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24 February 2011

As Palestinian human rights organisations committed to the protection and promotion of international human rights in the Occupied Palestinian Territory (OPT), we express our profound dismay at the US decision to veto the draft UN Security Council resolution seeking to condemn Israeli settlements in the West Bank, including East Jerusalem, as illegal.

JOINT LETTER

DATE: 24 FEBRUARY 2011

Dear President Obama,

As Palestinian human rights organisations committed to the protection and promotion of international human rights in the Occupied Palestinian Territory (OPT), we express our profound dismay at the US decision to veto the draft UN Security Council resolution seeking to condemn Israeli settlements in the West Bank, including East Jerusalem, as illegal.

For over four decades Israel has systematically engaged in illegal policies of land confiscation, extensive destruction of property and settlement building in the West Bank, including East Jerusalem, resulting in the forcible transfer of the Palestinian population. The extensive appropriation of land, not justified by military necessity and carried out unlawfully and wantonly, amounts to a grave breach of the Fourth Geneva Convention. Israeli settlement activity also violates international humanitarian law prohibitions on the transfer of the Occupying Power's own civilian population into the territory it occupies. Settlement construction and expansion have resulted in the creation of two parallel and unequal societies in the OPT in which Palestinians are discriminated against and denied their fundamental human rights. Israel has repeatedly stated its intention to retain control over the most populous settlements built in the West Bank in any future negotiated solution, which would clearly violate the right of the Palestinian people to self-determination as well as Israel's obligations under customary international law. In East Jerusalem, Israel is implementing a matrix of discriminatory policies against Palestinians, including house demolitions, in order to expel them from the city in what amounts to a policy of population transfer. Simultaneously, Israel is expanding settlements to create 'facts on the ground' in active pursuit of its declared annexation of occupied East Jerusalem, conduct absolutely prohibited under international law and condemned by the international community.

In the circumstances, the US Administration's veto contravenes its international obligations as a High Contracting Party to the Fourth Geneva Convention. It contradicts its stated official position on Israeli settlements and its purported commitment to peace in the region. Further, the veto highlights the US

Administration's isolation on this issue within the UN Security Council. Given that all 14 other members voted in favour of the resolution, it represented a monumental opportunity for the international community to translate its commitment to international law into an enforceable mechanism for justice. In addition, in ensuring Israel's impunity, the veto undermines the role of the UN in maintaining international peace and security, as enshrined in Article 1 of the UN Charter.

The US prides itself as a defender of democracy and yet, even as the Middle East is in the throes of a new and historical wave of democratic revolutionary motion, fails to understand the Palestinian people's demand for a meaningful peace process based on international law, human dignity and justice. Protracted peace talks have not led to a cessation of settlement building. On the contrary, while Israel ostensibly engaged in peace negotiations, it at the same time rapidly accelerated the construction and expansion of settlements in the OPT. This disingenuous method of negotiating has effectively allowed Israel to pursue its illegal policies in the OPT, thereby undermining the viability of a two-state solution. The impunity Israel has benefitted from with respect to its settlement policies has inevitably resulted in the sidelining of international law, allowing for the implementation of an apartheid system in the OPT and further hampering prospects for peace.

The US Administration argues that the draft resolution would "damage" the peace talks. However, as the UN High Commissioner for Human Rights stated at the conclusion of her recent visit to Israel and the OPT:

'The politics of conflict, peace and security are constantly leading to the downgrading, or setting aside, of the importance of binding international human rights and humanitarian law. International human rights law and international humanitarian law are not negotiable. [...] the idea that a partial or temporary halt [to settlement activity] is a valuable concession in the peace process, to be traded against something else, is turning the law on its head.'

We, the undersigned, reiterate our condemnation of Israeli settlements, and demand an end to all settlement activity and the removal of all existing settlements in the OPT. Accordingly, we call upon you to immediately reverse your policy of obstructing international mechanisms for the maintenance of peace and security and your unconditional support for Israel, which is encouraging the commission of further serious violations of international law and making peace impossible.

Yours Sincerely,

The undersigned human rights organisations

Sahar Francis

General Director

Addameer Prisoner Support and Human Rights Association

Zakaria Odeh

General Director

The Civic Coalition for Defending Palestinians' Rights in Jerusalem

Khalil Abu Shammala

General Director

Aldameer Association for Human Rights

Rifat Kassis

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Shawqi Issa
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Ensan Center for Human Rights and Democracy

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Maha Abu Dayieh
General Director
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Cc: Ambassador James Cunningham and Consul General David Rubinstein
