



**SOUTH AFRICA'S IMPLEMENTATION AND PROTECTION OF PALESTINIAN  
SOLIDARITY RIGHTS ACT (BILL) 2018 – (SA'S IPPSRA CITIZENS BILL)**

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1) **APPENDIX A: POLICY CONSIDERATIONS OF THE 53<sup>rd</sup> NATIONAL  
CONFERENCE OF THE AFRICAN NATIONAL CONGRESS  
CH 6, INTERNATIONAL RELATIONS, P 43 (35 (a) – (j))**

- a) The ANC re-affirms the resolution of its 52nd National Conference in Polokwane on the on Palestinian question.
  
- b) The ANC supports the application of Palestine for statehood and full membership to the UN and, therefore, supports the UN General Assembly Resolution granting Palestine a non - member observer state as an important step towards that goal.

- c) The ANC is unequivocal in its support for the Palestinian people in their struggle for self-determination, and unapologetic in its view that the Palestinians are the victims and the oppressed in the conflict with Israel.
- d) The ANC will continue its solidarity efforts supporting a just solution including the strengthening of a sovereign independent state of Palestine, which will help to bring peace to the region and end conflict between Israelis and Palestinians.
- e) The ANC calls on the Israeli government to release all political prisoners, to immediately cease the expansion of settlements in the West Bank and to stop the wanton and consistent attacks on Palestinian people in the Gaza Strip.
- f) The ANC calls on all organisations in support of the people of Palestine to form a united solidarity campaign in a view of strengthening the South African solidarity forum.
- g) The ANC calls on all South Africans to support the programmes and campaigns of the Palestinian civil society which seek to put pressure on Israel to engage with the Palestinian people to reach a just solution.
- h) The ANC calls upon all Palestinian political formations to put aside their differences and continue to work together for unity.
- i) In support of the Non-Aligned Movement's call, the ANC-led government will continue to insist on the labelling of imported goods indicating their areas of origin.
- j) The ANC abhors the recent Israeli state-sponsored xenophobic attacks and deportation of people of African origin and request that this matter should be escalated to the AU.

2) **APPENDIX B: EXCERPTS ON THE ANC’S INTERNATIONAL RELATIONS REPORT, 54<sup>TH</sup> ANNUAL CONFERENCE <sup>1</sup>**

- a) The ANC in pursuing its International Relations objectives is informed by the Freedom Charter that states: “There shall be Peace and Friendship”; the African Claims adopted in 1943, and successive National Conference Declarations that have reinforced the ANC’s historical role in the global Progressive Movement. Therefore, International Relations is utilized by the ANC to form friendships, cooperation and to work towards peace in the continent and the world, whilst pursuing South Africa’s National Interest.
- b) The ANC moves from the premise that our International Relations policy is directly informed by our domestic policy, and *vice versa*. Both domestic and international policy are mutually reinforcing with an umbilical link. Therefore, six guiding pillars anchor international work, namely:
- i) Building a better Africa and world;
  - ii) Continental and international solidarity;
  - iii) Party-to-Party, intra-party and multiparty relations;
  - iv) Transformation of Global Governance;
  - v) Policy Development issues; and
  - vi) Campaigns.
- c) The ANC remains committed to the founding values of the Struggle: namely for a humane, just, equitable, democratic and free world. 4. Africa and its development remains the central objective of the ANC’s international perspective and policy, with the African Renaissance remaining a key policy objective.

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<sup>1</sup> *Op. Cit.* Report of the 54<sup>th</sup> Annual National Conference of the African National Congress

d) International Relations remain a pillar of the ANC's strategic approach.

e) **RESOLUTIONS ON PALESTINE**

i) The ANC notes the extraordinary recent development whereby the US administration has taken an unprecedented and provocative decision to recognize Jerusalem as the capital of Israel.

ii) The ANC both unanimously and unequivocally condemns this provocative step by the USA and urges that the President Trump administration immediately reverse its decision.

iii) **Consequently, and to give our practical expression of support to the oppressed people of Palestine; the ANC has unanimously resolved to direct the SA government to immediately and unconditionally downgrade the South African Embassy in Israel to a Liaison Office.**

iv) The ANC calls on the Palestinians to review the viability of the two - state solution in the light of the current development.

v) The ANC must encourage interaction with Palestinian social bodies, especially those involved in peace building such as women groups.

