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**Written statement\* submitted by the Habitat International Coalition (HIC),  
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

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\* This written statement is issued, unedited, in the language(s) received from the  
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responsibility.

As much as the present Israeli invasion of Lebanon is ghoulish, it is also not exceptional. It reflects a long continuum of State behaviour, operationalising State ideology and policies that combine the destruction of habitat, dispossession of the indigenous people and population transfer.<sup>1</sup> That time-honoured process of population transfer by dispossession and destruction of indigenous peoples and their habitat should remain in the historic dustbin, if current international legality or our claim to civilisation were to have any meaning at all.

Over time, and throughout the duration of the former Commission, Israel has enjoyed impunity for its continuum of this senseless destruction. While the Commission did not issue the GA resolution 181, recommending a partition into a Jewish and Arab Palestine with economic union, it has consistently had to deal with its human rights consequences.

From a 2006 retrospective, Israel's internal and external conduct has been consistent. It came into being by destroying indigenous Palestinians' habitat with its depopulation and demolition of at least 531 Palestinian villages, conducting infamous massacres in at least 33 such villages. The dispossession and continued exile of the surviving refugees have been followed by the transfer of their properties to others, whom the State of Israel defines as "Jewish nationals": immigrants who enjoy rights and privileges superior to all other citizens, especially the indigenous ones. This elaborate programme is largely carried out through such institutions as the World Zionist Organization/Jewish Agency and Jewish National Fund, which Israeli parastatal organisations at least 15 member States of this Council still allow to operate as tax-free "charities" in their own jurisdiction, while these institutions manage dispossession and population-transfer projects considered as crimes in international law.<sup>2</sup> Adding to this lawlessness, Israel continues its demographic-manipulation policies to this day, internally transferring remaining "unrecognised" indigenous Palestinian village inhabitants—and citizens of the State—into "*rekuzim*" ("concentrations," in Hebrew).

In the 1967-occupied territories, the strategy is the same, including through the internationally prohibited imposition of the occupier's (discriminatory) domestic legal regime, replacing local planning and land-use laws and institutions, facilitating the further destruction of Palestinian habitat, dispossession and destruction of homes and infrastructure, as well as further population transfer in the form of illegal settler colonies.

This combined policy is not only limited to Palestinian civilians, but to the other indigenous populations of the region. The Syrians of the Golan, dispossessed, exiled, and some still residing in the Israeli-occupied territory, have endured an equal fate. Likewise, each consecutive Israeli invasion of Lebanon, whether in pursuit of enemies or natural resources, has involved massive, poverty-deepening civilian population transfers and dispossession, as also epitomised in Israel's 1982, 1993<sup>3</sup> and 1996<sup>4</sup> military strategies.

One might argue that the only discernable new innovation in Israel's strategy now is the taking of high-profile hostages, notably the 27 Palestinian Legislative Council members, including eight Cabinet ministers, whom its forces captured and transferred into Israel. Israel's further hostage taking in Gaza<sup>5</sup> was followed a day later by Palestinian resistance fighters' capture of an Israeli soldier there. As if invoking some ethical principle, Israel refused to negotiate such an exchange, as the Palestinians had proposed. Instead it chose the usual "high road" of destroying habitat (including homes and infrastructure) and

dispossessing civilians of their lands and properties. That has been especially dramatic against the backdrop of Israel's construction of its "Separation Policy" Wall across the West Bank and Jerusalem, and continuous population transfer through settler colonies, defined in the Rome Statute as a war crime. Kidnapping and hostage taking, designed to repress opponents, is a practice complementary—but not new or extra to—Israel's core strategy.

However, Israel's hostage taking also is not new to the Lebanese. Israel continues to hold Lebanese hostages for over a decade.<sup>6</sup> The actual numbers are not known, for want of information as to which Lebanese might be mixed together with the uncounted Palestinians in the vintage-1948 mass graves at Jisr Binat Ya`qub, in the Galilee, which Israel reopened to deposit bodies collected earlier in its occupation of Lebanon.<sup>7</sup>

No conscious observer honestly believes that Israel's current war of aggression on Lebanon was in spontaneous response to Hizbullah's hostage-taking of soldiers who continue to occupy Lebanon's southern territory. Sadly, the UN helped provide the formula for predictable conflict there, when it certified Israel's *selective* compliance with resolution SC 425 (1978).

