

Al-Haq – Law in the Service of Man

**Written contribution to the draft General Comment No.26 (2021) on Land and Economic, Social and Cultural Rights**

*Submitted to the Committee on Economic, Social and Cultural Rights, 15 August 2021*

1. **Introduction**

Al-Haq – Law in the Service of Man commends the efforts of the Committee on Economic, Social and Cultural Rights (the Committee) to prepare a General Comment on Land and Economic, Social and Cultural Rights, which will make valuable inputs to its understanding within the International Covenant on Economic, Social and Cultural Rights (ICESCR). We applaud the eclectic approach adopted by the Committee, indeed recognizing the intersectional and wide-ranging human rights considerations inherent to land rights. Although para.8 refers to “the specific obligations contained in the Covenant in relation to land, particularly with regard to articl[e] 1 […],” it is our view that the present draft falls short of addressing the fundamental connection between **land and right to self-determination within a context of belligerent occupation, colonization and apartheid.** This written submission provides the example of Israel’s land policies and practices in its administration of the Occupied Palestinian Territory (OPT), as they form part of a wider apartheid and colonial endeavor to thwart the right to self-determination of the Palestinian people. These recommendations should inform the Committee to remedy potential shortcomings of the draft General Comment, and optimize its propensity to fully address land-related human rights within the ICESCR framework.

The right to self-determination constitutes the main pillar of a people’s entitlement to their lands, as it ineluctably entails the existence of a people to claim it, and lands within which to exercise it.[[1]](#footnote-1) Laws, policies and practices aimed at altering the status of the land for the purpose of dispossession, appropriation, domination and exploitation gravely undermine a people’s ability to exert its right to self-determination. Under Article 1(1) of the ICESCR, self-determination entails the collective right to “freely determine [a people’s] political status and freely pursue their economic, social and cultural development.” In the context of Israel’s military occupation of Palestine, Israel has been entrenching its civil and military control over Palestinian lands with the aim of fostering a situation of de facto and de jure annexation.[[2]](#footnote-2) It has further displayed a range of land policies and practices amounting to apartheid to advance its subjugation, domination and exploitation of Palestinian lands, intrinsically undermining the Palestinian people’s realization of their right to self-determination, which is the most crucial requirement in a process of liberation from the colonial yoke.[[3]](#footnote-3) As such, **we strongly recommend to complement the draft General Comment with a specific section on the right to self-determination and permanent sovereignty over natural resources.** This section should include reference to the United Nations Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1960, and the International Convention on the Suppression and Punishment of the Crime of Apartheid, 1976.

1. **Land Rights and Right to Political Self-Determination**

The right to political self-determination is fundamentally related to land governance and a people’s sovereignty over their lands and natural resources. We note that the General Comment does not mention land administration under a **situation of military occupation**. As per Article 43 of the 1907 Hague Regulations, the Occupying Power’s land administration should be constricted to “restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”[[4]](#footnote-4)

The General Comment should stress the dangers associated with **protracted situations of military occupation in terms of occupied populations’ governance of their lands**. Under Article 46 of the 1907 Hague Regulations and Article 53 of the Fourth Geneva Convention, the military occupant is strictly forbidden from confiscating or destroying the private property, including privately held lands of the protected occupied population.[[5]](#footnote-5) Further, under Article 55, as the Occupying Power is not the sovereign authority, it may only administer public lands in the occupied territory under as *usufructuary,* with an obligation to safeguard the capital of the property.[[6]](#footnote-6) Israel, the Occupying Power, has misused its powers, by appropriating as much Palestinian lands as possible through the application of an intricate set of land acquisition policies, including illegal legislative amendments designed to expropriate the lands of Palestinian refugees and internally displaced persons,[[7]](#footnote-7) confiscate private lands, prevent land access, through diverse land reclassifications ranging from closed military areas, state lands, security zones, natural and archeological reserves.[[8]](#footnote-8) As such, it is essential to recall the Occupying Power’s obligations with regard to unlawfully appropriated occupied lands in conjunction with the protected occupied people’s right to self-determination.

