

United Nations Commission on Human Rights
58th Session

Item 6: Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination

*Oral Intervention by the **Palestinian Centre for Human Rights**, a non-governmental organisation with Special Consultative Status.*
(Speaker: Victoria Metcalfe, PCHR's International Legal Officer)

The Palestinian Centre for Human Rights condemns in the strongest terms all practices of racism, racial discrimination and other intolerance, including anti-Semitism. The Palestinian Centre for Human Rights also reaffirms that the NGO Forum of the World Conference Against Racism was a forum in which the victims of racism in all its forms could be heard. Contrary to Rabbi Melchior's statement earlier this week, the Durban process sought to hold states to account for their acts and practices of racism and other intolerance, and related human rights abuses. Holding Israel to account for its human rights violations, including racist practices, war crimes, the crime of apartheid, and other violations of international law cannot be viewed as anti-Semitic. No country should or can be above the law and the State of Israel must answer for its human rights violations, as any other. The historical circumstances of a group or nation can not be used as an excuse to avoid justice for their own human rights violations.

The Palestinian Centre for Human Rights also wishes to reaffirm that the NGO Forum Declaration and Programme of Action are legitimate expressions of the collective voice of international civil society, as represented through 3000 representatives of non-governmental organisations from around the world. The documents were adopted in a democratic process through overwhelming majority vote of those present. Those who seek to denounce these documents, seek only to deny victims their right to be heard.

These documents recognised the continuing spread of racism and all forms of discrimination around the world, and provided steps to eliminate racism and discrimination. These documents made specific mention of the racist practices of the State of Israel against Palestinians both citizens of Israel and those residing in the Occupied Palestinian Territories. The illegal colonial military occupation of the Gaza Strip, West Bank, including Jerusalem, is one of the longest standing occupations and constitutes a serious threat to world peace and security. As asserted in these documents, racism is at the root of this military occupation which since its beginnings has taken the form of a colonialist military occupation with expansionist and annexationist aims. The racist practices through which Israel continues to maintain its dominance over the Palestinian people are ongoing violations of international prohibitions on discrimination, including the crime of apartheid as defined in the International Convention on the Suppression and Punishment of the Crime of Apartheid.

In tackling the ongoing human rights violations perpetrated by the Israeli government and military against the Palestinian civilian population it is useful to consider the

experiences of the international community in successfully combating similarly racist, apartheid regimes. For example, in the case of South Africa and the fight against the South African Apartheid regime, the internal pressures exerted on the apartheid regime by the South African people, the external pressure exerted by the international community, and the final negotiations collectively brought an end to the formal policies of Apartheid and the transition to a democratic state. It is clear that it was not until the international community enforced effective pressure in particular in the form of economic sanctions that the South African government was forced to make genuine commitments to resolving outstanding issues and dismantling formal apartheid.

The international community initially engaged in so-called “constructive engagement”, without effective pressure, with the South African government to urge a halt to the racist practices and the illegal colonial military occupation of Namibia. After this proved unsuccessful the United Nations and later individual states sought to introduce measures against South Africa including;

- Suspending diplomatic relations
- A boycott of South African goods
- Refusal to allow South African ships and airplanes to land
- Comprehensive sanctions and embargoes, including arms, oil, trade, cultural and others
- Suspension of all military, police and intelligence cooperation
- Exclusion from all international conferences and events
- Denial of the legitimacy of the regime, including recognition of its racist nature

These comprehensive measures were not adopted by several EU states and the US for some year but were ultimately successful when these states, South Africa’s main trading partners came on board. Those same countries which sought to maintain the policy of constructive engagement with Apartheid South Africa to the point of opposing any concrete and effective measures to end systematic and gross violations of international human rights and humanitarian law, are adopting a strikingly similar approach with Israel.

Clearly a range of options exist which the international community could adopt in pressuring Israel to end its racist practices, and other human rights violations. However, these same states still refuse to take effective measures to ensure Israel respects international law, despite their clear legal obligation to do so, including as elucidated in article 1 of the Fourth Geneva Convention.

One must question why these states have adopted a seemingly discriminatory approach to serious violations of human rights, including war crimes and crimes against humanity. PCHR expresses its surprise that these countries so recently imposed sanctions against Zimbabwe but at the same time prevent effective measures being taken to censure Israel for its human rights violations. The ongoing refusal to take effective measures against Israel despite the clear indications that the policy of constructive dialogue has been ineffective not only allows Israel to continue to act with impunity but also throws into doubt their own double standards in the application of democratic principles, human rights standards and the rule of law.

In this context, PCHR calls upon the Commission on Human Rights:

- To reaffirm the illegality of the occupation
- To recognise that the Israel's ongoing illegal belligerent military occupation of the Gaza Strip, West Bank, including Jerusalem, is colonialism; and that the occupation and various other methods and inhumane acts amount to a form of apartheid, and that the human rights violations which continue to be perpetrated against Palestinians by Israel are rooted in racism.
- To endorse and implement all the recommendations included in the Programme of Action of the NGO Forum of the World Conference Against Racism, Racial Discrimination, Xenophobia and all Related Forms of Intolerance
- To call upon states to take measures against the State of Israel similar to those imposed on Apartheid South Africa with the aim of ending the racist practices pursued against Palestinians. These measures may include, but are not limited to, the imposition of comprehensive arms, oil, economic and trade sanctions and embargoes (with the exception of humanitarian aid and services), downgrading or suspension of diplomatic relations.
- To call upon the High Contracting Parties to the Fourth Geneva Convention to ensure Israel's respect for the Convention
- To provide for international protection for Palestinian civilians.