While the tireless efforts of some diplomats from continental Europe and the Arab League attempt to salvage a draft Security Council resolution that was as much a guarantee of perpetual conflict as any invader could have wished it, UN bodies generally face a challenge of relevance now. The Security Council is typically hamstrung by the sadistic stonewalling of one permanent member that shares a legacy with Israel. The so-called Quartet, fully discredited, has instituted its own inertia by dismissing international law, including the ICJ Advisory Opinion on the Wall.

What is needed, Mr. Chairman, is a problem-solving approach that addresses the causes of conflict and not mere symptoms. Of all the political bodies of the UN, this Council holds the potential to restore human rights and civilised statecraft by determining the policy measures to bring that about. These measures should be both remedial and preventive, particularly as strategic voices from Israel are calling variously for an eventual "depopulated" southern Lebanon and a so-called "natural" extension of Israel's borders to Lebanon's Litani River.<sup>8</sup>

Recognising the patterned State behaviour of Israel, the Council should advise the General Assembly and Secretary General—and, by extension the Security Council—to apply human rights and humanitarian law as corrective, problem-solving tools. Regardless of the contorted outcome of a veto-driven Security Council process, at a minimum, such measures would mean:

1. A full and immediate ceasefire of all sides of the Lebanon and Gaza conflicts;
2. The full and immediate withdrawal of all foreign forces on the respective territories, in particular, Israel's immediate withdrawal from all Lebanese waters and territories, including Mazra'a Shaba`;
3. The rapid creation of a demilitarised zone over a significant depth inside Galilee (northern Israel) and Jabal `Amil (southern Lebanon), with each State otherwise exercising full sovereignty within their territory;
4. Increased UN international observer presence with jurisdiction to monitor and report in both demilitarised zones;

5. A competent and effective investigative process to register and evaluate material and moral damages, costs and losses subject to reparations;
6. The complete return of Lebanese civilians to their homes in all Israeli-affected areas of Lebanon with full reparations (including return, restitutions, resettlement, rehabilitation, compensation and pledge of nonrepetition);<sup>9</sup>
7. Palestinian refugees exercising their right of return to their former homes and properties in that demilitarized zone in the Galilee, with full reparations and with equal citizenship *and* nationality rights;
8. A complete hostage/prisoner exchange between Israel and Lebanon, as well as between Israel and Palestine;<sup>10</sup>
9. A full accounting of the persons killed and/or disappeared during the various stages of Israel's occupation of Lebanon, 1978–82, 1982–2000, and 2006;
10. Establishment of a war crimes tribunal with jurisdiction to prosecute any party reasonably suspected of ordering or conducting war crimes or crimes against humanity in the occupied Palestinian territory, Israel or Lebanon a relevant date (1978?) forward.

Difficult though these requisites seem, each is essential. They arise from binding law codified for the very purpose at hand. The Commission would do well to assert the legally obvious, finally to address the impunity that permeates and perpetuates this regional conflict. Anything less surely will compound the human deprivation we are now witnessing.

<sup>1</sup> See “The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers and Settlements,” E/CN.4/Sub.2/1993/17. It is indeed an old story in the sense that even the early white settlers in North America called themselves the “New Israelites” and the indigenous peoples “New Canaanites,” with settlers re-enacting genocidal episodes portrayed in ancient scriptures. By the 19<sup>th</sup> Century, preachers in pulpits across the United States referred to their country, increasingly cleansed of its indigenous peoples, as the “New Israel.”