vi) The ANC also calls for the unity of the Palestinians as an imperative to sustainable and lasting peace

3) **APPENDIX C: HUMAN RIGHTS COUNCIL ADOPTS RESOLUTIONS AND CLOSSES ITS THIRTY- FIRST REGULAR SESSION** <sup>2</sup>

a) **Action on Resolution on the Right of the Palestinian People to Self-determination**

In a resolution (A/HRC/31/L.36) on the right of the Palestinian people to self-determination, adopted without a vote, the Council reaffirms the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine; calls upon Israel, the Occupying Power, to end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security; and urges all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people. –

b) **Action on Resolution on the Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem**

In a resolution (A/HRC/31/L.37) on the **human rights situation in the Occupied Palestinian Territory, including East Jerusalem**, adopted by a vote of 42 in favour, none against and five abstentions, the Council demands that Israel, the Occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention; calls for urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem; and demands that

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<sup>2</sup> Human Rights Council adopts six resolutions and closes its thirty-first regular session (Refer AHRC/31/L.36-39)

Israel, the Occupying Power, cease all practices and actions that violate the human rights of the Palestinian people. **The Council also calls for urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails; demands that Israel, the Occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory; and requests the Secretary-General to place the presence of the Office of the High Commissioner in the Occupied Palestinian Territory on a firmer basis under the regular budget –**

c) **Action on Resolution on Ensuring Accountability and Justice for All Violations of International Law in the Occupied Palestinian Territory, Including East Jerusalem**

In a resolution (A/HRC/31/L.38) on **ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem**, adopted by a vote of in 32 favour, none against with 15 abstentions, the Council calls upon all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict; calls upon the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened; and also calls upon all States to promote compliance with international law, and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem. The Council requests the High Commissioner to conduct a comprehensive review detailing the status of implementation of the recommendations addressed to all parties since 2009 by the relevant Human

Rights Council mechanisms, and to present a report to the Council at its thirty-fifth session.

d) **Action on Resolution on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan**

In a resolution (A/HRC/31/L.39) on **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**, adopted by a vote of 32 in favour, none against with 15 abstentions, the Council demands that Israel, the Occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan; also demands that Israel, the Occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice; and calls upon Israel, the Occupying Power, to reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise.

The Council also urges all States to ensure that they are not taking actions that either recognize or assist the expansion of settlements or construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, including with regard to the issue of trading with settlements; and requests the United Nations High Commissioner for Human Rights to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem.



4) **APPENDIX D: POLLUTION OF WATER IN GAZA** <sup>3</sup>

- a) Water experts have agreed that the Gaza Strip will soon have no safe drinking water given that 97 per cent of water is polluted, which has caused concerns over the spread of dangerous diseases.
- b) This came during a survey conducted by the Palestinian News Agency *Wafa* conducted on the eve of World Water Day, which falls on 22 March each year. Al Mezan Centre for Human Rights has reported that pollution in the Gaza Strip has increased because sea water pollution rates have hit 73 per cent. The number of diarrhoea cases among children under the age of three (80 per cent) is indicative that fresh water has become contaminated and unsafe for drinking.
- c) Deputy Head of the Palestinian Water Authority, Rebhi Al-Sheikh, explained that water pollution in the Gaza Strip is mainly due to the increasing level of salt and nitrate that has a negative effect on health, especially on children and pregnant women because it can result in kidney and urinary tract diseases.
- d) According to edition number 178 of UNRWA, “Since the imposition of the blockade on Gaza in 2007, Gaza has also suffered from a water crisis”. In 2016, *Time* magazine wrote an article on the water crisis entitled “A ticking global health time bomb”. With no continuous water flows and little rainwater, Gaza almost entirely relies on groundwater.
- e) Groundwater is being contaminated by nitrates from uncontrolled sewage and from the fertilisers used on farms. It is estimated that 96 per cent of groundwater is unsafe for drinking without treatment. Therefore, there is a very limited amount of drinking water for most Palestinians in Gaza.

