DIVISION FOR PALESTINIAN RIGHTS

INTERNATIONAL MEETING ON THE QUESTION OF JERUSALEM

Israeli settlements as an obstacle to peace – possible ways forward

Brussels, 7 and 8 September 2015

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Executive summary

The International Meeting on the Question of Palestine was organized by the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People in partnership with the Organization of Islamic Cooperation and the League of Arab States. The meeting was held on 7 and 8 September 2015 in Brussels.

The Meeting aimed to mobilize support for a just and comprehensive solution to the Question of Palestine. It discussed the current situation of Israeli settlements in the West Bank and East Jerusalem under European Union and international law, and provided a forum to present ways forward, including how to enhance the international community's role.

Invited to the meeting were all United Nations Members and Observers, intergovernmental organizations, UN Agencies, civil society organizations, and the media. Seventy Member States, two Observer States, six United Nations Agencies and bodies, four international organizations, twenty civil society organizations and twelve media organizations participated. Speakers included internationally renowned experts on the Question of Palestine, representatives of the Palestinian Government and civil society, as well as Israeli experts and civil society representatives. The Meeting was open to the public and the media.

I. Introduction

The International Meeting on the Question of Palestine was held in Brussels on 7 and 8 September 2015 under the joint auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (the Committee) the Organization of the Islamic Cooperation (OIC) and the League of Arab States (LAS). The meeting was convened in accordance with the provisions of General Assembly resolutions 69/20 and 69/21 of 25 November 2014 under the theme "Israeli settlements as an obstacle to peace – possible ways forward."

The Committee was represented by a delegation comprising Fodé Seck (Senegal), Chair; Maria Rubiales de Chamorro (Nicaragua), Vice-Chair; Desra Percaya (Indonesia), Vice-Chair; and Riyad Mansour (State of Palestine). Following the two-day deliberations, the Committee Delegation on 9 September held consultations with civil society organizations active on the question of Palestine to address the implications of Israeli settlements.

The Meeting consisted of an opening session, three plenary sessions and a closing session. The themes of the plenary sessions were: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem – Situation on the ground; Legal aspects of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem; and Settlements and the two-State solution.

Presentations were made by 11 experts with the participation of three discussants. The Meeting was attended by 70 Member States, the State of Palestine, the Holy See, three intergovernmental organizations, two parliamentarians and local authorities, 19 local and international civil society organizations, six United Nations entities and 17 representatives of the media.

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II. Opening session

UN Secretary-General Ban Ki-moon, in his message that was delivered by Rima Khalaf, the Executive Secretary of the Economic and Social Committee for Western Asia (ESCWA), said one year since last summer's ruinous Gaza conflict, security and hope in both the occupied West Bank and Gaza remain at a low point. He called on both peoples to restore confidence for a peaceful resolution and the realization of two States for two peoples. He stressed that unilateral actions, such as building illegal settlements, ran counter to this purpose of, and cannot be reconciled with the Government o-f Israel's stated intention to pursue a two-State solution.

Mr. Ban expressed his concern about the new levels of settler violence against Palestinian civilians, saying that the root cause of this situation was the continuing policy of settlement expansion and impunity relating to settler activity. He noted, however, that Israel had stepped up efforts to bring those responsible to account. Israel must do all it can to live up to its obligations and commitments, especially regarding the protection of civilians under its occupation. He said that he has also condemned by the recent rocket launches from Gaza toward Israel and called acts of violence against Israelis in the West Bank unacceptable. He called on leaders on all sides to speak out against and prevent such acts in order to prevent the escalation of the situation and to take control of the political agenda.

Mr. Ban ended by pledging to continue to work with all parties to encourage a return to peace negotiations, which must include a discussion of the issue of Israeli settlements under a final status accord. He said he was heartened by the commitment of Arab leaders to uphold the Arab Peace Initiative, while encouraging the Quartet, the League of Arab States, the Organization for Islamic Cooperation and all regional and international stakeholders to play a more active, supportive role in fostering an enduring peace. He emphasised that the United Nations will remain committed to a peaceful settlement of the question of Palestine resulting in two States, Israel and Palestine, living side by side in peace and security.

Fodé Seck (Senegal)**,** Chairman of the Palestinian Rights Committee, noted that from the standpoint of the international community, and of international law, Israeli settlements in the Occupied Palestinian Territory were clearly illegal. On that issue, the Security Council spoke with a single voice in 1980 by unanimously passing Resolution 465 that affirmed that "measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity" and that "Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention."

He said the Council further declared that Israeli settlements "constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East" and called upon all States "not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories." Subsequent resolutions, by both the Council and the General Assembly, reaffirmed that clear position, and so did the International Court of Justice. Yet today, Israeli settlements were growing, and their expansion was the declared goal of Israeli ministers and officials. Settlement activities were an intrinsic aspect of an unequal power relationship and of a system of occupation and domination of one people over

another. Therefore, the international community had an important role to play not only in the search for a just and durable final status agreement, but also in advocating for the rights of the Palestinian people and for upholding international law in the interim. In that regard, he welcomed recent efforts of the European Union to strengthen its policies regarding Israeli settlements and any commercial products originating from them.

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In his keynote speech, **Riad Malki** the Minister for Foreign Affairs of the State of Palestine said that some 250 illegal settlements existed today in the West Bank, including East Jerusalem, housing at least 600,000 settlers in more than half of the Palestine territory. For every act of settlement construction and expansion, Israel destroyed Palestinian property and unravelled the Palestinian social fabric and diminished their hope. Those illegal measures were designed to achieve a strategic and devastating goal: unlawfully appropriating property and driving out Palestinians from their land, and creating a new demographic reality on the ground. Those constituted the most brutal enterprise of ethnic cleansing, a clearly established fact in international humanitarian and criminal law. Settlement activity was a grave breach of the Fourth Geneva Convention and a crime under the jurisdiction of the International Criminal Court. Yet, Israel continued to commit those crimes without facing accountability. That reality of impunity had transformed the settlement regime into "a hotbed of racism, terrorism, and violence".

