Law: Major Legal Principle Violated - As Per International Law -**

1-- The Occupant is required to not Significantly Change Local Laws Unless Required for Its Own Security or to benefit the Local Population. Hague Regulations IV (1907), article 43

### **Illegal De Facto Annexation: Major Legal Principle Violated - As Per International Law -**

Occupation Must Never Lead To Establishing Sovereignty over the Occupied Lands of the Enemy People or Nation. Taking over Occupied Lands in this Way violates the Rights of Self-Determination of the Native People.

- UN Charter, article 2, para. 4 (1945) Declaration On Principles Of International
- Law Concerning Friendly Relations And Co-Operation Among States In Accordance With The Charter Of The United Nations (1970), article 1
- Hague Regulations IV (1907), articles 43 & 55
- Geneva Conventions IV (1949), article 54
- Geneva Conventions (Protocol I) (1977), article 4

### **Violations of Human Rights: Major Legal Principle Violated - As Per International Law - As Per International Law -**

The Occupant is required to Respect the Human Rights of the Native People except where it significantly jeopardizes its own Safety.



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- United Nations Charter (10 December 1948), article 1(3) & 55
- Universal Declaration of Human Rights (10 December 1948), articles 1 & 2
- International Covenant on Civil and Political Rights (16 December 1966)
- International Covenant on Economic, Social and Cultural Rights (16 December 1966)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (18 July 1976), articles I & II
- Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations (24 October 1970), Principle 5
- Geneva Conventions (Protocol I) (8 June 1977), articles 72-79

### **Violations of UN Resolutions: Major Legal Principle Violated - As Per International Law -**

Member-Nations of the United Nations have signed a contract with the United Nations that they will obey the resolutions of the Security Council. Israel has violated numerous Security Council resolutions, and has ignored many resolutions of the General Assembly, and the 2004 advisory opinion of the International Court of Justice, which ruled that Israel's security wall was in violation of international law, and thus should be removed immediately, and those Palestinian inhabitants who have been harmed by the wall's construction should be paid compensation for their losses.

- Charter of the United Nations, article 25 (26 June 1945)
- International Court of Justice - 2004 advisory opinion on the wall in paragraphs 137, 149-159 rules the wall illegal and that it should be taken down immediately, and all persons harmed by its construction should be compensated for their losses.

Israel, by constructing the Segregation Wall, is flagrantly violating all international humanitarian laws, specifically The Hague Regulations of 1907 and the Fourth Geneva Convention of 1949:



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## **[1] Israel's colonial activities are against International Laws**

- The Hague Regulations expressly forbids an occupying power 'to destroy or seize the enemy's property, unless such destruction or seizure is imperatively demanded by the necessities of war' (Article 23).
- The appropriation and destruction of Palestinian land is an especially serious violation of the Fourth Geneva Convention, Article 147 that clearly prohibits, "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly." Violations of Article 147 constitute grave breaches of the Convention and should be prosecuted as War Crimes.

The construction of the Wall also restricts the movement of Palestinians within the territory they live and consequently affects the exercise of other rights such as the right to work, the right to health, the right to an adequate standard of living, the right to protection of family life and the right to education, all set in the International Covenant on Economic, Social and Cultural Rights.

**Article 6:** The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

**Article 10:** The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

**Article 11:** The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent



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**Article 12:** The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

**Article 13:** The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.

**Article 13** of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights also entail Israel to respect the right of Palestinians in the Occupied Territory to move freely from one place to another.

**Article 13:**

- Everyone has the right to freedom of movement and residence within the borders of each State.
- Everyone has the right to leave any country, including his own, and to return to his country.

**Article 12:**

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those, which are provided by law, are necessary to protect national security, public order (order public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.



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## **[2] Wall Constructions are against International laws and Human Conventions**

Under International law, Israel is illegally constructing the Segregation Wall on the Palestinian Lands and depriving Palestinian residents their full rights in life, of which, right to Freedom of Movement which is protected by Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which states that: 'Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 'Article 3 of the Fourth Geneva Convention of 1949 also strictly prohibits the occupying power from initiating 'violence to life and person' and 'outrages upon personal dignity, in particular humiliating and degrading treatment'.<sup>[2]</sup>

**[3] The right to freedom of religion** is protected under Article 18 of the ICCPR; and other rights that also fall under the various aspects of human rights law.