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<sup>3</sup> Memo Middle East Monitor (MEMO), 21 March 2018, “**97% OF WATER IN GAZA IS POLLUTED**”

- f) In 2012 the UN already warned that approximately 90,000 cubic metres of untreated or partially treated sewage is being disposed of in the Mediterranean Sea and the neighbouring environment per day (about 33 million cubic meters per year).
- g) Director General of Coastal Municipalities Water Utility (CMWU), Munther Issa Shablaq, said that the proportion of salt nitrate in Gaza's water ranges from 120 to 150 milligrams per litre, while the global recommended proportion should not exceed 50 milligrams per litre. He stressed that 97 per cent of water in the Gaza Strip is not safe for domestic use.

5) **APPENDIX E: OCCUPATION, COLONIALISM, APARTHEID: A RE-ASSESSMENT OF ISRAEL'S PRACTICES IN THE OCCUPIED PALESTINIAN TERRITORIES UNDER INTERNATIONAL LAW**

The Human Sciences Research Council of South Africa (HSRC) released a study on 29 March 2009 indicating that Israel is practicing both colonialism and apartheid in the Occupied Palestinian Territories (OPT).

**Amongst its findings on colonialism include, *inter alia*:**<sup>4</sup>

- a) Although international law provides no single decisive definition of colonialism, the terms of the Declaration on Colonialism indicate that a situation may be classified as colonial when the acts of a State have a cumulative outcome that it annexes or otherwise unlawfully retains control over territory and thus aims permanently to deny its indigenous population the exercise of its right to self - determination.
- b) Five issues , which are unlawful in themselves, taken together make it evident that Israel's rule in the Occupied Palestinian Territories (OPT) has assumed such a colonial character, namely violations of the territorial integrity of occupied territory, depriving the population of the occupied territory of the capacity of self-governance, integrating the economy of the occupied territory into that of the occupant, breaching principle of permanent sovereignty over natural resources in relation to the occupied

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<sup>4</sup> The Executive Summary Report (HSRC): Occupation, Colonialism, Apartheid - A re-assessment of Israel's practices in the occupied Palestinian territories, Virginia Tilley, p 7-8

territory and denying the population of occupied territory the right to freely express, develop and practice its culture.

- c) Israel's acquisition of territory in the West Bank also starkly illustrates this intent: the construction of Jewish only settlements within contiguous blocs of land that Palestinians cannot enter; a connecting road system between settlements and the settlements and cities within the Green line, the use of which is denied to Palestinians, and a Wall that separates Jewish and Palestinian populations, as well as dividing Palestinian communities from each other, with passage between Palestinian areas controlled by Israeli Security Forces. By thus partitioning blocs of Palestinian areas into non - contiguous ghettos or cantons (reserves), Israel has violated the territorial integrity of the OPT in violation of the declaration on Colonialism.
- d) The physical control exercised over these areas is complemented by the administration that Israel exercises over the OPT, which prevents its protected population from freely exercising political authority over that territory. This determination is unaffected by the conclusion of the Oslo accords and the creation of the Palestinian National Authority and the Legislative Council. The devolution of power to these institutions has been only partial, and Israel retained ultimate control. By preventing the free expression of the Palestinian population's political will, Israel has violated that population's right to self - determination.
- e) The law of self - determination further requires a state in **belligerent occupation** of foreign territory to keep that territory separate from its own in order to prevent its annexation and also to keep the economies separate. Israel has deprived the population of the OPT of the capacity to govern its economic affairs. In particular, the creation of a customs union between Israel and the OPT is a measure of prohibited annexation. By virtue of the structural economic measures it has imposed on the OPT Israel has violated the Palestinian populations right of economic self - determination and its duties as an occupying power.
- f) The economic dimension of self - determination is also expressed in the right of permanent sovereignty over natural resources, which entitles a people to dispose freely of natural wealth and resources found within the limits of its national jurisdiction. Israel's settlement policy and the construction of the bypass road network and the Wall have deprived the Palestinian population of the control and the development of an estimated 38 percent of West Bank land.

- g) It has also implemented a water management system that favours Israel and Jewish settlers in the OPT to the detriment of the Palestinian population. Not only is this practice contrary to the lawful use of natural resources in time of occupation, which is limited to the needs of the occupying army, but it is also contrary to international water law as the allocation employed is unjust and inequitable.
- h) Thus, by its treatment of the natural resources in the OPT, Israel has further breached the economic dimension of self-determination as expressed in the right of permanent sovereignty over natural resources.
- i) Finally, self - determination also has a cultural component, namely, a people entitled to exercise the right to freely develop and practice its culture. The measures enforced by the Israeli military occupation favours the privileges, language and culture of the occupier (including its illegal settlers), grossly detrimental to the dignity, cultural development and expression, human rights and very existence of the Palestinian people.
- j) This last issue renders Israel's denial of the right to self - determination in the OPT in a brutally comprehensive and inhumane manner.
- k) Professor John Dugard found that elements of occupation resembled colonialism. This study demonstrates that implementation of Colonial policy by Israel has not been piece - meal but is systematic and comprehensive, as the exercise of the Palestinian population's right to self-determination has been frustrated in all of its principal modes of expression.