In the Palestinian context, the Occupying Power has been manipulating the laws of occupation to **annex Palestinian lands**, which is defined as the unilateral act of a state proclaiming its sovereignty over lands pertaining to another.[[9]](#footnote-9) *De jure* annexation occurred through the intentional incorporation of occupied east Jerusalem and the Syrian Golan Heights.[[10]](#footnote-10) The Occupying Power has also extended sovereignty through incremental and informal practices and policies intended to anchor its territorial sovereignty, through *de facto* annexation. Such policies and practices have included the application of Israeli courts’ jurisdiction over the conduct of Israelis in the Occupied Palestinian Territory, the establishment of a domestic Israeli court to hear Palestinians’ petitions over planning and construction, or the designation of settlement industrial zones as “national priority areas,” the appropriation of Palestinian lands and their administration as nature reserves and tourist areas, and the construction of a 708-kilometer wall appropriating 9,4 percent of the West Bank lands to fragment the territory and incorporate Jewish-Israeli settlements into Israel.[[11]](#footnote-11)

Land annexation has served Israel’s intent to pursue the appropriation of Palestinian lands to **establish and sustain Jewish-Israeli settlements** all over the Occupied Palestinian Territory, as well as to create reserves of land for future settlement expansion. In its resolution 2334(2016), the United Nations Security Council underlined the illegality of Israel’s settlement enterprise.[[12]](#footnote-12) Some 622,670 Jewish-Israeli settlers currently reside in more than 250 settlements and outposts throughout Area C of the Occupied Palestinian Territory, under full civil and military control of the Israeli Occupying Power.[[13]](#footnote-13) In Area C, 35 percent of lands are declared as state lands, 30 percent as military zones, another 18 percent as nature and archeological reserves, 16 percent cover Jewish-Israeli settlements, and only 1 percent is allocated for Palestinian development.[[14]](#footnote-14) In this regard, it is essential that the General Comment addresses the duties of the Occupying Power, within the framework of the United Nations Charter as well as relevant norms of international humanitarian law, to refrain from any land policies and practices that would contribute to the creation of a situation of territorial annexation, whether *de facto* or *de jure*.

On another note, **land swap agreements during a military occupation** constitute another form of abuse of the laws of occupation to the benefit of the Occupying Power’s entrenchment of its effective control over occupied lands. Land swap agreements entered by unequal parties (the political representatives of the occupied people and the Occupying Power) during a context of belligerent occupation are illegal under international law.[[15]](#footnote-15) In effect, the imbalanced position of power between the two parties may result in agreements concluded at the expense of the occupied population’s interest, in violation of the principle of inderogability of protections afforded to the occupied population guaranteed under Article 7, 8 and 47 of the Fourth Geneva Convention.[[16]](#footnote-16) By extension, such agreements deprive the occupied people of the enjoyment of their right to political agency over their governance and political status, which is a fundamental aspect of the right to self-determination under Article 1(1) of the ICESCR.

1. **Land Rights and Right to Economic, Social and Cultural Development**

The exploitation of natural resources, including by non-state actors, constitutes a major tool utilized by an Occupying Power to appropriate lands for its own benefit. Article 1(2) of the ICESCR provides that “all peoples may, for their own ends, freely dispose of their natural wealth and resources […] [and that] [i]n no case may a people be deprived of its own means of subsistence.” In 2020, the United Nations, Office of the High Commissioner released a database of 112 companies illegally active in the occupied Palestinian territory, including Israeli water company Mekorot, hydrocarbon company, Delek Group Ltd, solar panel companies Energix, amongst others.[[17]](#footnote-17) In reference to para.42 of the draft General Comment, it must be noted that the standard for investors operating in conflict affected areas such as the Occupied Palestinian Territory, is “enhanced” human rights due diligence, as outlined by the UN Working Group in Business and Human Rights.[[18]](#footnote-18)