[1] This right is also protected under Article 13 of the Universal Declaration of Human Rights.

[2] The Fourth Geneva Convention, Article 3, Sections (a) and (c).

The Wall also violates the International Covenant on Civil and Political Rights and the International Covenant on Economical, Social, and Cultural Rights both of which Israel has signed.

## **[4] The International Covenant on Civil and Political Rights (ICCPR) - Freedom of movement (ICCPR, art. 12):**

1. *Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*
2. *Everyone shall be free to leave any country, including his own.*
3. *The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (order public), public health or morals or*



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*the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.*

4. *No one shall be arbitrarily deprived of the right to enter his own country.*

**[5] The International Covenant on Civil and Political Rights (ICCPR) - Property (ICCPR, article 1):** *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

**[6] The International Covenant on Economic, Social and Cultural Rights (ICESCR) - health (ICESCR, article 12):** *The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*

**[7] Fourth Geneva Conventions, article. 32:** *A protected persons shall not be have done to them anything of such a character as to cause the physical suffering or extermination ... the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment*

**[8] The International Covenant on Economic, Social and Cultural Rights (ICESCR) - Education (ICESCR, art.13:** *The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.*

**[9] The International Covenant on Economic, Social and Cultural Rights (ICESCR) - Work (ICESCR, art. 6):** *The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular.*



**[10] The International Covenant on Economic, Social and Cultural Rights (ICESCR) - Food (ICESCR, art. 11):** *The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*

The Segregation Wall in the Occupied Palestinian Territory (OPT) also comprises a crime of **apartheid** according to the **International Convention on the Suppression and Punishment of the Crime of Apartheid** (1973) which defines apartheid as: *'the imposition of various legislative measures on different racial groups while injuring the rights of one. Moreover, the crime of Apartheid comprises a 'crime against humanity' and 'a serious threat to international peace and security'*. It is a flagrant violation of international humanitarian law, specifically The Hague Regulations of 1907 and the Fourth Geneva Convention of 1949:

- *Hague Regulations 1907 Section II Article 23 also states that '[it is especially forbidden] to destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.'*
- *Hague Regulations 1907 Section III Article 46 states that 'Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice must be respected. Private property cannot be confiscated.'*
- *Article 53 of the Fourth Geneva Convention also clears that: 'any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.'*

*The appropriation and destruction of Palestinian land is an especially serious violation of the Fourth Geneva Convention, Article 147 of which clearly prohibits, "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.*



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*Violations of Articles of the Fourth Geneva Convention constitute grave breaches of the Convention and should be prosecuted as War Crimes.*

### **[11] Israel's Settlement Program in International Law**

Settlement construction and expansion in light of the United Nations Security Council resolutions (UNSC), international laws, human rights and international covenants Israel's colonization activities in the Occupied Palestinian Territory (OPT) violates numerous United Nations Security Council and General Assembly Resolutions, primarily:

- UN Security Council Resolution 242 (1967): UNSCR Resolution 242 calls for 'the withdrawal of all Israeli armed forces from territories occupied' in the 1967 war.
- UNSC 242 effectively outlaws Israel's 38 year occupation of the West Bank (including East Jerusalem) and the Gaza Strip.

The principles of Resolution 242 are reiterated again in Security Council Resolution 452 (1979) which calls upon 'the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem,' the Security Council Resolution 446 (1979) which '[d]etermines that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East' and a further again in Security Council Resolution 465 (1980) .

Israel's settlement policy is also strictly forbidden by the Fourth Geneva Convention. In addition to violating the prescriptions against destruction to civilian property, Israel's program of populating the settlements with Jewish citizens violates Article 49 of the Convention. Article 49 states that 'the occupying power shall not deport or transfer parts of its own population into the territories it occupies.'



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## **[12] Checkpoints in International Humanitarian Law**

The system of Israeli checkpoints that cover the Occupied Palestinian Territory violates certain distinct principles of humanitarian law as codified in the Fourth Geneva Convention of 1949.

Among the rights, which checkpoints violate, are the right to healthcare (Article 56), the right to education (Article 50) and the right to freedom of religion (Article 58). Article 3 of the Convention also strictly prohibits the occupying power from initiating 'violence to life and person' and 'outrages upon personal dignity, in particular humiliating and degrading treatment'.

