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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by United Nations Watch, 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.

[9 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Report on Systemic Racism by the Palestinian Authority and Hamas Part I

United Nations Watch submits the following as Part I of its report on systemic racism by the Palestinian Authority (“PA”) and Hamas, in violation of international treaties ratified by the Palestinians including the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”).

United Nations treaty bodies that recently reviewed Palestinian compliance with international human rights treaties criticized Palestinian racism against Israelis and Jews. In February 2020, the UN Child Rights Committee expressed concern about “reports that the contents of some textbooks do not promote peace and tolerance” and urged the Palestinians to ensure that the curriculum is “aligned with the aims of education as included in Article 29 of the Convention,” particularly “to promote peace and tolerance.”¹

In August 2019, the UN Committee on Elimination of Racial Discrimination found that Palestinian laws and policies failed to implement UN treaties on racism, or to properly investigate complaints for acts of racial discrimination. The panel urged Ramallah to combat “hate speech and incitement to violence,” saying it was “concerned” about statements by Palestinian public figures, politicians and media officials, as well as in school textbooks and curricula, pointing to “hate speech against Israelis” which it found “fuels hatred” and “may incite violence” and “antisemitism.” The Committee further called on the Palestinians to “remove any derogatory comments and images from school curricula and textbooks that perpetuate prejudices and hatred.”²

1. Racial Segregation and Apartheid

Article 3 of ICERD obligates state parties to “undertake to prevent, prohibit and eradicate all practices” of “racial segregation and apartheid.” As explained in the Committee’s guidelines for state party reports, the reference to apartheid refers to “all forms of racial segregation.”³ Racial segregation, more specifically the ethnic cleansing of Jews, has been the policy in the West Bank at least since Jordan took control in 1948 when it massacred or forcibly expelled any remaining Jewish residents and destroyed Jewish synagogues, cemeteries and schools.⁴

At the end of the 1948 war for Israel’s independence no Jews were left in the West Bank. The West Bank, including East Jerusalem and the Jewish Quarter of the Old City, remained free of Jews for the next 19 years until Israel defeated Jordan in the Six Day War, after which Jews returned to lands which Jews had purchased there prior to Israel’s independence.⁵ At the same time, those Arabs who remained in Israeli territory following the 1948 war gained Israeli citizenship and became part of Israeli society. Today, Israeli Arabs hold prominent position in Israeli society, including as doctors, lawyers, judges, politicians and media personalities. An Arab Muslim party is part of the Israeli government’s ruling coalition. However, there are no Jews in the Palestinian-controlled territories.

Moreover, the vision for any future Palestinian state is one that is completely free of Jews (judenrein). As detailed below, this is clearly set out in the foundational documents of the main Palestinian nationalist movements, specifically, the Palestine Liberation Organization (PLO) and Hamas. Those documents reject Israel’s right to exist in any part of Israel or British Mandatory Palestine and view Jews and Zionism as the enemy. This Palestinian rejection of the rights of Jews to any part of the territory continues today as it has been enshrined in Palestinian legislation prohibiting land sales to Jews and rewarding Palestinian terrorists for murdering Jews, and is reflected in statements by Palestinian officials, in the media and in the education system.

2. Palestinian Charters Reject Israel's Right to Exist

The Palestinian National Charter⁶ (PLO Charter) describes Palestine as “the homeland of the Arab Palestinian people” (Article 1), calls for its “liberation” through “armed struggle” (Articles 8-9), and defines Palestine according to its boundaries during the British Mandate (Article 2), which include the entire State of Israel. Furthermore, the “liberation of Palestine” is described as “a national duty” and “aims at the elimination of Zionism in Palestine.” Although Yasser Arafat promised, as part of the Oslo Accords, that the PLO Charter would be amended to remove all provisions calling for the destruction of the State of Israel, that change never occurred.⁷

Instead, the Charter continues to absolutely reject the national rights of Jews in Palestine, stating that only Jews who resided in Palestine “until the beginning of the Zionist invasion will be considered Palestinians” (Article 6). Although there is no date given here, the first Jewish migration to Palestine under the auspices of Zionism, known as “The First Aliya,” occurred in 1882.⁸ In this regard, the Charter adds that Jews are “citizens of the states to which they belong” (Article 20). Thus, the PLO Charter denies outright the rights of most Israeli Jews to live in the territory it defines as Palestine. Furthermore, the PLO Charter extends its rejection of Jewish rights in Palestine to the Balfour Declaration, which is viewed “as null and void” (Article 20) and to the UN partition plan which is considered “illegal” (Article 19).