Exploitation of natural resources has severely impacted agricultural production for Palestinian farmers prevented from accessing their lands, or outrightly expropriated.[[19]](#footnote-19) It seems fundamental to reiterate in the General Comment that the right to self-determination remains indissociable **from permanent sovereignty over natural land resources**, which entails unhindered access and control over those resources. In the context of occupation, the principle is reflected in Article 55 of the Hague Regulations, which prevents the Occupying Power from exploiting the resources of the occupied people, beyond the limitations of usufruct, and further entrenched in the case law of the Nuremberg Tribunal, which in the *Krupp* case stated that: ‘The Articles of the Hague Regulations … are clear and unequivocal. Their essence is: if, as a result of war action, a belligerent occupies a territory of the adversary, he does not, thereby, acquire the right to dispose of property in that territory, except according to the strict rules laid down in the Regulations.’[[20]](#footnote-20) Furthermore, the General Comment should underline the need to seek the consent of the occupied indigenous population in matters of land development and exploitation of natural resources, as per Article 32(2) of the United Nations Declaration on the Rights of Indigenous Peoples.[[21]](#footnote-21)

Depriving access to natural resources and lands to indigenous peoples is often correlated with their **exploitation for the profit of the state or dominant groups**, with the objective to entrench presence and domination over lands. The exploitation of Palestinian natural resources fuels the expansion and development of Jewish-Israeli settlements illegally established on the West Bank occupied lands, in contravention with the customary prohibition of population transfer enshrined in Article 49(6) of the Fourth Geneva Convention.[[22]](#footnote-22) The undermining of the Palestinian local economy associated with prevention of access and exploitation of their land resources has been counterbalanced by the reinforcement of the Jewish-Israeli settler economy.[[23]](#footnote-23) Additionally, restrictive zoning and planning to prevent sustainable urban expansion of an indigenous people over the lands further tighten control. In occupied Jerusalem, the Occupying Power’s discriminatory planning and zoning regime has significantly limited Palestinian urban expansion, leading to 35 percent of Palestinian land being expropriated for Israeli settlements, and only 13 percent zoned for Palestinian construction by 2017.[[24]](#footnote-24) The General Comment should point out the role of discriminatory land planning and zoning in the context of a settler-colonial project.

Along the same lines, **corporate actors’ exploitation of land resources through a large range of industrial and agricultural activities plays a significant role in perpetrating lands dispossession through prevention of land access and use**. Corporate impunity and complicity to states’ lands-related human rights violations should be given more attention in the General Comment. Strengthened reference should be made to extraterritorial obligations, in particular to the corporate responsibility to respect human rights, including by acting with due diligence to avoid any breach of human rights due to their actions, as enshrined in the Guiding Principles on Business and Human Rights,[[25]](#footnote-25) and the Committee’s General Comment No.24 on State obligations under the Covenant in the context of business activities.[[26]](#footnote-26)

Land-related rights are inherently connected **to cultural development and the right of everyone to take part in cultural life** under Article 15(1)(a) of the ICESCR.[[27]](#footnote-27) Especially in the context of an indigenous people exposed to a coercive environment, attachment to their lands and the ability to own, develop, control and use their lands is a prerogative when it comes to the preservation and advancement of their cultural identity and existence as a people.[[28]](#footnote-28) We suggest to cite the Expert Mechanism on the Rights of Indigenous Peoples, which qualify land as “the defining element of [indigenous peoples’] identity and culture and their relationship of their ancestors and future generations.”[[29]](#footnote-29)

1. **Land Policies and Practices and Their Role in the Entrenchment of a Colonial and Apartheid Regime**

**Land dispossession and appropriation are much often rooted in colonial ideologies** aimed as asserting subjugation, domination and exploitation of a people and their lands. The Zionist settler-colonial project is itself and of itself grounded in progressive territorial expansion into Palestinian land, including the occupied West Bank, including Jerusalem and the Gaza Strip.[[30]](#footnote-30) It is felt that the General Comment could more effectively contextualize lands issues within colonial history, as the root causes of past and ongoing land appropriation and dispossession, and their urgent need to be addressed to achieve justice. While the General Comment convincingly accounts for the need to secure land access, better emphasis should be given to the control of lands themselves, as an essential element of the achievement of self-determination, and a main target of any colonial enterprise. In particular, we urge that there is adequate consideration throughout the General Comment to the lands of non-self-governing peoples such as people under belligerent occupation, noting the specific protections contained in the Hague Regulations to protect the private and public immoveable property and natural resources of the occupied people. We propose to acknowledge the Declaration on the Granting of Independence to Colonial Countries and Peoples as per General Assembly resolution 1514 (XV) of 14 December 1960 within the General Comment,[[31]](#footnote-31) and to underline that people’s liberation from any forms of colonial domination over their lands is a *sine qua non* condition to freely dispose of their natural land resources and pursue their right to self-determination.