## **[13] International Human Rights Law**

Israeli checkpoints violate the right to freedom of movement, the right to healthcare, the right to education, the right to religious freedom, the right to work, the right to food and water, the right to freedom from collective punishment, and other basic human rights. These rights are covered under various international treaties and covenants.

**Article 12 of the International Covenant on Civil and Political Rights (ICCPR)**, which states, protects Freedom of Movement: *"Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."*[11]

**[14] International Humanitarian Law:** The system of Israeli checkpoints that severs the OPT also violates certain distinct principles of humanitarian law as codified in the Fourth Geneva Convention of 1949.

Among the rights, which checkpoints violate, are the right to healthcare (Article 56), the right to education (Article 50) and the right to freedom of religion (Article 58). Article 3 of the Convention also strictly prohibits the occupying power from initiating 'violence to life and person' and 'outrages upon personal dignity, in particular humiliating and degrading treatment'

**[15] Destruction of Private Property in international law:** The Israeli Policy of house demolition flagrantly violates all international laws and human



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Conventions, which only allows the demolition of houses when necessary for a military operation:

- **Hague Convention IV (18 October 1907):** Convention Respecting the Laws and Customs of War on Land: **Article (23):** 'To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;'

**[16] Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, ARTICLE 53:**

*Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operation.*

## **More Violations**

### **Israeli Violation in the Occupied Palestinian Territory**

Since the Israeli occupation of the Palestinian territory back in 1967, the people, their property has been targets of the Israeli consecutive governments, starting with land confiscation for so-called security purposes to property destruction for building without legal permits and trees uprooting. Over the years of the Israeli occupation, Israel resorted to destruction of Palestinian properties as an indirect mean to inflict the internationally prohibited 'collective punishment'; more than that; Israel has managed to uproot more than 1 million trees from Palestinian lands to carryout its scheme in the occupied territory; to build illegal settlements for its citizens and construct a network of bypass roads to connect the settlements in the occupied territory together and to Israel. The Israeli actions in the occupied Palestinian territory during the time of it ongoing occupation constitutes as articulate within the Geneva Convention of 1949 a 'grave Breach' of the international law. Now with the Israeli -under construction- Segregation Wall; Israel has managed to take its aggression against the Palestinians to a new level of infringements as the actions of the Israeli State is threatening the very existence of Palestinians on their lands as they are being economically squeezed by the Israeli measures more than ever before.



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## **Destruction of Palestinian Properties**

### **-- In the West Bank**

Since the eruption of the second Intifada on September 28, 2000, the Israeli occupying forces (IOF) have commenced severe attacks against Palestinian residents and their properties in the Occupied Palestinian Territory, illustrated by uprooting trees, house demolition campaigns and land confiscation. These harassments caused devastating damages to the Palestinian livelihood. The harsh measures taken by the Israeli forces caused a great deal of damage to the Palestinian infrastructure and comprise crimes of collective punishment as many Palestinians live with the daily fear that their land or their houses will be razed or demolished at anytime. Land confiscations mostly aim to the expansion of the Israeli settlement and/ or for the construction of the Segregation Wall in the Palestinian Territory. Furthermore, the construction of the Segregation Wall has caused to raze hundreds of thousands of cultivated Palestinian lands, uproot trees and demolish houses, in order to prepare vast areas of lands for the hideous Israeli structure.

### **-- In the Gaza Strip**

In one of its most intense periods of destruction, the Israeli Occupying Forces has demolished a huge number of houses in the Gaza Strip during the last 20 weeks of this report, which made hundreds of Palestinian families homeless and with no shelters. Israel claims that its operation in Gaza is carried out for security reasons. This wave of Israeli destruction was only matched by the Israeli Army vicious destruction wave in 2003 when the Israeli Army decided to create a security buffer zone in Gaza; south of Rafah refugee camp along the border with Egypt, as thousands of Palestinian houses were demolished for that purpose.

### **Israel's House Demolition Policy**

The long and extensive history of the ingoing Israeli house demolition policy in the occupied Palestinian territory does not only constitute a grave breach of Palestinian right to housing, but also an application of the prohibited 'collective punishment' as emphasized in the Fourth Geneva Convention of 1949; Article



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33, which strenuously rebut without exception; infliction of punishment on an individual/s for an act committed by another.