**Amongst its findings on apartheid practices which include, *inter alia*:<sup>5</sup>**

- l) By examining Israel's practices in the light of *Article 2 of the Apartheid Convention*, this study concludes that Israel has introduced a system of apartheid in the OPT. In regard to each 'inhuman act' listed in Article 2, the study has found the following: o *Article 2(a)* regarding the denial of the right to life and liberty of person is satisfied by Israeli measures to repress Palestinian dissent against the occupation and its system of domination. Israel's policies and practices include murder, in the form of extrajudicial killings; torture and other cruel, inhuman or degrading treatment or punishment of detainees; a military court system that falls far short of international standards for fair trial; and arbitrary arrest and detention of Palestinians, including administrative detention imposed without charge or trial and lacking adequate judicial review. All of these practices are discriminatory in that Palestinians are subject to legal systems and courts which apply standards of evidence and procedure that are different from those applied to Jewish settlers living the OPT and that result in harsher penalties for Palestinians.
- m) *Article 2(b)* regarding 'the deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part' is not satisfied, as the Israel's policies and practices in the OPT are not found to have the intent of causing the physical destruction of the Palestinian people. Policies of collective punishment that entail grave consequences for life and health, such as closures imposed on the Gaza Strip that limit or eliminate Palestinian access to essential health care and medicine, fuel, and adequate nutrition, and Israeli military attacks that inflict high civilian casualties, are serious violations of international humanitarian and human rights law but do not meet the threshold required by this provision regarding the OPT as a whole.
- n) *Article 2(c)* regarding measures calculated to prevent a racial group from participation in the political, social, economic and cultural life of the country and to prevent the full development of a group through the denial of basic human rights and freedoms is satisfied on several counts:
- (i) Restrictions on the Palestinian right to freedom of movement are endemic in the West Bank, stemming from Israel's control of the OPT's checkpoints and crossings, impediments created by the Wall and its crossing points,

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<sup>5</sup> Supra (Ibid), p 9-12

a matrix of separate roads, and obstructive and all-encompassing permit and ID systems that apply solely to Palestinians.

- (ii) The right of Palestinians to choose their own place of residence within their territory is severely curtailed by systematic administrative restrictions on Palestinian residency and building in East Jerusalem, by discriminatory legislation that operates to prevent Palestinian spouses from living together on the basis of which part of the OPT they originate from, and by the strictures of the permit and ID systems.
- (iii) Palestinians are denied their right to leave and return to their country. Palestinian refugees displaced in 1948 from the territory now inside Israel who are living in the OPT (approximately 1.8 million people including descendants) are not allowed to return to their former places of residence. Similarly, hundreds of thousands of Palestinians displaced to surrounding states from the West Bank and Gaza Strip in 1967 have been prevented from returning to the OPT. Palestinian refugees displaced in 1948 to surrounding states (approximately 4.5 million) are not allowed to return to either Israel or the OPT. Palestinian residents of the OPT must obtain Israeli permission to leave the territory. In the Gaza Strip, especially since 2006, this permission is almost completely denied, even for educational or medical purposes. Political activists and human rights defenders are often subject to arbitrary and undefined 'travel bans', while many Palestinians who travelled and lived abroad for business or personal reasons have had their residence IDs revoked and been prohibited from returning.
- (iv) Israel denies Palestinians in the OPT their right to a nationality by denying Palestinian refugees from inside the Green Line their right of return, residence, and citizenship in the State (Israel) governing the land of their birth. Israel's policies in the OPT also effectively deny Palestinians their right to a nationality by obstructing the exercise of the Palestinian right to self-determination through the formation of a Palestinian State in the West Bank (including East Jerusalem) and Gaza Strip.
- (v) Palestinians are restricted in their right to work, through Israeli policies that severely curtail Palestinian agriculture and industry in the OPT, restrict exports and imports, and impose pervasive obstacles to internal movement that impair access to agricultural land and travel for

employment and business. Although formerly significant, Palestinian access to work inside Israel has been almost completely cut off in recent years by prevailing closure policies and is now negligible. Palestinian unemployment in the OPT as a whole has reached almost 50 percent.