Mr. Malki said that to see the way forward there is a need to end this regime, including through boycott. If not confronted by the international community, the settlement regime would undermine the realization of the Palestinian people's inalienable rights, particularly their rights to self-determination and statehood. The European Union's labelling was a step in the right direction, but nowhere near enough. Israel must know it could not continue to make a profit off the oppression of the Palestinian people and the illegal exploitation of their natural resources. The Security Council had a solemn duty to end that insidious occupation. Palestine had been acting at every level to confront the settlement regime, including at the International Criminal Court. It also urged all states to discharge a collective and individual responsibility to ensure accountability if Israel continued to refuse compliance with its legal obligations, including under the Fourth Geneva Convention and the 2004 ruling of the International Court of Justice.

He said in order to preserve the two-State solution based on the 1967 borders, effective and urgent measures must be implemented to confront those illegal actions, including settlement activities and terrorist attacks by settler groups. A practical step in that regard would be the recognition of Palestinian statehood without delay. Palestinians' struggle for justice and freedom was supported by an increasing majority of the international public, he said, expressing Palestinians' determination to hold onto their faith that "the future is for justice and freedom" and that "the evils of oppression cannot outlast a free people's will to overcome injustice."

Samir Bakr Diab, Assistant Secretary-General for Palestine Affairs of the Organization of Islamic Cooperation, noted that Israel was doing everything to undermine Palestine despite the international community's serious efforts to achieve a peaceful solution. Israeli setters numbered 600,000 today, and their settlements fragmented Palestinian land and communities, thus "Judaizing" Jerusalem. Those activities, including measures to break territorial unity, transform the demographic character, and exploit natural resources, in the Occupied

Palestinian Territory, were clear violations of international law. Settlers were given a free rein to destroy Palestinian houses and property and attack their churches and mosques.

Mr. Diab said the international community must bring an end to all illegal activities by Israel, including settlement construction, building of separation walls, use of force, and violations of the principles of international law. He recalled that Israel refused to accept the advisory opinion of the International Court of Justice on the separation wall. He emphasised that settlement activities were an obstacle to the two-State solution and peace and called for an international framework to set a deadline to end Israeli occupation. He ended by saying that the Security Council should take appropriate measures and the Palestinian Rights Committee had also a responsibility to play a role in establishing the State of Palestine with East Jerusalem as its capital.

Haifa Abu Ghazaleh, Assistant Secretary-General of the Arab League said that Israel's settlement and Judaization policy contravened international legal instruments and its refusal to abide by its international obligations hampered regional efforts to achieve a lasting peace. She stated that Israel's "apartheid" policy against Palestinians must end and a State of Palestine must be established with East Jerusalem as its capital. She explained that Israel absorbed Palestine land, protected settler activities, attacked Palestinian civilians, burned bibles and Korans, treated Palestinian prisoners inhumanely, demolished Palestinians' houses, displaced them, and changed the names of their roads. Those practices under the regime of Benjamin Netanyahu required an international response to hold him accountable. Israel's settlement policy, rejected by Arab states, was the main reason for the suspension of peace negotiations.

Ms. Abu Ghazaleh went on to say that Israel failed to respect Article 8 of the Rome Statute and Article 49 of the Geneva Convention. The Security Council must adopt binding resolutions and the international community and the Quartet should send a firm message to Israel. They must move from mere condemnation of Israeli acts to concrete pressures to end Israeli occupation. Time had come for Palestinians to live freely and independently. It was also high time to give peace a chance, she stated.

Statements

Kuwait's representative noted that the Israeli Prime Minister, who claimed he was ready to resume peace negotiations, lodged an official complaint with the United Nations Secretary-General regarding the Palestinian flag raised alongside those of other States. Immediately following that, Israel destroyed 25 homes in Ramallah in the West Bank, displacing 132 people. Its deed contradicted its words, a practice not unusual for Israel. It failed to respect United Nations resolutions, helping foster extremism in the Middle East. He called for the resumption of peace negotiations to ensure the establishment of a Palestine State with East Jerusalem as its capital.

Saudi Arabia's representative recalled the Security Council resolutions 465 and 497, which affirmed the illegality of settlements as well as the necessity to dismantle them, and stop all "Judaization" measures in Jerusalem. He looked forward to increased effort by the international community, and the directives of the European Union on the import of goods produced in Israeli settlements in the Occupied Palestinian Territory. The international community must relinquish selectivity and double standards that were contrary to the

international law, oppose settlement decisions by Israel, and apply pressure on Israel. His Government constantly supported the Palestinian cause, and condemned Israel's settlement construction plans and its blatant violation of the inalienable legitimate rights of the Palestinians.

Morocco's representative said that participants were discussing a topic of vital importance today. Continued Israeli settlement activities were detrimental to the inalienable rights of Palestinians. Israeli settlements now covered more than 40 per cent of the surface area in the West Bank. Israel tightened its grip on the Palestine economy, restricting movements of Palestinians and exploiting their natural resources. Settlement construction endangered the social fabric of Palestine, and settlers were given a free hand to launch attacks against Palestinians. Like a majority of States, Morocco was determined to participate in all initiatives to find a solution for the Palestinian people. The international community should counter Israel's measures to change the demographic, cultural and religious characters of Jerusalem. Evocation of settlements would revive the peace process. Israel faced a choice between peace and continuation of its settlement policy, which would dash hope for the two-State solution.