- ***Art. 33. No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.***

In addition to article 33 of the Geneva Convention, Israel's house demolition policy in the occupied Palestinian territory was never based on military necessities as indicated in Article 53 of the Convention but merely on vindictive reasons as collective punishment and in Jerusalem; house demolition is carried out to clear Palestinian houses for the illegally built Israeli settlements.

- ***Art. 53. Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.***

### **Houses Demolished under the pretext of being built without licenses**

Demolishing houses under this pretext usually takes place in areas located in close proximity of Israeli settlements and within the Israeli defined boundary of occupied East Jerusalem. Over the years, Israel imposed various restrictions on building process carried out in occupied West Bank, with particular emphasis on East Jerusalem. Building in areas that fall outside the master plan of Palestinian towns and villages required and still do; building permit from the Israeli civil administration; otherwise the construction will be subject to demolishing at any time by the Israeli Army. Under international law, the occupying power is not to interfere with issues of civil concerns and is not to demolish property of those occupied unless military necessities demand that they do so. In Jerusalem, the situation was somewhat different from the rest of the West Bank, where the Israeli civil administration has no jurisdiction there; thus, it was for the Israeli municipality of Jerusalem and the Israeli ministry of interior to carry out the demolishing process.

### **Houses Demolished under the pretext of 'security needs':**



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The Israeli Army uses this term to justify the demolishing of Palestinian houses in Occupied Palestinian territory, in the West Bank and previously to the time of the Israeli withdrawal (unilateral disengagement) in the Gaza Strip. In reality, Israel has resorted to such pretext because it is the only justifiable and existing one within the international law they can manipulate to carry out the colonization process; building illegal settlements, constructing network of bypass roads to connect the settlement together and to Israel and carry out the under construction Segregation Wall.

### **Houses Demolished as Collective Punishment:**

Although it is illegal under international law, Israel demolished houses of Palestinians' members of resistance faction of whom Israel accused to carry out attacks against the Israeli occupation. Israel has employed such act that constitute a clear case of collective punishment, which is considered an explicit infringement to Article 53 of the Geneva Convention against hundreds of Palestinians during its ongoing occupation; the majority of which were carried out during the past five years of this current Intifada.

### **Terminals in the West Bank**

Terminals is just another Israeli employed tool to control and manipulate the lives of more than 2.4 million Palestinians living under the control of the racist Israeli occupation, which restrict the movement of Palestinians to designated roads and through terminals controlled and operated by Israeli soldiers and their sadistic moods which has resulted in the death of more than 176 Palestinian over the last years of the current Intifada. The concept of terminals controlled by an occupation force rise to the level of Apartheid; in fact; it is an unambiguous case of Apartheid when the occupation Army confine movement of those under occupation to specific routes and through terminals.

*According to the Universal Declaration of Human Rights (1948) all people are entitled to the recognition of inherent dignity and certain inalienable rights, which are the 'foundations of freedom and justice in the world.' Freedom of movement is part of the 'liberty of man' (Jagerskiold) thus making it one of the most basic human rights. Article 13 of the Universal Declaration of Human Rights stipulate: **Everyone has the right to freedom of movement and residence within the borders of each State.***



## Checkpoints in West Bank Governorates

The Israeli checkpoints vary in its physical structures; cubical cement roadblocks, earth mounds, manned checkpoints and agricultural gates, tunnels, secondary roads iron gates. By the time of this report, there are 592 Israeli checkpoints dissecting and isolating the Palestinian localities from each other. The Israeli checkpoints in the occupied Palestinian territory are turning into border points, a place where Israeli soldiers strip people of their dignity and compromise their humanity. The Israeli persistence to coerce facts on the ground under the pretext of security does not justify their collective punishment approach toward the Palestinian people and their ongoing outrageous infringement of Palestinians' human rights.