<sup>2</sup> These countries include: Argentina, Brazil, Canada, France, Germany, Mexico, Netherlands, Peru, Romania, Russian Federation, South Africa, Switzerland, Ukraine, United Kingdom and Uruguay, as provided by the Jewish Agency for Israel, at: <http://www.jewishagency.org/JewishAgency/English/Home/Jewish+Agency+Resources/JAFI+WZO+Related+Sites/WZO/Federations>.

<sup>3</sup> Called “Operation Accountability,” in Israel, and “the Seven-day War,” in Lebanon, in which Israel created three columns of civilian displaced persons, totalling 450,000.

<sup>4</sup> In the infamous “Grapes of Wrath” operation, whereby Israel concentrated displaced civilians and targeted them with aircraft fire and bombs, as exemplified in the massacre at the UN compound at Qana.

<sup>5</sup> Israeli soldiers’ under-reported kidnapping of a Gaza doctor and his brother, as cited in Tariq Ali, John Berger, Noam Chomsky, Eduardo Galeano, Naomi Klein, Harold Pinter, Arundhati Roy, José Saramago & Howard Zinn, “Israel, Lebanon, and Palestine,” at: <http://www.chomsky.info/letters/20060719.htm>.

<sup>6</sup> Israel kidnapped Lebanese nationals Sheikh `Abd al-Karim `Ubaid and Mustafa al-Dirani from Lebanon in 1989 and 1994, respectively. Israeli officials admit that the two are being held for future use in negotiations to gain the release of Israeli nationals gone missing in Lebanon. As such, their detention is both a grave breach of the Fourth Geneva Convention and a violation of Israel's legal obligations under the International Covenant on Civil and Political Rights. Human Rights Watch, “Israel Seeks to Legalize War Crimes: Hostage Law Strips Civilians of Rights Guaranteed by Laws of War,” press release (22 June 2000).

<sup>7</sup> B'Tselem, *Captive Corpses* (Jerusalem: B'Tselem, 1999).

<sup>8</sup> AS IN STATEMENTS BY ENVIRONMENT MINISTER GIDEON EZRA. SEE GIDEON ALON, “WHO WOULD MISS A CHANCE TO LIQUIDATE NASRALLAH?,” *HA'ARETZ* (7 AUGUST 2006), AT: [HTTP://WWW.HAARETZ.COM/HASEN/SPAGES/747065.HTML](http://www.haaretz.com/hasen/spages/747065.html). ON ISRAEL'S PROSPECTUS OF A DEPOPULATED SOUTHERN LEBANON AS A “KILLING BOX,” SEE BAHMAN BAKTIARI AND AUGUSTUS RICHARD NORTON, “BEYOND THE WAR IN LEBANON,” *CHRISTIAN SCIENCE*

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*MONITOR* (19 JULY 2006), AT: [HTTP://WWW.CSMONITOR.COM/2006/0719/P09S01-COOP.HTML](http://www.csmonitor.com/2006/0719/P09S01-COOP.HTML);  
SEE ALSO DONALD SENSING, "ISRAEL'S STRATEGY REDUX," *WINDS OF CHANGE.NET* (3  
AUGUST 2006), AT:  
[HTTP://WWW.WINDSOFCHANGE.NET/ARCHIVES/ISRAEL\\_STRATEGY\\_REDUX-PRINT.PHP](http://www.windsofchange.net/archives/israel_strategy_redux-print.php).

<sup>9</sup> See "Principles on Housing and Property Restitution for Refugees and Displaced Persons," in Final Report of the Special Rapporteur Paulo Sérgio Pinheiro, submitted in accordance with Sub-Commission resolution 2004/2, E/CN.4/Sub.2/2005/17 (2 May 2005); "Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law," UN Commission on Human Rights resolution 2005/35 (19 April 2005); "Guiding Principles on Internal Displacement," E/CN.4/1998/53/Add.2 (11 February 1998); "Basic principles and guidelines on development-based evictions and displacement," in Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, E/CN.4/2006/41 (14 March 2006).

<sup>10</sup> The number of Palestinian prisoners is estimated at 9,400, including over 300 children and some 125 women.

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