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**Statement by
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**Chairperson of the Commission of Inquiry on the Occupied
Palestinian Territory, including East Jerusalem, and Israel**

**UN General Assembly
Third Committee**

New York, 27 October 2022



Excellencies,

I am pleased to present our first report to the General Assembly (A/77/328), on behalf of the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel. I draw your attention to the significance of presenting this report before the same body that adopted resolution 181 almost 75 years ago, recommending the establishment of a Jewish and an Arab state, side by side.

This, followed by numerous other resolutions, stands as a reminder of the responsibility of the United Nations and its Member States to ensure a just solution for the situation in Israel and Palestine that respects and protects the human rights of all people. These resolutions are also a stark reminder of one of the main roles of the United Nations, namely, to ensure that international law is fully respected and that those found to be violating its core principles are held to account.

The Commission's report presented to you today underscores the reality of the current situation – **that, after 55 years, Israel is treating the occupation as a permanent fixture and has, for all intents and purposes, annexed parts of the West Bank while seeking to hide behind a fiction of temporariness.**

This permanence and annexation, including the purported de-jure annexation of East Jerusalem and the Golan Heights, have led this Commission to conclude that Israel's occupation is now unlawful.

The Commission concludes that some of the policies and actions taken by Israeli Governments **may also constitute elements of international crimes, including the war crime of transferring, directly or indirectly, part of one's own civilian population into occupied territory, and the crime against humanity of deportation or forcible transfer.**

Excellencies,

This Assembly has been consistently briefed on the human rights situation in the Occupied Palestinian Territory, including on specific incidents of violations committed by Israel and other duty bearers with impunity. While our report relies on this extensive body of analysis, our mandate requires us to go further and consider the conflict and the occupation in their full context, uncovering the root causes of a protracted conflict now spanning over three-quarters of a century, identifying the role of third states and outlining accountability measures.

In reviewing Israel's justifications for its permanent occupation and de-facto annexation policies, the Commission has observed that these actions serve as a root cause of instability and protracted conflict. In this regard, we took due note of Israel's security situation and security-based justifications for some of its actions. However, we found that a significant number of Israel's policies and actions in the West Bank are not intended to address these concerns, and that security is often used as a pretext by Israel to justify its territorial expansion.

In relation to the international legal requirement for a belligerent occupation to be temporary in nature, we were unable to identify significant actions undertaken by Israel intended to end the occupation, including in respect to a "two-state solution". On the contrary, statements made by Israeli officials provide ample evidence of Israel's intent for the occupation to be permanent.

Excellencies,

Through its investigations, the Commission concludes that Palestinians throughout the West Bank are subjected to a coercive environment. The demolition of homes and destruction of property, excessive use of force by security forces, mass incarceration, settler violence, restrictions of movement through checkpoints and roads, and limitations on access to livelihoods,

necessities, services and humanitarian assistance are evidence of this deplorable situation. The Commission further concludes that this coercive environment is intended to force demographic changes, reduce Palestinian space and force Palestinians to leave their homes to give way for more Israeli settlements.

Our report specifies that this coercive environment has had a particularly destructive impact on children, who for decades have experienced constant military presence and harassment, displacement and insecurity, many feeling little or no hope for the future. Israel's de-facto annexation policies have also had a pervasive discriminatory effect on Palestinian women, placing them in a position of substantial economic and social vulnerability in comparison to men. Regrettably, the structural reasons that make women and girls vulnerable to these policies remain unaddressed by all duty bearers.

Excellencies,

In the Commission's first report to the Human Rights Council in June, our assessment identified the continued occupation and discrimination against Palestinians as the key root causes of the recurrent tensions, instability and protraction of conflict in the region. Our current report clearly lays out that Israel has no intention of ending this occupation and so, if left unaddressed by the international community, we fear that the conflict will continue interminably.

This Assembly was the first to set out the foundations for the right to self-determination of the two peoples. This Assembly, therefore, has the responsibility to address the current reality that Israel is independent and Palestine is occupied. A reality that is due to the persistent refusal of successive Israeli governments to abide by international law. International law is universal, and the United Nations must ensure it is applied and respected by all nations, without distinction or favour.

Excellencies,

Next month it will be 55 years since the Security Council adopted resolution 242 calling for Israel to withdraw from territories it occupied in the 1967 war, and yet Israel remains in occupation without any consequence. Human rights are universal, indivisible and inherent to us all, regardless of who we are; international law must apply to all without distinction or the UN Charter will be in peril. We call on the United Nations collectively and its Member States individually to consider urgent measures to ensure that Israel starts complying with its international legal obligations and acts to ending the occupation.

We conclude our report by strongly recommending that this Assembly request an urgent advisory opinion from the International Court of Justice on the legal consequences of Israel's permanent occupation of the Occupied Palestinian Territory, of policies employed to achieve this, and of its refusal to respect the right of the Palestinian people to self-determination. We also reiterate the obligations of third States and the United Nations to ensure respect for international law, and call for Member States to employ appropriate measures to fulfil these obligations.

Excellencies, at this very session of the General Assembly the Secretary-General along with numerous Member States lined up to condemn the annexation of territory by force, declaring it illegal and a clear violation of the UN Charter.

Only two weeks ago, 143 States, including Israel, voted in favour of a resolution which reaffirmed that "no territorial acquisition resulting from the threat or use of force shall be recognized as legal". I have but one question to you - why does this not apply to Palestine?

I thank you for your attention.