- (vi) Palestinian trade unions exist but are not recognised by the Israeli government or by the Histadrut (the main Israeli trade union) and cannot effectively represent Palestinians working for Israeli employers and businesses. Although these workers are required to pay dues to the Histadrut, it does not represent their interests and concerns, and Palestinians have no voice in formulating Histadrut policies. Palestinian unions are also prohibited from functioning in Israeli settlements in the OPT where Palestinians work in construction and other sectors.
- (vii) The right of Palestinians to education is not impacted directly by Israeli policy, as Israel does not operate the school system in the OPT, but education is severely impeded by military rule. Israeli military actions have included extensive school closures, direct attacks on schools, severe restrictions on movement, and arrests and detention of teachers and students. Israel's denial of exit permits has prevented hundreds of students in the Gaza Strip from continuing their education abroad. Discrimination in relation to education is striking in East Jerusalem. A segregated school system operates in the West Bank as Palestinians are not allowed to attend government funded schools in Jewish settlements.
- (viii) The right of Palestinians to freedom of opinion and expression is greatly restricted through censorship laws enforced by the military authorities and endorsed by the High Court of Justice. Since 2001, the Israeli Government Press Office has greatly limited Palestinian press accreditation. Journalists are regularly restricted from entering the Gaza Strip and Palestinian journalists suffer from patterns of harassment, detention, confiscation of materials, and even killing.
- (ix) Palestinians' right to freedom of peaceful assembly and association is impeded through military orders. Military legislation bans public gatherings of ten or more persons without a permit from the Israeli military commander. Non-violent demonstrations are regularly suppressed by the Israeli army with live ammunition, rubber-coated steel bullets, tear gas, improper use of projectiles such as tear gas canisters,

and participants are arrested. Most Palestinian political parties have been declared illegal and institutions associated with those parties, such as charities and cultural organisations, are regularly subjected to closure and attack.

- (x) The prevention of full development in the OPT and participation of Palestinians in political, economic, social and cultural life is most starkly demonstrated by the effects of Israel's ongoing siege and regular large-scale military attacks on the Gaza Strip. Although denied by Israel, the population of the Gaza Strip is experiencing an on-going severe humanitarian crisis.
- o) *Article 2(d)*, which relates to division of the population along racial lines, has three elements, two of which are satisfied:
  - (i) Israel has divided the West Bank into reserves or cantons in which residence and entry is determined by each individual's group identity. Entry by one group into the zone of the other group is prohibited without a permit. The Wall and its infrastructure of gates and permanent checkpoints suggest a policy permanently to divide the West Bank into racial cantons. Israeli government ministries, the World Zionist Organisation and other Jewish-national institutions operating as authorised agencies of the State plan, fund and implement construction of the West Bank settlements and their infrastructure for exclusively Jewish use.
  - (ii) *Article 2(d)* is not satisfied regarding a prohibition on mixed marriages between Jews and Palestinians. The proscription of civil marriage in Israeli law and the authority of religious courts in matters of marriage and divorce, coupled with restrictions on where Jews and Palestinians can live in the OPT, present major practical obstacles to any potential mixed marriage but do not constitute a formal prohibition.
  - (iii) Israel has extensively appropriated Palestinian land in the OPT for exclusively Jewish use. Private Palestinian land comprises about 30 percent of the land unlawfully appropriated for Jewish settlement in the West Bank. Presently, 38 percent of the West Bank is completely closed to Palestinian use, with significant restrictions on access to much of the rest of it.



- p) *Article 2(e)* relating to the exploitation of labour is today not significantly satisfied, as Israel has raised barriers to Palestinian employment inside Israel since the 1990s and Palestinian labour is now used extensively only in the construction and services sectors of Jewish-Israeli settlements in the OPT. Otherwise, exploitation of labour has been replaced by practices that fall under Article 2(c) regarding the denial of the right to work.
- q) Arrest, imprisonment, travel bans and the targeting of Palestinian parliamentarians, national political leaders and human rights defenders, as well as the closing down of related organisations by Israel, represent persecution for opposition to the system of Israeli domination in the OPT, within the meaning of Article 2(f).