India's representative said his country's steadfast support and continuing commitment to Palestine was rooted in its modern history going back to its own struggle for independence. India reaffirmed its support for the Palestine cause and expressed solidarity with the Palestinians' struggle for a sovereign, independent, viable, and a united State of Palestine within secure and recognized borders side by side and at peace with Israel, with East Jerusalem as its capital. India contributed $1 million annually to United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and donated $4 million in response to the National Early Recovery and Reconstruction Plan for Gaza. His country was also undertaking important bilateral development projects in the areas of health, education, skill development, vocational training as well as providing budgetary support to the Palestinian Government.

Cuba's Representative said that the situation in the Occupied Palestinian Territory demanded urgent action with full respect of international law. Israel posed a threat to international peace and security, depriving Palestinians of their fundamental rights. Israel must cease its illegal actions, and it must be held accountable for genocide committed against Palestinians. The Security Council must promote a negotiated solution for two independent States, but the veto power of permanent members had prevented necessary action. That attested to the need for a thorough reform of the 15-nation body. Cuba expressed firm solidarity with the Palestinians' right to self-determination based on pre-1967 borders with East Jerusalem as their capital. It also supported the full admission of Palestine to the United Nations. Israel's colonial campaign must stop.

A Representative from **the Office of the United Nations High Commissioner for Human Rights (OHCHR)** said Israeli settlements were an obstacle to peace and they could become future drivers of human rights violations. The mere presence of settlements fragmented Palestinian territory and undermined their core rights to self-determination. Occupation must be temporary because annexation was prohibited by international law. Beyond the implications for Palestine economic, social and cultural rights, the presence of settlements was a source of tension and a flashpoint for violence across the West Bank, threatening the Palestinians' rights to life and freedom of movement.

III. Plenary sessions

A. Plenary I
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem – Situation on the ground

The speakers in Plenary I entitled "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem – Situation on the ground" addressed the following sub-themes: "The impact of the occupation on the Palestinian population"; "Humanitarian impact and international action to provide relief/redress"; and "the economic cost of settlements". The Plenary was chaired by Vice- Chair of the Committee, Mr. Desra Percaya, Permanent Representative of Indonesia to the United Nations.

Delivering presentations were Rima Khalaf, Under-Secretary-General and Executive Secretary of the United Nations Economic and Social Commission for Western Asia in Beirut, Abdulhadi Hantash, expert on land and settlements in Hebron, and Jad Isaac, General Director of the Applied Research Institute in Bethlehem. Mouin Rabbani, senior fellow at the Institute for Palestine Studies and co-editor for Jadaliyya, served as a discussant.

Rima Khalaf said that by illegally transferring some of its citizens to the occupied territories and according them special treatment and rights, Israel had established a calamitous system of segregation and racial discrimination. If two 16-year-old boys, one Israeli and the other Palestinian, were to commit the same offence in the occupied territories, the Israeli child would be treated as a minor with all the associated protections and rights while the Palestinian boy would face military detention and be tried in a military court as an adult.

Israeli discrimination against Palestinians is consistent and is evident in the inequitable allocation of water in which Israelis receive up to seven times the water provided for Palestinians. Segregation was also evident and starkly manifested in the fortress-like Jewish settlements and the sixty-five kilometres of roads that had been built on expropriated Palestinian land for the exclusive use of Israelis and Jewish settlers.

She said Israel's strategy of forcing Palestinians to leave their land employed three interlinked sets of policies: collective punishment of the Palestinian population, their displacement and the construction of settlements. The Gaza blockade and the Wall in the West Bank were examples of collective punishment, a practice prohibited under international humanitarian law and a direct violation of the Fourth Geneva Convention. Those measures impeded children's paths to school, farmers' roads to their land and the journey of pregnant women to hospitals. In addition, the revocation of residency permits for Palestinians, had resulted in the exile of 250,000 people from the Occupied Palestinian Territory. Population displacement was most prominent in East Jerusalem, where Israel sought to attain a Jewish majority through what they labelled as the "demographic balance policy".

She explained that land grabs began soon after the annexation of East Jerusalem and the surrounding areas. Other forms of that practice included the confiscation of Palestinian-owned land and the designation of it as military areas, firing zones and natural reserves. The most noticeable example of a land grab, however, remained the construction of Israeli settlements. She highlighted that consecutive Israeli Governments had sponsored and supported the expansion of settlements. She cautioned against turning a blind eye to a system that appeared to constitute "apartheid" and racial segregation. The United Nations Charter,

and the principles of self-determination, non-discrimination, equality, justice and the rule of law, remained the basic tenants for the resolution of all conflicts. Applying those principles in Palestine was not only an ethical obligation but the only solution that would yield real and lasting peace for the Israelis and Palestinians.

Abdulhadi Hantash, said that Israel's occupation was three-pronged, the first element was to transform the character of Palestinian land and establish a State that excluded anything but the Jewish people. Second, was to link major settlements to each other and third, to displace Palestinians. In some cases, Palestinians had been expelled and left in the wilderness to die while their land had been declared military zones. He said there were two kinds of settlement activities, the official and the silent settlement projects. The latter were neither announced nor reported by the media and thus were more dangerous. In addition, Israel was building a road network that is only accessible by Israelis, calling them "purified roads" as they were used only by Jewish inhabitants while Palestinians were treated like "viruses".