The following table lists the number and various types of obstructions established by the Israeli Army to restrict and confine the movement of 2.4 million Palestinian residents of the Occupied Palestinian Territory:

District	Check Points	Earth Mound	Observation Towers	Permanent Checkpoint	Road Gate	Road Block	Tunnel	Agricultural Gate	Sum
Hebron	8	124	10	2	23	12	1	11	191
Jerusalem	14	13	0	0	8	4	2	3	44
Jericho	5	4	4	0	0	2	0	0	15
Bethlehem	10	9	10	2	6	5	9	4	55
Tulkarem	2	11	2	1	1	3	2	13	35
Tubas	6	1	0	0	5	0	0	4	16
Salfit	4	12	3		2	2	5	8	36
Ramallah	5	20	9	3	12	10	6	3	68
Qalqiliya	1	4	1	0	1	2	2	15	26
Jenin	7	1	6	0	3	0	0	10	27
Nablus	10	46	7	0	7	8	0	1	79
<b>Total</b>	<b>72</b>	<b>245</b>	<b>52</b>	<b>8</b>	<b>68</b>	<b>48</b>	<b>27</b>	<b>72</b>	<b>592</b>

Source: ARIJ - GIS 2008



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## Water Issues

Future water security is a cause of concern for both Palestinians and Israelis, as both populations are expected to grow and hence the demand for fresh water will also increase. This is to meet the needs of the present and future population of both peoples and also to allow economic development. Israelis and Palestinians in the Occupied Palestinian Territory (OPT) share the same water resources. These are the West Bank Aquifer System (which can be subdivided into three drainage basins: Western, Eastern and Northeastern Basins); the Jordan River System; and the Coastal Aquifer. Israel has been restricting Palestinian water usage and exploiting Palestinian water resources since Israel occupied the Palestinian Territory in 1967. Presently, more than 80% of the Palestinian water from the West Bank's Aquifer Systems is used by Israel, accounting for 25 % of Israel's water needs. On the other hand, the Palestinian people in the OPT are denied their right to utilize their own water resources from the Jordan River's System, which they were utilizing partially until 1967.

As a matter of fact, the discrimination in utilization of the water resources shared, unwillingly, by Israelis and Palestinians is clearly seen in the figures of the water consumption by the two populations. According to the 2005-Israeli Water Commission's data, approximately 4 million Palestinian inhabitants in the OPT utilized only about 323 MCM/yr of their water resources, with their domestic, industrial and agricultural needs. For comparison, approximately 7.0 million Israelis utilized about 2009 MCM/yr. On a per-capita basis and according to the Israeli Water Commission, water consumption by Palestinians is 83 m<sup>3</sup>/yr compared to about 277 m<sup>3</sup>/yr for Israelis. In other words, the per-capita consumption in Israel is 4 to 5 times higher than the Palestinian per-capita consumption in the OPT. If the this per-capita figure (26 m<sup>3</sup>/yr, consumed by Palestinians in the OPT) is taken into consideration, it will be easily noticed that this figure forms only about one-fourth of what is recommended by the World Health Organization (WHO) and the United States' Agency for International Development (USAID). This is based on the fact that both institutions (WHO and USAID) recommend 150 liters of water per person per day.

Due to the fact that all the water resources in the region are currently utilized up to, and in some cases, beyond their full sustainable potential, any increase in overall abstraction may cause permanent damage to water quality and



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sustainable yield. There is already a serious concern about over pumping from the Jordan River and from the Coastal Aquifer (UNEP, 2003). Thus, sustainable management of water resources must be a joint venture, based on equitable allocation and principles of environmental protection, as opposed to the current situation, which is essentially one of the physical domination and oppression. There is an urgent need for negotiation of Palestinian water rights with Israel, and reallocation of existing water resources, in order to ease the suffering of the Palestinians, who currently experience severe water shortages; and to implement environmental protection schemes to halt over abstraction and degradation of groundwater aquifers, particularly in the Gaza Strip.

After the Palestinian people in the OPT fully obtain their water rights in their own water resources, non-conventional water sources can be considered. These non-conventional resources may include: desalination of brackish water and seawater, rainwater and surface run-off capture and storage, and wastewater treatment and reuse, in order to meet the increased water demand that will be a consequence of population growth.

### **Sustainable Development Strategies**

The goal of a sustainable Palestinian State will require careful planning, with a clear long-term vision of what kind of society that people desire. For sustainability to succeed, a new kind of awareness and imagination is required on the part of the PNA, individuals and donors, in order to perceive sustainability in an entirely different manner than has been done in the past. For this reason, education and greater awareness should form the first step towards sustainable development.