Israel’s current land policies and practices are rooted in racial segregation and discrimination perpetrated with the intent to establish and maintain Jewish-Israeli domination over the Palestinian people and their lands, which amounts to apartheid under Article II of the 1973 Apartheid Convention.[[32]](#footnote-32) We welcome the General Comment’s emphasis on non-discrimination enshrined in Article 2(2) of the ICESCR. However, we recommend to replace **the prohibition on discriminatory access and exploitation of lands into the broader context of apartheid**. Discriminatory land policies and practices are often the tools of an enterprise aimed at dividing lands, segregating groups for the purpose of asserting and maintaining land control on the part of one dominant group, therefore advancing and nurturing a system of domination. In this regard, we would like to emphasize that considerations of “equitable access to land” as expressed in paras.1, 10 and 35 should not equate illegally transferred-in settlers with the indigenous occupied population.

**Repression of human rights defenders** because they oppose apartheid and colonial appropriation over their lands is another mechanism used to obstruct lands reclamation and assert domination, in breach of Article II(f) of the 1973 Apartheid Convention taken in conjunction with the right of peaceful assembly and of association enshrined in Articles 21 and 22 of the International Covenant on Civil and Political Rights.[[33]](#footnote-33) A symbol of Palestinians’ attachment to their lands, the olive harvest season has become a recurring period of increased harassment perpetrated by Jewish-Israeli settlers, under the protection of the Israeli military forces, including a range of physical attacks on farmers and harvesters standing in solidarity, burning, uprooting, cutting and poisoning of trees.[[34]](#footnote-34) We note with appreciation the consideration of land rights defenders in the draft General Comment, and suggest to cross-reference the Declaration on human rights defenders.[[35]](#footnote-35) We also call on the Committee to recognize the role of non-state actors in perpetrating attacks against land rights defenders, as well as the responsibility held by state institutions in directly or indirectly condoning such attacks. It is essential to underline the impact of such attacks against land rights defenders in the fomenting of a coercive environment to thwart dissent.

1. **Transfers of Populations In and Out of Occupied Lands**

While the draft General Comment elaborated on land return and land restitution and other forms of compensation to refugees and internally displaced persons, it could better emphasize the fundamental nexus between the denial of land rights and forcible displacement of populations.

On the question of forcible evictions, we support the Committee’s analysis that **secure access to land constitutes the preliminary condition to the enjoyment of the right to housing**, and that “States parties should take measures to ensure that all persons possess a reasonable degree of security in relation to their relationship with land, and to protect the legitimate tenure rights holders from eviction, illegal land dispossession, appropriation, harassment and other threats.” In the context of Palestine, forcible evictions have been framed as matters of law enforcement as per Israeli laws illegally applied to cover actual policies of forcible transfer of entire Palestinian families from their homes in occupied Jerusalem.[[36]](#footnote-36) It is suggested to acknowledge in the General Comment that forced evictions should not be utilized as disguising mechanisms of forced displacement of populations and that, with that in mind, that no eviction of occupied population would be justifiable in a situation of military occupation.

**Property demolitions are often used as additional mechanisms to appropriate more lands**.[[37]](#footnote-37) The Israeli Occupying Power has carried out home demolitions on three distinct grounds. First, as a collective punishment for Palestinian families, with at least 1,115 homes demolished from 1987 to 2004 and 78 homes from 2014 onwards.[[38]](#footnote-38) Second, the Israeli Occupying Power has justified home demolitions under the principle of military necessity. The practice was mainly and widely implemented in the Gaza Strip to secure military advantage, in particular 18,000 homes in the course of the Operation Protective Edge in 2014.[[39]](#footnote-39) Last, administrative home demolitions are ordered for Palestinian houses built without permits because of restrictive planning policies, especially in occupied Jerusalem and Area C of the West Bank. Home demolitions practices and policies blatantly violate the prohibition of property destruction enshrined in Article 23(g) of the 1907 Hague Regulations and Article 53 of Geneva IV.[[40]](#footnote-40) We encourage the Committee to elaborate further on the prohibition of home demolitions and their relation to land rights in the General Comment.