He noted that Israel had planned three projects to encircle Jerusalem, including Plan E1, which aimed to connect settlements and create territorial contiguity with Jerusalem in order to have one municipality. Israel had confiscated tens of thousands of acres of Palestinian land for that project while Plan E1 aimed at merging three major settlements into one. He recalled remarks made by an Israeli official who said, there was no Zionism without a settlement, and there was no settlement without the expulsion of the Arabs and the expropriation of their land. The international community should courageously confront Israel, which was enjoying impunity. Settlers had been given a free hand to commit violence and Israel bore the characteristics of apartheid and terrorist State. If their concern mounted, Palestinians could fight back with force.

Jad Issac, said Israel was currently enjoying an unprecedented economic growth and facing virtually no regional security threats, rendering Israeli leaders reluctant to make any real concessions. Israel was also exploiting the turmoil in the Middle East to accelerate its unilateral actions to create *de facto* realities on the ground. He explained that the Israeli public had been indoctrinated to believe that the territory was not occupied but rather disputed with Jerusalem united as the eternal capital of Israel. He highlighted that the occupation was a profitable enterprise for Israel while being economically damaging for the Palestinians, putting them at an annual loss of seven billion dollars. He explained that Israel was grabbing land by constructing settlements, legalizing outposts, building the segregation wall, and declaring state land as well as firing zones and natural reserves.

He stated that Israel was working on grabbing 75 per cent of Area C, including through de-Palestinization of Jerusalem and the Jordan Valley. Satellite images showed that there were 196 Israeli settlements and 232 outposts in the West Bank, including East Jerusalem. Israeli population in that area now exceeded 750,000 roughly tripling from 255,000 in 1992. He said a natural population growth would have put the number at 448,000 not at 750,000. He recounted that from June 2014 to August 2015, 65 tenders were issued to build 8,546 units and lease 71 plots of land, commercial and industrial areas and offices. About 56.2 per cent of those units would be built in Israeli settlements in Jerusalem and 21.4 per cent in Bethlehem. He also noted that since June 2014, more than 900 attacks were carried out by Israeli settlers, uprooting of more than 10,000 trees and attacks on churches and mosques.

Mr. Issac said that the Israelis and Palestinians had been negotiating for more than 24 years, but negotiations failed due to unilateralism, absence of an arbitration mechanism and absence

of symmetry between Israelis and Palestinians. Israel had pursued a consistent strategy of settlement expansion that escalated during the peace process, terminating the two-States solution. The international community still regards the two-States solution as the end game of the Israeli Palestinian conflict. He said that the issues on Jerusalem, the refugees, water, security and the borders were not bilateral issues to be resolved by Israelis and Palestinians alone. Israel's insistence on bilateral negotiations should be replaced by comprehensive multilateral negotiations under the United Nations umbrella with full support and mandate from the superpowers to ensure arrival at a durable peace treaty with a well-defined implementation time frame set forth in the Third Geneva Convention.

B. Plenary II
Legal aspects of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem

The speakers in Plenary II entitled "Legal aspects of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem" addressed the following sub-themes: "Settlements in international humanitarian law"; "Settlements in Israeli law" and "Strategies to address the issue of settlements under current legal frameworks". The Plenary was chaired by Vice-Chair of the Committee, Ms. Maria Rubiales de Chamorro, Permanent Representative of Nicaragua to the United Nations.

Delivering presentations were Walid Assaf, Director of Colonization and Wall Resistance Commission in Birzeit; Christine Chanet, former Chairperson of the United Nations Human Rights Council's fact-finding mission on Israeli settlements and a Member of the Human Rights Committee and the Committee against Torture; Shawan Jabarin, General Director of Al Haq in Ramallah; Ardi Imseis, Ph.D. candidate at the Department of Politics and International Studies of the University of Cambridge; and Francois Dubuisson, Professor, Université Libre de Bruxelles in Brussels, served as a discussant.

Walid Assaf said Israel's strategy was to isolate Palestinian areas and forcibly displace the inhabitants of the territories. Israel has set up a legal framework for this strategy that has been implemented since 1967 and has passed amendments regarding land titles and the rights of Palestinians to live in the City of Jerusalem. He explained that Israel's policy was based on three main pillars: create a *de facto* situation by influencing demographics; increase control over and annex Palestinian property and to encourage the displacement from the state lands. According to international law, those policies are prohibited. The amendment of the towns and cities legislation in 1971 resulted in stifling Palestinian towns and gave unrestricted competence to the regional councils. Therefore, it was not surprising that there were no Palestinians new cities for the past 50 years.

In that area, "Judaization measures" also continued, he said. Israel encouraged its citizens to move to the communities located in the eastern slopes of the West Bank, from where Palestinians were expelled. Israel declared more than 40 per cent of private Palestinian land as either closed military areas or state land, and used it for agricultural, industrial and recreational projects for the settlers. Israeli practices in the Palestinian territory were not temporary in nature, revealing its intention for permanent control. Therefore, the characterization of these practices as occupation was inaccurate. It was colonization, which could even lead to ethnic cleansing. Prime Minister Benjamin Netanyahu announced that the building of settlements would continue unabated. Israel was perpetuating the enslavement of

Palestinians by denying them the right to freely determine the political status of the Palestinian people.

Mr. Assaf went on to make some recommendations. He said, it was time for third parties to intervene in support of Palestinians right to self-determination, through the recognition of the State of Palestine, and to support the Palestinian bid for full membership in the United Nations. The international community should stand by the Palestinians in asking the International Criminal Court to try the perpetrators of crimes against humanity and war crimes against them. The United Nations should adopt the term "colonization" in place of "occupation," and "colonizer" instead of "settlers." It was time to force Israel to comply with legal norms, including with relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, as well as human rights treaties and the advisory opinion of the International Court of Justice.