Unsustainable population growth will be one of the most difficult issues for the OPT to overcome. There are a number of strategies which may be adopted to overcome the OPT's spiraling population growth rate. Primarily, promoting economic growth, social development and raising living standards have been shown to be the most effective means to combat high fertility.

In terms of the Palestinian economy, some major macro-economic changes will be necessary and potentially beneficial. Development of new industrial estates should be implemented while rehabilitating both sea and airports in the Gaza Strip. In addition, establishing secure independent borders and trade routes with



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Israel and between the Gaza Strip and the West Bank will be vital for economic viability. Changes in trade relations must also be made, including some level of government protection and subsidies for Palestinian producers, which can be lifted as economic conditions improve.

In order for the OPT's economy to develop, a number of smaller scale strategies might be adopted. In addition to changes to international trade relations, the Palestinian population must also be encouraged and educated to buy Palestinian products. A system of labeling may be developed to facilitate this. To reduce environmental pressures, attempts should be made to steer the OPT's economy away from heavy pollution industries, while developing stronger environmental industry standards.

The development of sustainable agriculture may be another means, by which economic viability and sustainability might be addressed. In the case of land degradation, awareness campaigns might be launched, informing farmers of various methods to reduce soil erosion and to minimize chemical contamination on their properties. High priority should be given to conduct a comprehensive assessment of agricultural lands suitable for irrigation, and to develop contingency plans for the short- and long-term potential expansion in irrigated areas.

Strategies, regarding water and agriculture, must remain adaptive to changing social and economic conditions, as well as overall water availability. Other forms of sustainable agriculture may involve the development of roof top gardens and urban agriculture. The increasing urbanization of the OPT could make this a viable alternative strategy, in order to increase food security and address poverty. Opening up new areas for grazing will have particular benefit for the problems of overgrazing and desertification in the OPT. However, due consideration must again be mad for the preservation of the OPT's open spaces and the intrinsic value of natural habitats.

A major challenge to sustainable development in the OPT will be to increase the distribution of water resources to both individuals and industry, while maintaining services affordable. Primarily, the Palestinian people must obtain their full rights in all of their water resources (including surface and groundwater resources). After that, attention may be given to develop non-traditional water supplies, such as treated wastewater, brackish water, and



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water harvesting, including construction of small dams and reservoirs for harvesting water during the rainy season. Construction of conveyance networks will also be vital to disseminate water-harvesting practices.

In terms of biodiversity, immediate actions must be taken to identify and monitor endangered species and ecosystems. High priority to expanding and protecting forested areas should also be given. Adequate staff training in nature conservation and management should receive high priority. The situation in the OPT is fundamentally hindered by the chronic lack of space. Identifying and protecting key ecosystems, while limiting urban expansion, will be vital to prevent the further loss of natural habitats in the OPT.

## **Human Rights Violations of the Arab Palestinian Minority in Israel**

### **1- Inferior Citizenship**

The Law of Return, assure any Jew living anywhere in the world to immigrate to Israel and receive nationality, without being required to undergo the Process of naturalization .For Arabs, by contrast, the yardstick for nationality is established in a different law, the 1952 Nationality Law. Unlike Jewish citizens, the Right of Arab citizens to bring their relatives to Israel as citizens is not established in law.

#### **Examples:**

- 1- January 2006: Authorities Refuse to Recognize the Nationality of a Girl from Baqa al- Gharbiya because She Was Born in Nablus
- 2- Bedouin Residents of the Unrecognized Village of Wadi al-Na'am Do Not Have Identity Cards

### **2- Discrimination in the Confiscation and Allocation of Land and in Planning Policy**

- A) Since 1948, some 700 Jewish communities have been established, while not a single Arab Community has been established in Israel for the Arab population. The area of land allocated per Jewish citizens is eight Times larger than that allocated per Arab citizens. In the Galilee area, the Arab population



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makes 72 percent of the population but only controls sixteen percent of the total municipal area.

**B) The absence of new outline plans for Arab communities** meeting the changing needs and development requirements of the Arab population force Arabs to build without license and live under demolishing threats. Example: Sandala village. According to TAMAM-6 plan, the planning authorities have declared private land belonging to the residents as green areas and natural wood areas, thus restricting their use.