**In conclusion, Israel appears clearly to be implementing and sustaining policies intended to maintain its domination over Palestinians in the OPT and to suppress opposition of any form to those policies.**

**6) APPENDIX F, UNITED NATIONS HUMAN RIGHTS COUNCIL, 29<sup>TH</sup> SESSION REPORT<sup>6</sup>**

**29/... Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations*

*Recalling the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,*

*Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,*

*Recalling further its relevant resolutions, including resolutions S-9/1 of 12 January 2009 and S-21/1 of 23 July 2014, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,<sup>7</sup>*

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<sup>6</sup> United Nations Human Rights Council, General Assembly Report A/HRC/29/L.35

<sup>7</sup> A/HRC/12/48

*Expressing its appreciation* to the independent commission of inquiry on the 2014 Gaza conflict for its comprehensive report,<sup>8</sup>

*Affirming* the obligation of all parties to respect international humanitarian law and international human rights law,

***Emphasizing* the importance of the safety and well-being of all civilians, reaffirming the obligation to ensure the protection of civilians in armed conflict, and deploring the civilian deaths that resulted from the conflict in and around the Gaza Strip in July and August 2014, including the killing of 1,462 Palestinian civilians, including 551 children and 299 women, and six Israeli civilians,**

***Gravely concerned* by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes, committed in the context of the military operations conducted in the Occupied Palestinian Territory in 2008 and 2009 and in 2014, particularly in the Gaza Strip, including the findings of the United Nations Fact-Finding Mission on the Gaza Conflict, of the independent commission of inquiry on the 2014 Gaza conflict, and of the boards of inquiry convened by the Secretary-General,**

*Condemning* all violations of human rights and of international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused,

*Stressing* the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

***Deploring* the non-cooperation by Israel with the independent commission of inquiry on the 2014 Gaza conflict and the refusal to grant access to or to cooperate with international human rights bodies seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,**

*Regretting* the lack of implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

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<sup>8</sup> A/HRC/29/5

*Alarmed* that long-standing systemic impunity for international law violations has allowed for the recurrence of grave violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

*Emphasizing* the need for States to investigate grave breaches of the Geneva Conventions of 1949 to end impunity, uphold their obligations to ensure respect, and promote international accountability,

*Noting* the accession by Palestine to the Rome Statute of the International Criminal Court on 2 January 2015,

1. *Welcomes* the report of the independent commission of inquiry on the 2014 Gaza conflict;<sup>2</sup>

2. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of all recommendations contained in the report of the commission of inquiry, in accordance with their respective mandates;

3. *Notes* the importance of the work of the commission of inquiry and of the United Nations Fact-Finding Mission on the Gaza Conflict of 2009 and the information collected regarding grave violations in support of future accountability efforts, in particular, information on alleged perpetrators of violations of international law;

4. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate fair and independent domestic or international criminal justice mechanisms, and to ensure the right of all victims to an effective remedy, including full reparations, and stresses the need to pursue practical steps towards these goals;

5. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened;

6. *Calls upon* all States to promote compliance with human rights obligations and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

7. *Recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the United Nations Fact-Finding Mission on the Gaza

Conflict in its report has been or is being taken appropriately at the domestic or international levels to ensure justice for victims and accountability for perpetrators;

8. *Requests* the United Nations High Commissioner for Human Rights to present, as part of the reporting requested by the Human Rights Council in its resolutions S-9/1 and S-12/1, a report on the implementation of the present resolution, as well as on the implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict and of the United Nations Fact-Finding Mission on the Gaza Conflict, to the Council at its thirty-first session;

9. *Decides* to remain seized of the matter.