Christine Chanet, said that in March 2012, the Human Rights Council, in its resolution 29/17, established an international independent fact-finding mission to investigate the implications of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem. The mission conducted numerous interviews and received more than 60 written contributions, including from Israeli civil society. It analysed the legal nature of settlements and their implications for human rights and humanitarian law.

She said for the international community, the Palestinian territory was occupied, a status determined by all the relevant United Nations resolutions and reiterated by the International Court of Justice in its advisory opinion of 13 July 2004. The opinion concluded that Israeli settlements in the Occupied Palestinian Territory, including Jerusalem were constructed in breach of the Fourth Geneva Convention. The Convention's Article 49 conferred obligations that Israel the Occupying Power shall not deport or transfer its own civilian population into the territory it occupies. Moreover, the mission considered that settlement activities could fall under the scope of Article 8 of the Rome Statute and constituted war crimes defined as "direct or indirect transfer by the Occupying Power of parts of its own civilian population into the territory it occupies." That article went beyond Article 49 of the Geneva Convention as it also covered indirect transfer.

She added that the existence of an elaborate policy was raised by the Court in paragraph 120 of its opinion. "In 1977 Israel conducted a policy and developed practices of establishing settlement in the occupied Palestinian territories contrary to the requirements of Article 49 of the Fourth Geneva Convention." The Court stated that the latter text prohibited not only forced transfers but also all measures by an occupying Power to encourage the transfer of part of its civilian population into the occupied territory. The mission had devoted ten paragraphs of the report to detail that policy, including government funding for its implementation. That policy thwarted the exercise by Palestinians of their right to self-determination. The mission's recommendations were addressed to Israel to put an end to its colonization, and urging all States to assume their responsibility in their relationship with a State violating international law.

Shawan Jabarin in his statement focused on a few legal points as the reality on the ground was already sufficiently explained by previous speakers. He stressed that the real problem regarding the question of Palestine was lack of implementation. Israel was selective in implementing international law, which made him wonder whether Israel really wants to change the situation and end the suffering of Palestinians. He said there was no political will

and there was no legal remedy in Israel's judicial system. He noted that that third States should fulfil their obligations under international law.

He highlighted that settlement building was not an isolated incident but an official policy. It was systematic and constituted a war crime. The extensive destruction and appropriation of property and pillage must be considered as part of a larger policy of "persecution." Under the Rome Statute, persecution was defined as a crime against humanity. The situation on the ground met the criteria for persecution.

He also urged Palestinian leaders to drop land swaps from the negotiation table as it was illegal, and called for an end to pillage by businesses from the occupied territories. The European Union's labeling of goods produced in Israeli settlements was welcome but not enough. Imports of those products must be banned. It took 50 years to label those products. Banning them must not take that long.

Ardi Imseis noted that both Israel and Palestine were party to the 1949 Geneva Convention. The Convention's Article 49, paragraph 6, prohibited the "The Occupying Power to deport or transfer parts of its own civilian population into the territory it occupies", with no exceptions. Article 146 and 147 concerned penal sanctions for breaches, the Convention's Contracting Parties were to pass laws criminalizing grave breaches, and to locate, prosecute or extradite the suspects. The Convention prohibited "unlawful deportation or transfer" and "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly." All this and the recent accession by Palestine to the Rome Statute held out possibilities for the Palestinians to avail themselves of Article 8 of the Statute, that lists acts constituting war crimes, including the transfer of civilian population into occupied territory or the deportation or transfer of the occupied population.

He said the Israel judicial system had been partial when trying Palestinian claims. Israel held that the Convention was not *de jure* applicable to the occupied Palestine, a position definitively rejected by the principal organs of the United Nations. He opined that Palestine might wish to support civil society groups to engage in greater levels of test case litigations before Israel's High Court of Justice. Such litigations would prove useful in undercutting any Israeli argument that its courts were competent to hear matters that would otherwise come under the domestic jurisdiction of third States or the jurisdiction of the International Criminal Court.

Continuing, he said legal strategies fell into two spheres – those internal to the Fourth Geneva Convention and those external to it. Article 146 of the Convention allowed for the exercise of universal jurisdiction by the national courts of third state High Contracting Parties. Today, a growing number of High Contracting Parties had begun to enact domestic legislation empowering their courts to invoke universal jurisdiction. Increased efforts should be undertaken to study the domestic legislation of key High Contracting Parties with a view to identifying appropriate fora in which to prosecute legal persons suspected of committing grave breaches, including those connected to Israeli settlements.

One external compliance mechanism was the International Criminal Court, which opened a preliminary examination into the situation in Palestine in January 2015, following Palestine's accession to the Rome Statute, he said. A related external mechanism was to resort once again to the International Court of Justice, he said. It was now almost 11 years since the watershed advisory opinion on the legal consequences of the construction of a wall. Except

the establishment of the United Nations Register of Damage, no effective follow-up had been undertaken. Palestine should be laying the groundwork for a return to the ICJ to seek an opinion as to whether Israel's prolonged occupation of Palestine had become illegal by violating two fundamental norms – the inadmissibility of the acquisition of territory through force, and the right of self-determination of peoples.

Another external mechanism he said was the use of economic and cultural pressure. Israel enjoyed preferential trade agreements with a number of High Contracting Parties and regional entities, including Canada, the United States and the European Union. In recent years, the European Union distanced itself and its funding from Israeli settlements. Such economic pressure could be explored by the United Nations under Chapter VII of its charter but the United States' veto power in the Security Council presented a considerable political obstacle. One possible solution would be for Palestine to invoke the General Assembly's "Uniting for Peace" resolution. He ended by stressing the important role of global civil society. Shifts in public attitudes had played a pivotal role in fostering legal strategies.