Such land policies and practices are performed within a broader objective to incentivize the reciprocal **transfer of populations** within and outside of the occupied territory. They operate to feed a coercive environment leading to direct and indirect displacement of the occupied indigenous population, while supporting the settlement of the population of the occupying power within the occupied territory. Article 49(1) of the Fourth Geneva Convention, “individual or mass forcible transfers […] from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not are prohibited, regardless of their motive.”[[41]](#footnote-41) In addition, “[t]he Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” [[42]](#footnote-42) Altogether, these policies and practices aim at disconnecting the indigenous people from their lands and denying their right to self-determination. It is therefore critical to understand and observe the role of land confiscation, appropriation and exploitation in the alteration of demographic composition in a territory, sustained by forcible population transfers, and their role in the entrenchment of a colonial enterprise. In this regard, we would like to bring to the attention of the Committee that the language of “secondary occupants” used in para.3 does not adequately reflect a situation of prolonged military occupation where settlers were illegally transferred in occupied lands. We call the Committee to reframe its language to underline that settlers transferred in occupied lands should neither be considered as “secondary occupants” nor as legitimate land rights holders in a conflict or post-conflict situation.

1. **Conclusion**

We appreciate the Committee’s invitation to provide inputs and to contribute to its preparation of General Comment N.26. We regard the future General Comment as a useful interpretative instrument that will support our advocacy work on land rights in Palestine. We believe that the suggested adjustments of the current framing of the General Comment, in particular through an enhanced focus made of a people’s exercise of their land rights to achieve full self-determination, as well as a more straightforward cross-reference to the Hague Regulations and Geneva Conventions in reference to the land rights of the protected occupied population, to the 1973 Apartheid Convention, and to the Declaration on the Granting of Independence to Colonial Countries and Peoples, would tremendously strengthen its impact and significance. Al-Haq remains at the Committee’s disposal for further support in the drafting process of General Comment N.26.