**C) Land Confiscation:** Israeli authorities seize lands located within area between Arab communities and designate them for Jewish communities to prevent territorial contiguity between Arab villages. In the year 2006: 2,500 acres of land confiscated from Daliyat al-Carmel and `Isafiya

- 2006: Plan to build a new section of Road No. 444 on land belonging to the city of Qalansawa. Implementation of the plan will include the confiscation of almost 100 acres of land in the eastern quarters of the city.
- 2006: June: Plan to establish 12-kilometer section of railroad crossing Wadi `Ara. According to the plan, the railroad will pass adjacent and to the south of the Wadi`Ara road, thus placing restrictions on the use of agricultural and in the area, which is intended for use for construction in the future.
- 2006: New plan to confiscate large areas of land from the city of Taibe in order to install a national gas pipeline

**D) House Demolitions:** the widespread phenomenon of illegal construction developed as the result of the adoption of racist policy by the Israeli authorities that refuses to recognize Arab villages and to find solutions for the problems facing Arab communities; the failure to approve master plans for these communities or to add to the areas of jurisdiction; and the failure to provide building permits; all of which contributed to an over all chaos in construction within the Arab communities.

Demolition orders are issued almost exclusively in the case of Arab citizens, and only extremely rarely against Jewish owners. A report published by the



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Center for Contemporary Research in Um el-Fahm in October 2005 confirmed that the vast majority of demolition orders were issued against Arab owners.

**F) Discrimination in Mixed Cities:** Most of the Arab population in the mixed cities lives in underprivileged neighborhoods, suffering from poor urban conditions and from high levels of crime and drug abuse. Among other problems, these neighborhoods lack plans regulating construction in order to meet even the minimum needs of the population. Current statistics for Lod city show that some 1800 Arab homes are subject to demolition, 500 of which with an immediate threat of demolition.

### **3- Failure to Use the Arabic Language**

By law, the Arabic language is one of the two official languages of the State of Israel. Accordingly, all public authorities are required to use the language. In practice, however, most public authorities in Israel do not use Arabic. In their contacts with the authorities, Arab citizens are obliged to use Hebrew, which is a second language for them. This was also the case during the Lebanon war. Many of the instructions distributed by the Home Command appeared in Hebrew only, making it difficult for Arab citizens to understand them precisely. The forms distributed by the National Insurance Institute for applications for legal compensation were also published in Hebrew only.

### **4- Racism on the Part of Official and Semi-Official institutions**

#### **2006: Hospitals Separate Arab and Jewish Maternity Patients.**

A Jewish woman from the Western Galilee region who had a baby at the hospital approximately two years earlier recalled: 'It is obvious that there is a separation. You can see that there are separate rooms for Arab and Jewish women. At the time it seemed strange to me. I wasn't told anything, but you can clearly see that the women are separated.'

#### **2006: Tefahot Bank Tells Arab Lawyer: Go Look for Work in Jenin and Gaza**

At the beginning of the year, Attorney Nasrin Dabini (20) of Nazareth contacted commercial Banks in her search for a job. Several banks sent



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reasonable replies explaining that they did not have any vacant positions. However, Dabini was astonished by the reply she received from Mizrachi-Tefahot Bank, bearing the official stamp of the bank. Written by hand, the letter stated: *'We do not accept Arab men or women to work here, only Israelis and Jews. We are not a racist bank, but this is our policy. Keep looking in Nazareth, Nablus, Jenin, Gaza, etc.'*

- 2006: Israel Post Couriers Receive Instruction *Not to Enter Arab Communities*
- 2006: Flights from Northern Israel to the Center of the Country were declared *'for Jews Only'*

-- The average annual income for an Israeli-Arab in Israel close to \$ 7500, while the Average annual income for Israeli-Jew is close to \$ 17,000

-- The Arab minority in Israel receive 17.3% out of the total budget in Israel Despite that they make 20% of the total population in Israel

The following categorizes the legalized discrimination in the Israeli system:

1. Land Laws
2. Immigration & Citizenship
3. Government Participation
4. Allocation of Military Veteran Benefits
5. Violation of a Wide Range of Civil Rights
6. Daily Racist Harassment