C. Plenary III
Settlements and the two – State solution,

The speakers in plenary III entitled "Settlements and the two – State solution, addressed the following sub-themes: "The role of the International community, including regional organizations"; "EU guidelines on import and labelling of goods produced in Israeli settlements"; "Action by Parliamentarians, civil society and local authorities"; and "Action in Israel". The session was chaired by Vice- Chair of the Committee, Desra Percaya, Permanent Representative of Indonesia to the United Nations.

Delivering presentations were Martina Anderson, Chair of the European Parliament's Delegation for relations with the Palestinian Legislative Council, Hugh Lovatt, Coordinator for Israel/Palestine at the European Council on Foreign Relations in London, Daniel Seidemann, Lawyer and Founder of Terrestrial Jerusalem from Tel Aviv, and Anat Ben Nun, Director of Development and External Relations of Peace Now in Tel Aviv. Martin Konecny, Director of European Middle East Project in Brussels, served as a discussant.

Martina Anderson, Chair of the European Parliament Delegation for relations with Palestine spoke from Strasbourg via video link, saying that the EU along with its Members of European Parliament (MEPs) have an important role to play in bringing back a genuine Middle East Peace process. She explained that the EU-Israeli relations were based on the EU-Israeli Association Agreement that stipulates respect for human rights and democratic principles. She disclosed that the MEPs had requested the EU to look into suspending this Agreement on the basis of human rights violations and to force Israel to address its human rights breaches in the OPT, but the EU High Representative Mogherini did not agree to the request, preferring a structured dialogue with Israel.

She reiterated that the EU role could be transformative, recalling that civil society's pressure in 2013 helped change guidelines for EU funding and eligibility for Israel's entities to "the non recognition of Israel's right to the territories occupied since 1967". She emphasized the need to apply the same pressure to suspend the Association Agreement. Ms. Anderson said that the EU commitments to reconstruction after the Gaza war should be coupled with action against Israel. Products from illegal settlements should be banned. The guidelines for EU

funding should make sure that no organization profiting from occupation receives any funding, support or assistance from European institutions. In conclusion, Ms. Anderson expressed strong condemnation by MEPs for not being allowed access into Gaza by Israel and emphasized that the MEPs will continue to push for the recognition of the State of Palestine.

Hugh Lovatt, European Council on Foreign Relations' Coordinator for Israel/Palestine said that a Palestinian State will only be created when the Israeli public decides it was in its best interest to end the occupation. In this context, the EU had challenged Israel's public support for the status quo by using its legal obligation not to recognize an illegal annexation. In July 2015, the EU expressed its commitment to ensure that all agreements with Israel must indicate that they did not apply to the territory occupied in 1967.

He explained that the Union had taken steps to implement the non-recognition of illegal Israeli settlements, including the differentiation policy between Israel and its settlements thus creating guidelines for funding businesses and labelling of goods. He regretted that such policy despite having a legal foundation and political mandate was not applied immediately as in the case of Crimea. He stated that in order to make the status-quo unpalatable for the Israeli public, settlement differentiation and labelling must have an effect on illegal settlements and the rest of Israel. Those policies need to include entities outside the settlements as in the case of Israeli banks that supported settlements projects. He said that since a meaningful peace process was unlikely to resume any time soon, the EU will find it difficult to justify slowing down the differentiation policy not to "rock the diplomatic boat". Ultimately, building up the differentiation momentum will impact the Israeli calculations towards continuing the occupation.

Daniel Seidemann, Founder of Terrestrial Jerusalem said the only way to end occupation was not through military victory, but through agreeing on borders, which were, more or less, known. Those borders will determine whether the two- State solution is still alive or dead. There are groups who think that the two-State solution was dead, namely the Israeli settlers for they do not recognize the illegality of the settlements; and the Palestinian left, who believe that Israel will never accept their legitimacy and self-determination. But on the other hand there were some who still believed that the two- State solution was still alive.

He explained that the viability of that solution hinged on the number of settlers that needed to be relocated. He recalled that in the 1990s, Israel had accepted a larger number of immigrants from the former Soviet Union. The question was how many settlers Israel has to relocate in order to create a border that will be accepted by both sides. Mr. Seidemann noted that in 2007, the number was about 116,000. In 2015, that number exceeded 150,000, and at the current pace of settlement expansion, it would grow by 5,000-10,000 annually.

He said whether "a point of no return" to the two-State solution had already been passed will depend on Israel's political will and material resources to relocate approximately 150,000 settlers, along with the additional numbers that would accrue in the years to come. He stressed that since June 2014, no tenders for settlement projects had been issued in Jerusalem, and according to leaked information, the Israeli Government was putting on hold the issuance of tenders to concentrate on the Iran nuclear issue. But, he said that tenders may resume next month, jeopardizing the two-State solution. In conclusion, he called resolving the settlement issue a "life-saving procedure".

Anat Ben Nun, Director of Development and External Relations of Peace Now, said her organization had identified settlement activities as the largest obstacle for the two-State solution. In her view, the two-State solution was still possible despite an increase in settler population for it was the only solution that was supported by a majority of both populations offering them the right to self-determination. She said there were 356 thousand settlers in the West Bank and 203 thousand in East Jerusalem, and the number of settlers that would have to relocate would be 150,000. Given that the settlers represented only 4.4 per cent of the Israeli population, only 1.8 per cent of the Israeli population would be evacuated in the framework of an agreement. A small percentage of the Israeli and Palestinian population must not determine the reality of the entire region.