7) **APPENDIX G, RESOLUTION 2334 (2016): ADOPTED BY THE SECURITY COUNCIL AT ITS 7853RD MEETING, ON 23 DECEMBER 2016**<sup>9</sup>

**S/RES/2334 (2016) / .... The Security Council,**

**Reaffirming its relevant resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008),**

***Guided by*** the purposes and principles of the Charter of the United Nations, and reaffirming, inter alia, the inadmissibility of the acquisition of territory by force,

***Reaffirming*** the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

***Condemning*** all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions,

***Expressing*** grave concern that continuing Israeli settlement activities are dangerously imperilling the viability of the two-State solution based on the 1967 lines,

***Recalling*** the obligation under the Quartet Roadmap, endorsed by its resolution 1515 (2003), for a freeze by Israel of all settlement activity, including “natural growth”, and the dismantlement of all settlement outposts erected since March 2001,

***Recalling*** also the obligation under the Quartet roadmap for the Palestinian Authority Security Forces to maintain effective operations aimed at confronting all those engaged in terror and dismantling terrorist capabilities, including the confiscation of illegal weapons,

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<sup>9</sup> United Nations Security Council, S/RES/2334 (2016), 23 December 2016

**Condemning** all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,

**Reiterating** its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

**Stressing** that the status quo is not sustainable and that significant steps, consistent with the transition contemplated by prior agreements, are urgently needed in order to (i) stabilize the situation and to reverse negative trends on the ground, which are steadily eroding the two-State solution and entrenching a one-State reality, and (ii) to create the conditions for successful final status negotiations and for advancing the two-State solution through those negotiations and on the ground,

1. **Reaffirms** that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace;

2. **Reiterates** its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respects all of its legal obligations in this regard;

3. **Underlines** that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

4. **Stresses** that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the two-State solution;

5. **Calls** upon all States, bearing in mind paragraph 1 of this resolution, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

6. **Calls** for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, calls for accountability in this regard, and calls for compliance with obligations under international law for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism;

7. **Calls** upon both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations, to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, inter alia, of de-escalating the situation on the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace;

8. ***Calls*** upon all parties to continue, in the interest of the promotion of peace and security, to exert collective efforts to launch credible negotiations on all final status issues in the Middle East peace process and within the time frame specified by the Quartet in its statement of 21 September 2010;

9. ***Urges*** in this regard the intensification and acceleration of international and regional diplomatic efforts and support aimed at achieving, without delay a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap and an end to the Israeli occupation that began in 1967; and underscores in this regard the importance of the ongoing efforts to advance the Arab Peace Initiative, the initiative of France for the convening of an international peace conference, the recent efforts of the Quartet, as well as the efforts of Egypt and the Russian Federation;

10. ***Confirms*** its determination to support the parties throughout the negotiations and in the implementation of an agreement;

11. ***Reaffirms*** its determination to examine practical ways and means to secure the full implementation of its relevant resolutions;

12. ***Requests*** the Secretary-General to report to the Council every three months on the implementation of the provisions of the present resolution;

13. **Decides to remain seized of the matter.**

8) **APPENDIX H – EXTRACTS OF LEGAL MEMORANDUM (PREPARED BY ATTORNEY ZIYAAD EBRAHIM PATEL) TO THE UNITED STATES CONSULATE REGARDING JERUSALEM) AND THE GAZA RETURN MARCH ORGANISED BY THE PALESTINE SOLIDARITY ALLIANCE AND ITS PARTNERS – 15 MAY 2018, SANDTON SOUTH AFRICA** <sup>10</sup>

- a) We unequivocally state that the sovereignty rights of Palestinians over the city of Jerusalem can neither be **alienated nor extinguished** by this illegal act of the United States which is being “**unscrupulously and rapaciously**” ratified by the Israeli apartheid apparatus.

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<sup>10</sup> <http://mediareviewnet.com/2018/05/memorandum-to-the-us-consulate-general-in-johannesburg/>

- b) **Pope Francis also voiced “deep concern” and issued a “heartfelt appeal” to the international community to ensure that “everyone is committed to respecting the *status quo* of the holy city in accordance with the relevant resolutions of the United Nations.”**
- c) In 1948, the Zionist state of Israel was established inside historical Palestine. Around 15,000 Palestinians were killed, some 800,000 displaced and 531 Arab villages destroyed in attacks by armed Jewish groups at the time.
- d) The Palestinians living in the diaspora has since become one of the largest in the world. According to the United Nations Relief Works Agency (UNRWA), there are currently more than 5 million registered Palestinian refugees.
- e) For many Palestinians, the **right of return** in accordance with **United Nations General Assembly Resolution 194**, to **return** to their homes, lands and villages in historical Palestine remains one of their integral and fundamental demands.
- f) In the last decade apartheid Israel has launched three abominable wars on Gaza which was condemned by the international community and rights groups alike.
- g) It is axiomatic to the world that the Israeli Defence Force (IDF) have perpetrated war crimes and the continuing siege and naval blockade of the Gaza strip for over a decade, which incontrovertibly constitutes crimes against humanity, notwithstanding the “incremental genocide that is unfolding, unparalleled in human history”, in the words of Haider Eid.<sup>11</sup>
- h) Israel’s systematic discriminatory policies towards Palestinians, its perpetration of violence and fear, the torture of Palestinians and children, murder of civilians, children and babies makes it the last colonial outpost in the 21<sup>st</sup> century wreaking terror and trepidation on the lives and human dignity of innocent Palestinians.
- i) The United Nations General Assembly on **21 December 2017** announced its overwhelming condemnation of any moves by the United States to alter the status of Jerusalem.

