

## **Presentation by Hagai El-Ad of B'Tselem**

### **Arria-formula Meeting of the UNSC on Illegal Israeli Settlements**

**14 October 2016**

**Members of the Security Council,**

Ladies and Gentlemen,

Before I begin, I would like to express my deep thanks for this unique opportunity of speaking at this distinguished forum and engaging with the members of the UN Security Council.

What I'm about to say is not meant to shock you. It is, however, meant to move you.

For the past 49 years – and counting – the injustice known as the occupation of Palestine, and Israeli control of Palestinian lives in Gaza, the West Bank, and East Jerusalem, has become part of the international order. The first half-century of this reality will soon be over. On behalf of B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, I implore you today to take action. Anything short of decisive international action will achieve nothing but ushering in the second half of the first century of the occupation.

Ladies and Gentlemen,

What does it mean, in practical terms, to spend 49 years, a lifetime, under military rule? When violence breaks out, or when particular incidents attract global attention, you get a glimpse into certain aspects of life under occupation. But what about the rest of the time? What about the many “ordinary” days of a 17,898-day-long occupation, which is still going strong? Living under military rule mostly means invisible, bureaucratic, daily, violence. It means living under an endless permit regime, which controls Palestinian life from cradle to grave: Israel controls the population registry; Israel controls work permits; Israel controls who can travel abroad – and who cannot; Israel controls who can visit from abroad – and who cannot; in some villages, Israel maintains lists of who can visit the village, or who is allowed to farm which fields. Permits can sometimes be denied; permits must always be renewed. Thus with every breath they take, Palestinians breathe in occupation. Make a wrong move, and you can lose your freedom of movement, your livelihood, or even the opportunity to marry and build a family with your beloved.

Meanwhile, ever present, are the settlements and the settlers. They are Israeli citizens living, ostensibly, in a first-world democracy, that somehow exists only for them, beyond the borders of their country. This ever-expanding venture, its illegality notwithstanding, is to be found everywhere throughout the West Bank and East Jerusalem. Settlements encompass the built-up areas as well as the generous allocations of land around them, meant for future expansion or “special security zones”; they mean checkpoints for Palestinians, and bypass roads for settlers; they mean the Separation Barrier; and finally, they mean the fragmentation of Palestine into hundreds of isolated communities, floating – or rather I should say, slowly sinking – in a sea of Israeli domination. Who could possibly deserve to endure such conditions for half a century?

Ladies and Gentlemen,

Almost all aspects of this reality are considered legal by Israel. Israel's control of Palestinian lives is unique in the careful attention the occupying power gives to the letter of the law, while strangling its very spirit. The occupation has so perfected the art of watering down International Humanitarian Law and Human Rights Law as to render them virtually meaningless. Once military lawyers, State Attorneys and Supreme Court justices are done masterfully chiseling out legal opinions, all that remains is raw injustice.

Show me a dead Palestinian whose killing must be explained away to ensure impunity, and there you will find a learned opinion by the Military Advocate General. Show me the 100,000 Palestinians ignored and neglected on the other side of the Separation Barrier built inside East Jerusalem, and I will remind you that even this glaring injustice has been pre-approved by Israel's High Court of Justice.

Show me a plot of Palestinian land you wish taken over, and the Civil Administration will come up with the appropriately tailored legal mechanism – of course, it must all be legal! – to achieve that end: military training zones, nature reserves, archeological sites and, above all, declaring thousands of acres “State Land” – what “State” exactly? All these are successfully used in order to forcibly displace Palestinians and justify denying them access to running water or the power grid. Of course, such Israeli actions aren't successful 100% of the time. That would be too transparent. So once in a long while, maybe once a decade, a low-ranking soldier might be put on a show trial; and once in a blue moon a master plan for a Palestinian village will be approved. These extraordinary cherry-picked rarities provide useful distractions from the big picture.

In order to uphold the guise of legality, Israel applies “due process” in just about everything: to potentially force-feed hunger strikers, as recently approved by the High Court; to routinely approve and renew administrative detention orders, or extend prolonged imprisonment without trial, of hundreds of Palestinians; to demolish the homes of the families of Palestinians who perpetrated attacks – yes, that too has happened hundreds of times, with due process and a seal of approval by the High Court. Since the year 2000, more than 4,400 Palestinians have lost their homes in this way.

Yes, Israel has professional lawyers, attorneys and judges. It is, indeed, a highly “professional” occupation. We have had plenty of time to work towards a more perfect occupation. But you don't need to be a lawyer in order to recognize injustice. Look at the occupation and all the legal pretense surrounding it, and call it for what it is: a legal guise for organized state violence.

Ladies and Gentlemen,

Israel has systematically legalized human rights violations in the occupied territories through the establishment of permanent settlements, punitive home demolitions, a biased building and planning mechanism, taking over Palestinian land and much, much more. Israel's military law enforcement system – if one can call it that – routinely whitewashes hundreds of cases in which Palestinians were killed or abused.