Ms. Ben Nun said that past failures and the current lack of political will for a peaceful solution were the main reasons for people to stop believing in the two – State solution, but the political situations can change. She highlighted the need to ensure the viability of the two-State solution "on the ground" and to work on changing the public opinion. While settlement plans and tenders were visible, there were other methods of changing the reality on the ground, such as State land declaration and allocation, infrastructure development and ideological tourism. For instance, the so-called "Lieberman Road" had created a suburb near Jerusalem by cutting travel time to the city to 10 minutes from 40 minutes. As a result, the settler population along the road had increased 70 per cent.

She explained that Peace Now had educated the public in Israel, generating public debate, protesting settlement developments and engaging in legal struggle. From 2005 and 2012, there had been no new settlement outposts created due to the combination of international and local efforts, including her organization's legal battle.

IV. Closing session

Riyad Mansour, Permanent Observer of the State of Palestine to the United Nations in New York, said that the political process was dead and there was nothing positive regarding the question of Palestine. To save the two-State solution, Palestine was making a modest request for Israel to stop settlement activities. Because settlements were a huge obstacle to peace, stopping such practices was the prerequisite for opening the door to the political process.

The Security Council must take action in that regard, but if the body failed to do so, a backup plan would be to hold an international conference to end settlement expansion. He opined that a failure to find a solution to end occupation and settlement activities would give extremists a chance. Because there was no justice for Palestinians, extremists could recruit fighters from among them. If the situation became gloomier, uncontrollable religious conflict would start in Jerusalem.

Fodé Seck, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, said over the last 48 hours the meeting allowed the conferees to hear very interactive and informative presentations. He congratulated all on a successful meeting and declared the meeting adjourned.

CHAIRMAN'S SUMMARY

The **International Meeting in Support of Israeli-Palestinian Peace** was convened under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) in partnership with the Organization of Islamic Cooperation (OIC) and the League of Arab States (LAS). The Meeting aimed to mobilize support for a just and comprehensive solution to the Question of Palestine. It discussed the current situation of Israeli settlements in the West Bank and East Jerusalem under European Union and international law, and provided a forum to present ways forward, including how to enhance the international community's role.

Invited to the meeting were all United Nations Members and Observers, inter-governmental organizations, UN Agencies, civil society organizations, and the media. Seventy Member States, two Observer States, six United Nations Agencies and bodies, four international organizations, twenty civil society organizations and twelve media organizations participated. Speakers included internationally renowned experts on the Question of Palestine, representatives of the Palestinian Government and civil society, as well as Israeli experts and civil society representatives. The Meeting was open to the public and the media.

In his message to the Meeting at the opening session, the **Secretary-General of the United Nations** emphasized that building illegal settlements runs against the Government of Israel's stated intention to pursue a two-State solution. The Secretary-General pointed to continuing settlement expansion and the impunity related to settler activity as a root cause of violence in the Occupied Palestinian Territory. The Secretary-General called on Israel to do all it can to protect civilians, including those under its occupation. He also expressed concern over recent rocket attacks on Israel by Palestinian militants in Gaza and called on leaders on all sides to speak out to prevent extremists from taking control of the political agenda. Finally, he encouraged the Quartet, the League of Arab States, the Organization for Islamic Cooperation and all regional and international stakeholders to play a more active role in fostering an enduring peace.

The **Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People** emphasized that from the standpoint of international law, Israeli settlements on Occupied Palestinian Territory are illegal. He recalled Security Council Resolution 465 of 1980, which stated that measures taken by Israel to change the physical character and the demographic composition of the Palestinian and other Arab territories occupied since 1967, including East Jerusalem, constituted a flagrant violation of the Fourth Geneva Convention. The Security Council further declared that Israeli settlements constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

The Representative of **the Organization of Islamic Cooperation** noted that Israeli settlements fragmented Palestinian land and communities, including Jerusalem which was in a phase of "Judaization". Settlers' activities, including measures to transform the demographic character and to exploit the Occupied Palestinian Territory's natural resources, were in clear violation of international law. He called on the international community to establish an international framework and a timeframe to end the Israeli occupation.

The Representative of **the League of Arab States** noted that Israel's settlement policy, as well as the "Judaization" of Jerusalem and its "apartheid" policy against Palestinians, contravened international law and Security Council resolutions. She urged the parties to return to the negotiation table and called on the Security Council and the Quartet to move from mere condemnation to concrete actions in order to end Israel's occupation and bring about peace.

The Foreign Minister of the State of Palestine declared that since 1967, Israel had openly led the planning, construction, development, and consolidation of illegal settlements in the Occupied Palestinian Territory. Some 600,000 settlers, living in 250 illegal settlements in the West Bank including East Jerusalem, have effectively confiscated over half of the territory of the State of Palestine. The "settlement regime" aimed at the unlawful appropriation of land and property from the Palestinian people as well as at the creation of a new demographic reality on Palestinian land. Security Council resolutions adopted between 1971 and 1980 had condemned Israel's settlement activity as a violation of the Fourth Geneva Convention and called for its cessation. The Foreign Minister called on the European Union and on States to take all possible measures to ensure that state institutions, companies, entities and individuals cease their involvement in the illegal Israeli "settlement regime".

In the **ensuing sessions**, participants emphasized that settlement construction was an official, systematic, premeditated and deliberate policy, aimed at blocking Palestinians' right to self-determination and at confiscating up to 75 per cent of the West Bank's "Area C", including through "de-Palestinization" of Jerusalem. According to recent data, settlers numbered approximately 400,000 in the West Bank and 200,000 in East Jerusalem. Moreover, the settlements enjoyed an entire **infrastructure network**, including "by-pass" roads, which converted them into Jerusalem's suburbs. Retroactive legalization of out-posts to create settlements' "neighbourhoods", and the so-called E1 Plan, aimed at extending the territory of Jerusalem's municipality or to simply increase the number of settlements. Settlements had a negative impact on daily lives of Palestinians not only by limiting their freedom of movement but also their access to water, food, adequate standards of living and education.