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<sup>11</sup> **Haider Eid** is an associate Professor at Al-Aqsa University in Gaza

- j) A copy of the **UN General Assembly Resolution**<sup>12</sup> regarding the status of Jerusalem is annexed hereto. The important extracts read as follows:

**Stressing** that Jerusalem is a final status issue to be resolved through negotiations in line with relevant United Nations resolutions,

**Expressing**, in this regard, its deep regret at recent decisions concerning the status of Jerusalem;

**Affirms** that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council, and in this regard calls upon all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem, pursuant to Council resolution 478 (1980);

**Demands** that all States comply with Security Council resolutions regarding the Holy City of Jerusalem, and not recognize any actions or measures contrary to those resolutions;

**Reiterates** its call for the reversal of the negative trends on the ground that are imperilling the two-State solution and for the intensification and acceleration of international and regional efforts and support aimed at achieving, without delay, a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet road map, and an end to the Israeli occupation that began in 1967.

- k) We also remind the United States in the words of *Magdalena Mughrabi*, Deputy Regional Director at Amnesty International<sup>13</sup>, who said:

***“For four weeks the world has watched in horror as Israeli snipers and other soldiers, in full-protective gear and behind the fence, have attacked Palestinian protesters with live ammunition and tear gas. Despite wide international condemnation, the Israeli army has not reversed its illegal orders to shoot unarmed protesters.”***

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<sup>12</sup> UN General Resolution (Status of Jerusalem) A/RES/ES - 10/19

<sup>13</sup> Amnesty International – Israel: Arms Embargo needed as military unlawfully kills and maims Gaza protesters, 27 April 2018



***Furthermore, she added that the international community “must act concretely and stop the delivery of arms and military equipment to Israel”, and that inaction would “continue to fuel serious human rights abuses against thousands of men, women and children suffering the consequences of life under Israel’s cruel blockade of Gaza”. Israel is one of Washington’s closest allies and a major buyer of US-made military equipment, but European Union nations, including, France, Germany, the UK and Italy, have licensed large volumes of military equipment for Israel”.***

- l) We are reminded and insulted when the same weapons unleashed in the West Bank against innocent Palestinians are sold cynically to other so - called democratic states and regimes as ***“battle tested”***.
- m) The United Nations Human Rights Council (UNHRC) has consistently resolved on the numerous violations of human rights which have been perpetrated with impunity by Israel in the occupied Palestinian territories and the Golan Heights.
- n) The UNHRC has reaffirmed and iterated Israel accord respect and abide with international law, the Geneva conventions and protect the human rights of Palestinian political and child prisoners.
- o) The UNHRC has unequivocally declared in 2017 that boycotts, divestments and sanctions be punitively imposed on companies trading and/or producing goods and services in Israeli settlements in violation of the delineated 1967 borders.<sup>14</sup>

***During the meeting held in Geneva on September 25, 2017, multiple states and non-governmental organizations pushed for the publication of a “database” of all companies that conduct business - directly or indirectly - relating to Israeli “settlements” in Occupied Palestinian territories.***

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<sup>14</sup> Human Rights Voices, UN-Sponsored BDS promoted at UN "Human Rights" Council, 25 September 2017

- p) We further reiterate findings in the damning UN-ESCWA report <sup>15</sup>, which argues ***"with clarity and conviction that Israel is guilty of the international crimes of apartheid as a result of the manner in which it exerts control over the Palestinian people"***.

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<sup>15</sup> What did the UN apartheid report expose in reality? As Israel moves towards confronting apartheid, the questions raised by the report will become impossible to avoid, M. Le Vine 19 March 2017