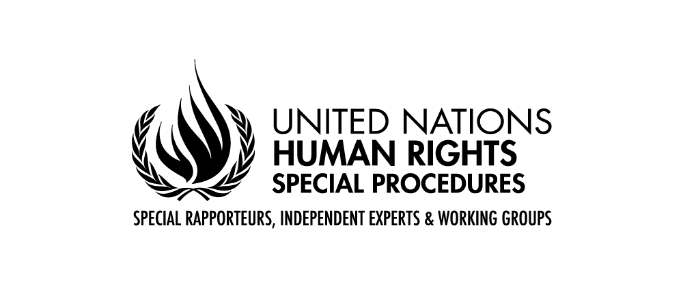
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**Presentation to the United Nations Human Rights Council**

**40th Session**

**Statement by Michael Lynk,**

**Special Rapporteur on the Situation of Human Rights in the**

**Palestinian territory occupied since 1967**

**Geneva, 18 March 2019**

To the President of the Human Rights Council, Excellencies, Delegates, and to all of the human rights defenders and the members of civil society who are here in this magnificent hall built to honour a noble ideal

Thank you for the opportunity to address you today about the current situation of human rights in the occupied Palestinian Territory.

My report that is now before you provides a detailed picture of the situation. In this opening statement, allow me to briefly highlight seven issues.

**First,** may I remind you once again that, contrary to its solemn obligations as a member of the United Nations, Israel has not allowed me to visit the occupied territory since I assumed this mandate three years ago. This is part of a broader pattern of Israel’s non-cooperation in recent years with various human rights mechanisms of the United Nations. I urge this body to take all necessary steps to require Israel to permit me to have full access to the occupied Palestinian territory, as well as to engage with my mandate, as it did in the years before 2008.

**Second,** the situation in Gaza is moving from a tragic human-made crisis to a humanitarian catastrophe. Under international law, Gaza remains an occupied territory: although the Israeli military and settlers left in 2005, Israel has maintained a hermetic air, sea and land blockade around Gaza, controlling who and what enters and leaves the Strip. Consequently, it maintains effective control over Gaza.

Gaza’s economy has all but collapsed, and the World Bank reports that – at roughly 54% unemployment – it has the highest unemployment rate in the world. 68% of the population is food insecure, and the rates of poverty exceed 50%. Ongoing power shortages still cause great human misery and cripple Gaza’s already-anemic economy. Gaza has natural wealth in the form of fertile farmland and plentiful fisheries, but Palestinians living in Gaza lack access to much of their farmland and sea because of stifling Israeli restrictions. Amid all of these miseries, international funding for vital support programs in Gaza, remain precarious.

Later today, you will hear in detail from the members of the Council’s Commission of Inquiry about the high loss of life and staggering rates of injuries inflicted by the Israeli military during the mass demonstrations at the Gaza fence which began almost a year ago. Let me confine my remarks today on this item to this: I endorse the Commission’s findings that the use of lethal fire by Israel against the demonstrators who did not pose an imminent threat was unlawful. I also support the Commission’s recommendations, including two of its most important ones:

1. that Israel must immediately lift its suffocating blockade of Gaza, which is the source of many human rights and humanitarian law violations; and
2. there must be full accountability for the unlawful behaviour of the Israeli military. If Israel will not conduct its own investigations into these mass shootings according to international standards, then the international community must itself address this vital issue of accountability and command responsibility.

**Third,** the West Bank, including East Jerusalem, also present significant human rights issues as the Israeli occupation deepens and thickens. My October 2018 report to the General Assembly focused on the alarming trends towards annexation in the West Bank. As you know, annexation under modern international law is strictly forbidden, and yet, Israel continues full-steam with settlement expansion, its political leaders openly speak about annexing some or all of the West Bank, and it has never rescinded its unlawful annexation of East Jerusalem, despite scores of resolutions by the United Nations.

Settler violence in the West Bank is on the rise. The Temporary International Presence in Hebron – which provided some measure of protection to the Palestinian residents of Hebron – has been unilaterally shuttered by Israel. Forced evictions continue to occur in Palestinian neighbourhoods in East Jerusalem. And hope, that most precious and intangible of human emotions which support us in difficult situations, is a vanishing quality among Palestinians.

**My fourth point** goes to the perilous situation of human rights defenders in Palestine and Israel. Israeli authorities are continuing their efforts to silence these defenders, including through disinformation campaigns, as well as the targeting of civil society funding sources.

In my work as Special Rapporteur, and without my own access to the occupied territory, I rely on the indispensable work and high-quality research and advocacy of these courageous civil society organizations. So, it is with considerable alarm that I point out to you the ongoing verbal attacks by the Israeli political leadership on these organizations in order to de-legitimize their criticism and to target their sources of funding, particularly in Europe.

