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**SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN
THE PALESTINIAN TERRITORY OCCUPIED SINCE 1967**

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Chair, Excellencies, Distinguished Delegates, and Guests,

It is my honor to present my first report to the Third Committee of the General Assembly as the newly appointed Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967.

As I speak, the occupied Palestinian territory is experiencing yet another spike in violence marked, not uncharacteristically, by heavy loss of Palestinian life. The systematic targeting and extra-judicial killing of Palestinians by Israeli forces while Israeli “settlers” destroy properties, and attack, beat, shoot, terrorize unarmed civilians and their children, occurs DAILY and with complete impunity.

This is NOT – as is far too often erroneously presented - an ‘intractable’ conflict between two parties borne of irreconcilable rivalry and an incompatible sense of identity. This is the result of a reality shaped by profound and protracted injustice, where **two peoples are trapped** by an anachronistic settler-colonial enterprise: one colonizer, the other colonized.

As affirmed by my predecessor in 2017 and the Commission of Inquiry today: the Israeli occupation, the longest foreign military occupation in modern history, is in and of itself unlawful. It has crystalized, inter alia, into an apartheid regime, as copiously documented by leading human rights organizations, globally and within both Israel and Palestine.

Despite the mountains of evidence available, I am disheartened by the international community’s tolerance of Israel’s persistent and defiant violation of the most basic provisions of international law, upon which the maintenance of the international rules-based order is premised.

For fifty-five years Israel has attempted to bury the Palestinian people's inalienable right to self-determination in the occupied territory, which – it must be remembered – accounts for only 22% of pre-1948 Palestine.

The right to self-determination is “the right of all rights”, enshrined in the UN Charter since 1945, and then universally codified as a normative framework during the 1960s. This right, repeatedly affirmed by this Assembly, empowers people to determine their political status and pursue their economic, social and cultural development independently and free from alien interference. It constitutes a peremptory norm of international law: derogation from which is not permitted.

Instead, the lived reality of Palestinians under occupied is marked by the intentional and persistent violation of this right by Israel. This occurs through Israel's **negation of that right's four constitutive elements**:

1. **Territorial sovereignty**, which Israel violates by seizing, annexing, fragmenting the occupied Palestinian territory in a bantustan of shattered landscapes and lives, and transferring its own civilian population into it;
2. **Sovereignty over natural resources**, necessary to develop an independent Palestinian economy, which Israel violates by extracting and exploiting Palestinian resources in order to generate profits benefiting third parties, including the settlers. As these products are the outcome of the commission of a war crime, third States are *de jure* banned from trading and marketing them, doing otherwise makes them complicit.
3. **Cultural existence of and as a people**, which Israel violates by appropriating, erasing, suppressing symbols of Palestinian identity; and

4. **Formation and expression of the Palestinian polity**, the beating heart of self-determination, which Israel violates by interfering with the formation of political will and repressing political activity, as epitomized by the draconian persecution of reputable Palestinian human rights organizations.

Israel's systematic and willful violation of these core components of self-determination **exposes the nature of the Israeli occupation**: an intentionally acquisitive, segregationist and repressive regime designed to prevent the realization of the Palestinian people's right to self-determination, pursuing the "de-Palestinianization" of the occupied territory. This is the hallmark of **settler-colonialism**, which is intrinsically incompatible with international law and the multilateral order that emerged after the Second World War and consolidated through the global decolonization movement as of the 1950s. In a tragic irony, Israel has been allowed to advance its colonization under the pretense of an occupation maintained for security reasons. This, under the watch of the same international community that long-ago vowed to end colonialism.

Within the framework of the law of self-determination, such an occupation entails an unlawful use of force and therefore can be seen as an act of aggression that cannot be justified by claims of self-defence. The sacrosanct security of one people cannot legitimize the total subjugation of another. Such grave violations trigger consequences under the UN Charter, international human rights, humanitarian and criminal law, and the law of State responsibility.

The past fifty-five years demonstrate that tolerating Israel's continued non-compliance with its international legal obligations breeds impunity. This

exceptionalism only undermines the primacy of the international rule of law, and tarnishes the image, trustworthiness, and role of the United Nations.

In light of this:

A paradigm shift in the way the “Israel/Palestine question” is approached is needed: the **realization of the Palestinian people’s right to self-determination must be the pivotal element of it.**

My report recommends that the Government of Israel comply with its international obligations by ceasing to impede Palestinian self-determination by immediately and unconditionally ending the occupation and the interconnected apartheid practices, starting with the withdrawal of its military troops.

I also recommend, inter alia, that the international community:

- change its overall assessment and deliberations taking into account the settler-colonial nature of Israeli occupation,
- ensure that Israel complies with the above mentioned obligations as a precondition for negotiations between Israel and Palestine.
- While this happens, effective and timely measures must be taken to ensure the protection of the occupied population.
- Third States must not recognize as lawful, nor aid or assist, the illegal situation created by Israel’s internationally wrongful acts.

Distinguished Delegates, Chair:

Despite the distressing present, I am convinced that a way out is possible, if only international law was the driving force behind politics, rather than the other way around.