Experts outlined a regime of discrimination and segregation against the Palestinian population implemented not only via a two-tiered legal system, but also through its collective punishment, displacement and land grabbing to establish Jewish settlements. Such practices are prohibited under international law; the International Court of Justice Advisory opinion of 2004, the Fourth Geneva convention, Article 8 of the Rome Statute and numerous Security Council resolutions prohibit the transfer or deportation of population by the occupying power into the territory it occupies, defining them as war crimes and crimes against humanity. Despite absolute clarity under international law **settlements continued to thrive in a climate of impunity** - speakers stated that **demanding accountability for Israel's illegal practices** was the **way to achieve the two-State solution.**

Participants drew parallels between Israel's occupation of Palestinian territory, and other similar situations, pointing to the international community's different response. Speakers introduced various **legal strategies** that States could adopt to promote adherence to international law, including referrals to the International Court of Justice and the International Criminal Court. Article 146 of the Fourth Geneva Convention allowed for the exercise of **universal jurisdiction** by national courts of Third High Contracting Parties. Third parties have **positive obligations under international humanitarian law**, including respect for

international humanitarian law, non-assistance to an illegal situation, and respect for human rights by private domestic companies. From these obligations concrete actions by Third parties could include prohibition of import or trade in products manufactured in settlements. From a legal perspective the issue was not a question of "boycott" but for States to uphold their responsibilities and obligations under international law.

The use of various forms of **economic and trade means was debated,** labelling of products manufactured in settlements being one. Some participants called for **the European Union to suspend the Association Agreement** with Israel, as Article 2 of the Agreement stated that relations must be based on respect for human rights and democratic principles. The EU's failure to react to Israel's breaches of its commitments sent the message that violations of basic principles of human rights were tolerated.

Speakers noted that the European Union could do more to explain its **policy of "differentiation"** between Israel and its settlements policy on one hand and its bilateral relations with Israel on the other. The European Union held the legal responsibility, as normative actor and as Israel's largest trading partner to formulate incentives for Israel to change its settlements policy. With the Unites States "withdrawing" from the Middle East peace process, with no peace talks in sight and a right-wing government in Israel, European Union could have a unique opportunity to become a key player in promoting the two-State solution.

In response to a question on the way forward, speakers argued that **political, economic and legal accountability for Israeli leadership** was a main concern for Israel. **Defining a border** contiguous to a viable Palestinian State and **estimating how many settlers would have to be relocated** to Israel were the only two real questions to answer. The border was currently being delineated unilaterally by Israel, through the construction of more settlements. Some suggested that comprehensive multilateral negotiations under the United Nations umbrella, coupled with a peace process addressing the core issues, such as the fate of Palestinian refugees, was the only way forward. Speakers also stressed the need to educate the Israeli public on the reality of settlements, including in relation to the prospects for the two-State solution, and address the marginalization of the peace camp; it was argued that the prospects for a two-State solution were hampered by mere **lack of political will.** Experts agreed that the two-State solution remained the only possible solution also because it was in the interest of Israel, in order for it to remain a democratic State.

In closing remarks, the **Permanent Observer of the State of Palestine to the United Nations** in New York said that all available tools must be revisited to make Israel's occupation and settlements costly. To save the two-State solution, Palestine requested that Israel stop settlement activities, which was the prerequisite for any political process. He urged the Security Council to take action and warned that if the body failed in its responsibilities an international conference to end the occupation of the Palestinian Territory would be necessary. Failure to move the peace process forward toward the two-State solution would fuel extremism and even perhaps religious conflict in the region.

PROVISIONAL LIST OF PARTICIPANTS

SPEAKERS

Ms. Martina Anderson	Chair of the European Parliament's Delegation for relations with the Palestinian Legislative Council Brussels
Mr. Walid Assaf	Minister Chairman, Commission against the Wall and Settlements Ramallah
Ms. Anat Ben Nun	Director of Development and External Relations, Peace Now Tel Aviv
Ms. Christine Chanet	Former Chairperson, UN Human Rights Council's Fact-finding Mission on Israeli Settlements Member, UN Human Rights Committee; UN Committee against Torture Judge Paris
Mr. Abdulhadi Hantash	Expert on land and settlements Hebron
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Mr. Shawan Jabarin	General Director, Al Haq Ramallah
Mr. Hugh Lovatt	Coordinator for Israel/Palestine, European Council on Foreign Relations London
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H.E. Mr. Fodé Seck	Permanent Representative of Senegal to the United Nations Chairman of the Committee
H.E. Mr. Desra Percaya	Permanent Representative of Indonesia to the United Nations Vice-Chair of the Committee
H.E. Ms. Maria Rubiales de Chamorro	Permanent Representative of Nicaragua to the United Nations Vice-Chair of the Committee
H.E. Mr. Riyad Mansour	Permanent Observer of the State of Palestine to the United Nations

REPRESENTATIVE OF THE SECRETARY-GENERAL

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NON-MEMBER STATES HAVING RECEIVED A STANDING INVITATION TO PARTICIPATE AS OBSERVERS IN THE SESSIONS AND THE WORK OF THE GENERAL ASSEMBLY AND MAINTAINING PERMANENT OBSERVER MISSIONS AT HEADQUARTERS

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Organization of Islamic Cooperation	H.E. Mr. Samir Bakr Diab, Assistant Secretary-General for Palestine Affairs Representative of the Organization of Islamic Cooperation Mr. Shaher Awawdeh, Deputy Permanent Observer, New York Office Ms. Aissata Kane, Acting Permanent Observer, Brussels Office

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