More than ever, as this occupation becomes indistinguishable from annexation, and as the human rights climate in Israel and the occupied territory becomes ever more hostile and harsh, it is imperative that these human rights defenders continue to receive support and solidarity from international public and private funders. These civil society advocates in Israel and Palestine are commonly our first voices for human rights and, too often, our last line of defense. If their work is in jeopardy anywhere, we are all more precarious and less secure.

**My fifth point** goes to the database of business enterprises engaged in certain Israeli settlement activity in the occupied Palestinian territory that this Council called for three years ago in its resolution 31/36. In my view, the availability of such a database is a vital tool to help ensure that companies, including companies in settlements, assess the human rights impact of their activities and take all necessary steps to ensure that they do not have an adverse impact upon the human rights of the Palestinian people. I am disappointed that the database is not yet ready for its release, but I remain optimistic that it will be launched in the near future. I urge this Council to stand behind its decision from 2016 to create this database.

**My sixth point** is a reminder that, while Israel is the occupying power and the primary duty-bearer for the rights and responsibilities of international law, both the Palestinian Authority and Hamas have human rights responsibilities within the scope of their limited jurisdiction. In this respect, I condemn the violent suppression by Hamas of the popular demonstrations in Gaza against living conditions over the past several days which has resulted in the reported arrest of 500 people and the beating of journalists and human rights defenders.

**My seventh and final point** goes to the primary theme in my current report: the right to water, natural resources and the environment

A cluster of Palestinian villages in the South Hebron Hills have had their newly-laid water pipes, which had finally brought them clean running water, destroyed by the Israeli Civil Administration, forcing them to buy expensive trucked-in water for their homes and animals.

In Gaza, the collapse of the coastal aquifer, the only natural source of drinking water in the Strip and now almost entirely unfit for human consumption, is contributing to a significant health crisis among the two million Palestinians living there.

Throughout the West Bank, Israeli quarry companies extract approximately 17 million tons of stone annually, almost all of which is destined for the Israeli local market, notwithstanding strict prohibitions in international law against a military power economically exploiting an occupied territory.

The Dead Sea and its plentiful natural resources, part of which lies within the Occupied Palestinian Territory, is off-limits to any Palestinian development while Israeli companies are permitted to harvest the minerals in an apparent act of pillage.

Groves of West Bank olive trees – which are both an economic wellspring for thousands of Palestinian farmers and a symbol of Palestinian identity – are routinely destroyed by Israeli settlers with virtual impunity.

The transfer of Israeli industrial waste to treatment plants in the West Bank – through the creation of so-called ‘sacrifice zones’ that are less rigorously regulated – contributes to the environmental scarring of the occupied territory, without the involvement or consent of the Palestinians.

For the almost five million Palestinians living under occupation, the degradation and alienation of their water supply, the exploitation of their natural resources and the defacing of their environment is symptomatic of the lack of any meaningful control they have over their daily lives as Israel, the occupying power, exercises its military administrative powers in a sovereign-like fashion, with vastly discriminatory consequences.

The laws of occupation and international human rights law guarantee that peoples living under occupation to entitled to the protection of their sovereignty over their natural wealth.

Water, and its effective control and management, is an essential component for the exercise of sovereignty in the modern world. Yet, as Israel’s 51-year-old occupation has become more entrenched, the deeply inequitable distribution of water imposed by Israel illustrates the utter lack of any substantive control Palestinians over their daily lives.

Gaza’s water situation is a crisis verging on a humanitarian catastrophe. The United Nations estimated in 2017 that more than 96% of the Coastal Aquifer groundwater – Gaza’s sole source of natural water – had become unfit for human consumption, and the Aquifer would be irreversibly damaged as a drinking source by 2020 without a radical intervention.

Israel has strayed extremely far from its legal responsibilities as an occupying power. Indeed, its temporary-permanent occupation of the Palestinian territory has been the photo negative of what is required of a faithful occupying power. It has regarded the Palestinian territory as its own for acquisitive purposes and someone else’s territory with respect to the protection of the people under occupation.

Mr. President, Excellencies, Delegates, Ladies and Gentlemen, the international community has long assumed that the Israeli occupation is not sustainable, and that it will end when the Israeli leadership comes to its senses and decides to honour its international legal responsibilities. Alas, I see little evidence of this occurring any time soon. Impunity, not accountability, is the signature hallmark of this occupation.

We must be frank with each other:: This occupation will not die of old age, and it will only come to an end when the international community insists – with meaningful measures of accountability – that the Israeli denial of Palestinian self-determination is an intolerable stain on the modern world.

Who among us cannot do the math to understand that the grim realities on this endless occupation belie any visible path to freedom for the Palestinians, and are leading instead to a darker future that portends dangers to both peoples?

Thank you for your attention.