Here are some figures: Israel has declared 20% of the West Bank “State Land”; Israel “generously” allows Palestinians to build on one-half of one percent of Area C, the 60% of the West Bank placed “temporarily” under Israeli control a generation ago; over the past decade, Israel has demolished some 1,200 Palestinian homes in the West Bank, excluding East Jerusalem, thereby rendering homeless over 5,500 people, half of them minors; East Jerusalem figures would raise these by roughly another 50%; in April

2016 there were about 7,000 Palestinians in Israeli custody, a quarter of them individuals remanded for the duration of their military court proceedings, and roughly 10% administrative detainees. One final figures: in a quarter of the 740 plus complaints referred by B'Tselem to the military authorities since 2000, no investigation was even opened; in another half, the cases were eventually closed with no action taken; and only in 25 cases, were indictments served. And get this: during that time, the military authorities have physically lost track of 44 cases – more than the 25 cases that went to court. Israel insists that all of this is legal, under both Israeli law and international law.

It is not.

But this fact is of little practical significance in terms of keeping Israel from carrying on implementing its policies because, regrettably, international law lacks any effective enforcement mechanisms. And so, Israeli policies are implemented and advanced with ever greater domestic support. Despite broad international agreement – including previous Security Council resolutions – that the settlements are illegal, the only measurable change in this area is the growing number of settlements, of settlers, and of Palestinians living in their shadow, facing demolitions or displacement.

Ladies and Gentlemen,

B'Tselem has worked for 27 years to document and publish violations of human rights in the occupied territories, to analyze and interpret data, and advocate locally and internationally on these issues. We are not advocating for any specific political outcome: we are fighting human rights violations. In fact, we realize how Israel has effectively used the “peace process” itself to buy time – a great deal of time – while it further establishes more facts on Palestinian ground. B'Tselem’s mission to tell the Israeli public about the ways in which the state oppresses Palestinians will continue as long as the occupation does. We were and will always remain relentless in this effort, for it is our basic moral obligation. But after so many years, one has to draw certain conclusions. Moral principles alone will not be enough. Israel will not cease being an oppressor simply by waking up one day and realizing the brutality of its policies. Decades of false pretexts and genuine fears, economic interests and political dogma, have come together to prevent that eventuality, while too few convincing reasons to change course were presented. And globally?

Six-and-a-half years ago US Vice President Joe Biden warned that “the status quo is not sustainable”. Clearly he was at least six-and-a-half years too early in voicing such a warning. The “status quo” – that ever progressing vector of Israeli interests at the expense of Palestinian rights – has proven not merely sustainable, but in fact thriving.

Almost exactly a year ago the European Union embarked on a six-month “structured dialogue” with Israel, seeking to end administrative home demolitions in Area C. Six months later, the dialogue was going nowhere and demolitions were on the rise, yet the EU decided – to extend the dialogue. If an unprecedented number of demolitions goes hand-in-hand with an unlimited timetable for international dialogue, why stop demolitions?

Clearly, the occupation is internationally sustainable. It is so, because so far the world refuses to take effective action.

Recent years have made that realization even more painful. Israel’s long-term project to maximize its benefits from Palestinian land while minimizing the nuisance of Palestinian presence there has become

even more palpable than perhaps ever before. Admittedly, even just half a day spent in the West Bank has long been more than enough to realize the permanence sought for the enterprise that Israeli governments right, center, and left have been advancing there since 1967. Similarly, retired Israeli officials have openly said so – most recently it was put quite simply by a former OC Central Command who said: “The army is there because the State of Israel has no intention of leaving.” But now that Israeli leaders currently in office, from the Prime Minister down, have been skipping the lip-service in real time and openly admitting this – with such a level of official clarity – it seemed that surely, finally, there would be implications. Was one naïve to have that expectation?

Perhaps. While unprecedented clarity in Israeli language has narrowed the divide between Israeli actions and the empty rhetoric on negotiations and diplomacy, the global response to it was, well, yet another report. Demolitions have been stepped up, making 2016 the worst year on record in this sphere. I feel compelled to ask: how many more Palestinian homes must be bulldozed before the realization sinks in that words that are not backed up by action do no more than indicate to Israel that it may carry on?

Ladies and Gentlemen,

The realization of human rights need not wait any longer. Palestinians have the right to life and dignity, the right to determine their own future. These have all been delayed for far too long – and justice delayed is justice denied.

As Martin Luther King Jr taught us, “we know through painful experience that freedom is never voluntarily given by the oppressor”. So the reality facing the international community is this: absence of action not only effectively gives the oppressor a license to proceed without having to suffer too many repercussions, but also gives the oppressor the power to decide when will be the right time to start considering alternatives. “Wait,” demands Israel, “now is not the right time”. But “‘Wait’ has almost always meant ‘Never’,” responds Martin Luther King Jr. “The time is always right to do what is right.” That time is now: the time to, at long last, take action. The UN Security Council has more than just power: you have a moral responsibility – and a real opportunity – to act with a sense of urgency, before we reach the symbolic date of June 2017 and the second half of that first century begins, to send to the world, to Israelis and to Palestinians, a clear message, backed by international action: Israel cannot have it both ways. You cannot occupy a people for fifty years and call yourself a democracy. You cannot violate the rights of millions and claim international perks justified by hollow words about commitment to shared human rights values.

Israel is a sovereign country established through international legitimacy granted through a historic decision by this very institution in 1947. I am a citizen of that country. It is my homeland. For most of my country’s existence, the world has allowed it to occupy another people. I have lived my entire life, every single day of it, with that reality. Millions of Israelis and Palestinians know no other reality. We need your help. Fifty years of “temporary” occupation are too long for even a single person on this planet to accept such a contradiction in terms. The rights of Palestinians must be realized; the occupation must end; the UN Security Council must act; and the time is now.