1. “To confer on a people a right of: “free choice” in the absence of more substantive entitlements – to territory, natural resources, etc. – would simply be meaningless. Clearly, the right to self-determination cannot be exercised in a substantive vacuum.” Catriona Drew, “The East Timor Story: International Law on Trial,” *European Journal of International Law* 12, no.4 (2001), 663, < <https://academic.oup.com/ejil/article/12/4/651/488938> > [↑](#footnote-ref-1)
2. *See* Al-Haq, *Questions and Answers: Israel’s De Facto Annexation of Palestinian Territory* (2021), <<https://www.alhaq.org/cached_uploads/download/2021/05/25/qa-annexation-interactive-1-page-view-1621958050.pdf>>; *see also* Al-Haq, *Annexing A City: Israel’s Illegal Measures to Annex Jerusalem Since 1948* (2020), <<https://www.alhaq.org/cached_uploads/download/2020/05/11/annexing-a-city-web-version-1589183490.pdf>> [↑](#footnote-ref-2)
3. *See* Al-Haq, “Al-Haq Highlights Israel’s Apartheid Regime and Calls for Accountability at the 46th Session of the Human Rights Council,” 12 April 2021, <<https://www.alhaq.org/advocacy/18174.html>>; *see also* Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (April 2021), <<https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421_web_0.pdf>> [↑](#footnote-ref-3)
4. Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, 18 October 1907, Article 43, <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=7194AF23A72A3BA5C12563CD00515F47#:~:text=43.,in%20force%20in%20the%20country>.> [↑](#footnote-ref-4)
5. “[…] Private property cannot be confiscated.” Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, 18 October 1907, Article 46, <<https://ihl-databases.icrc.org/ihl/WebART/195-200056>>; “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.” Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=74DEE157D151F7EAC12563CD0051BE1B>> [↑](#footnote-ref-5)
6. Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, Article 55, 18 October 1907, <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/195-200065?OpenDocument>> [↑](#footnote-ref-6)
7. Susan Power, “The Legal Architecture of Apartheid” AARDI, section 4 <<https://www.alhaq.org/advocacy/18181.html>> [↑](#footnote-ref-7)
8. See B’Tselem, *Land Grab: Israel’s Settlement Policy in the West Bank* (2002), < <https://www.btselem.org/sites/default/files/sites/default/files2/publication/200205_land_grab_eng.pdf>> [↑](#footnote-ref-8)
9. Al-Haq, *Questions and Answers: Israel’s De Facto Annexation of Palestinian Territory* (2021), <https://www.alhaq.org/cached\_uploads/download/2021/05/25/qa-annexation-interactive-1-page-view-1621958050.pdf>. [↑](#footnote-ref-9)
10. *See* Law and Administration Ordinance – Amendment No.11 Law, Publications by the Ministry of Justice, 75 (9167), 1967, < <https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/13%20law%20and%20administration%20ordinance%20-amendment%20no.aspx>>; Basic Law: Jerusalem, Capital of Israel, 30 July 1980, <<https://www.knesset.gov.il/laws/special/eng/basic10_eng.htm>>; Golan Height Law – 5742/1981, 14 December 1981, < <https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook5/pages/83%20the%20golan%20heights%20law%20-%205742-1981-%2014%20december.aspx>> [↑](#footnote-ref-10)
11. *See* Al-Haq, *Questions and Answers: Israel’s De Facto Annexation of Palestinian Territory* (2021), <<https://www.alhaq.org/cached_uploads/download/2021/05/25/qa-annexation-interactive-1-page-view-1621958050.pdf>>; [↑](#footnote-ref-11)
12. UNSC, Resolution 2334(2016), S/RES/2334(2016), 23 December 2016 [↑](#footnote-ref-12)
13. B’Tselem, “Settlements,” 16 January 2019, <<https://www.btselem.org/settlements/statistics>> [↑](#footnote-ref-13)
14. B’Tselem, “Fake Justice: The Responsibility Israel’s High Court Justice Bear for the Demolition of Palestinian Homes and the Dispossession of Palestinians” (2019), <<https://www.btselem.org/publications/summaries/201902_fake_justice>> [↑](#footnote-ref-14)
15. *See* Al-Haq, *Exploring the Illegality of Land Swap Agreements under Occupation* (2011), < <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Land-Swap.pdf>> [↑](#footnote-ref-15)
16. “[…] No special agreement shall adversely affect the situation of protected persons […].” Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Article 7(1), <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=4090F1326BFF167BC12563CD0051BA21>>

    UNGA, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3, < <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>>. See also, Articles 8 and 47 of the Fourth Geneva Convention (1949). “Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, not by any agreement concluded between the authorities of the occupied territories and the Occupying Power, not by any annexation by the latter of the whole or part of the occupied territory.” Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Article 47, <<https://ihl-databases.icrc.org/ihl/WebART/380-600054?OpenDocument>>

    UNGA, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3, < <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>> [↑](#footnote-ref-16)
17. United Nations Human Rights Office of the High Commissioner, “UN Rights Office Issues Report on Business Activities Related to Settlements in the Occupied Palestinian Territory,” <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25542>> [↑](#footnote-ref-17)
18. UNHRC, “Statement of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises,” 6 June 2014, 9, < <https://www.ohchr.org/Documents/Issues/Business/OPTStatement6June2014.pdf>> [↑](#footnote-ref-18)
19. *See* Al-Haq*, Facts on the Ground,* <<https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/facts.on.the.ground.pdf>> [↑](#footnote-ref-19)
20. *In re Krupp and Others*, US Military Tribunal, Nuremberg, Judgment of 30 June 1948, 15 AD 620, Case No. 214 , 622 [↑](#footnote-ref-20)
21. United Nations Declaration on the Rights of Indigenous Peoples, Article 32(2), <<https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf>> [↑](#footnote-ref-21)
22. “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies,” Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Article 49(6), <<https://ihl-databases.icrc.org/ihl/WebART/380-600056>> [↑](#footnote-ref-22)
23. *See* Al-Haq, *Atarot Settlement: The Industrial Key in Israel’s Plan to Permanently Erase Palestine* (2019), < <https://www.alhaq.org/cached_uploads/download/2021/06/10/atarot-unlocked-1623310412.pdf>> [↑](#footnote-ref-23)
24. *See* Al-Haq, *Annexing a City: Israel’s Illegal Measures to Annex Jerusalem Since 1948* (2020), < <https://www.alhaq.org/cached_uploads/download/2020/05/11/annexing-a-city-web-version-1589183490.pdf>> [↑](#footnote-ref-24)
25. UNHRC, Protect, Respect and Remedy: A Framework for Business and Human Rights, <<https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf>> [↑](#footnote-ref-25)
26. ICESCR, General Comment No.24 (2017) on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities, 10 August 2017, E/C.12/GC/24, < <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1a0Szab0oXTdImnsJZZVQcIMOuuG4TpS9jwIhCJcXiuZ1yrkMD%2FSj8YF%2BSXo4mYx7Y%2F3L3zvM2zSUbw6ujlnCawQrJx3hlK8Odka6DUwG3Y>> [↑](#footnote-ref-26)
27. UNGA, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3, < <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>> [↑](#footnote-ref-27)
28. *See* CESCR, General Comment No.21: Right of Everyone to Take Part in Cultural Life (Art.15, para.1(a), of the International Covenant on Economic, Social and Cultural Rights), paras. 36-37, < <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1a0Szab0oXTdImnsJZZVQc5ReG9hKvddWC2ML5U76E63nT%2beY%2btmSVIRS0ynN0q4EDmpjJye7rC1DxEtC%2fGxx7WLBcmnxGwpWSXy0fmnHDS>> [↑](#footnote-ref-28)
29. HRC, Right to Land under the United Nations Declaration on the Rights of Indigenous Peoples: a Human Rights Focus – Study of the Expert Mechanism on the Rights of Indigenous Peoples, 15 July 2020, A/HRC/45/38, para.5. [↑](#footnote-ref-29)
30. *See* Al-Haq, *Questions and Answers on Israel’s De Facto Annexation of Palestinian Territory* (2021), < <https://www.alhaq.org/cached_uploads/download/2021/05/25/qa-annexation-interactive-1-page-view-1621958050.pdf>> [↑](#footnote-ref-30)
31. UNGA, Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960, A/RES/1514(XV), < <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Independence.aspx>> [↑](#footnote-ref-31)
32. “[…] the term “the crime of apartheid”, which shall include similar policies and practices of racial segregation and discrimination as practiced in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them […]”. UNGA, International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973, A/RES/3068(XXVIII), Article II, < <https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf> > [↑](#footnote-ref-32)
33. “Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.” UNGA, International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973, A/RES/3068(XXVIII), Article II(f), < <https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf> > ; “The right of peaceful assembly shall be recognized. […]” UNGA, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, Article 21, < <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>; “Everyone shall have the right to freedom of association with others, […].” UNGA, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, Article 22, < <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>. [↑](#footnote-ref-33)
34. *See* Al-Haq, “Yitzhar Settler Violence is on the Rise,” Special Focus, Reporting Period: July-October 2020, i-ii, < <https://www.alhaq.org/cached_uploads/download/2021/01/05/special-focus-yetshar-1609831178.pdf>> [↑](#footnote-ref-34)
35. UNGA, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144, 8 March 1999, < <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>> [↑](#footnote-ref-35)
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38. B’Tselem, Statistics on Demolition of Houses as Punishment 1987-2004, <<https://www.btselem.org/punitive_demolitions/statistics_since_1987>> [↑](#footnote-ref-38)
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41. Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Article 49(1), <<https://ihl-databases.icrc.org/ihl/WebART/380-600056>> [↑](#footnote-ref-41)
42. Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Article 49(6), <<https://ihl-databases.icrc.org/ihl/WebART/380-600056>> [↑](#footnote-ref-42)