PA institutions and officials continue to call for the “liberation of Palestine” and to reject Israel's right to exist as a Jewish state. In July 2016, PA President Mahmoud Abbas confirmed that he would never recognize Israel as a Jewish state: “It is impossible that I will accept [the demand to recognize Israel as a Jewish state]. Let [Israel] continue to talk about a Jewish state and we will soundly reject it.”⁹

Hamas is the governing authority in the Gaza Strip. The 1988 Hamas Charter¹⁰ proclaims that “the land of Palestine is an Islamic Waqf consecrated for future Muslim generations until Judgment Day” (Article 11); and “there is no solution for the Palestinian question except through Jihad” (Article 13). Jihad is described in military terms, to “confront the enemies and join the ranks of the fighters” (Article 15) and is primarily understood to involve “carrying of arms” and “confrontation of the enemy” (Article 30). The enemies here are the Jews and Zionists: “In face of the Jews' usurpation of Palestine, it is compulsory that the banner of Jihad be raised” (Article 15); “the Zionist invasion is a vicious invasion” (Article 28).

The Charter is overtly antisemitic, comparing Jews to Nazis (Article 20), promoting conspiracy theories about Jewish power, such as that the Jews were behind World Wars I and II, “there is no war going on anywhere, without having their [the Jews] finger in it” (Article 22), and accusing the Zionists of trying to take over the world (Article 32).

In May 2017, Hamas released a new policy document which some said was a sign of moderation. However, the new document does not replace the Hamas Charter and continues to view Israel as an enemy to be eliminated.¹¹ The new document states that the goal of Hamas is to “liberate Palestine and confront the Zionist project” and that “Hamas rejects any alternative to the full and complete liberation of Palestine, from the [Jordan] river to the [Mediterranean] sea” (i.e., including all of the territory of the State of Israel). The document also calls the establishment of Israel “entirely illegal,” and states “there shall be no recognition of the legitimacy of the Zionist entity.”

Accordingly, we urge this Council, its Special Procedures and Commissions of Inquiry, and the High Commissioner, to finally investigate systemic racism and antisemitism by Hamas and the Palestinian Authority.

- 1 Concluding observations on the initial report of the State of Palestine, UN Doc. CRC/C/PSE/CO/1, ¶¶ 54(e) and 55(e) (February 10, 2020).
- 2 Concluding observations on the combined initial and second periodic reports of the State of Palestine, UN Doc. CERD/C/PSE/CO/1-2, ¶¶ 19 and 20 (August 29, 2019).
- 3 Guidelines for the CERD-Specific Document to be Submitted by State Parties Under Article 9, Paragraph 1, of the Convention, UN Doc. CERD/C/2007/1 (June 13, 2008).
- 4 Alan Dershowitz, Kerry's Speech Will Make Peace Harder, ALGEMEINER (December 29, 2016), <https://www.algemeiner.com/2016/12/29/alan-dershowitz-kerrys-speech-will-makes-peace-harder/>.
- 5 Eugene Kontorovich, A Palestinian State Free of Jews? TABLET (September 15, 2016), <https://www.tabletmag.com/scroll/213597/a-palestinian-state-free-of-jews>; Eugene Kontorovich, Airbnb's Anti-Israel Hypocrisy, WALL STREET JOURNAL (November 25, 2018), <https://en.kohelet.org.il/publication/airbnbs-anti-israel-hypocrisy>.
- 6 The Palestinian National Charter: Resolutions of the Palestine National Council July 1-17, 1968, THE AVALON PROJECT (Last visited July 1, 2019), http://avalon.law.yale.edu/20th_century/plocov.asp
- 7 Andrew C. McCarthy, The Father of Modern Terrorism; The True Legacy of Yasser Arafat, NATIONAL REVIEW (November 12, 2004), <https://www.nationalreview.com/2004/11/father-modern-terrorism-andrew-c-mccarthy/>; Julie Stahl, One Year Later, New PLO Covenant Nowhere to Be Found, CNS NEWS (July 7, 2008), <https://www.cnsnews.com/news/article/one-year-later-new-plo-covenant-nowhere-be-found>; Dr. Mordechai Kedar, Arabs and Muslims Will Not Accept Israel as the Jewish State, BEGIN-SADAT CENTER FOR STRATEGIC STUDIES (January 18, 2018), <https://besacenter.org/perspectives-papers/muslims-israel-jewish-state/>.
- 8 Immigration to Israel: The First Aliya (1882-1903), JEWISH VIRTUAL LIBRARY (last visited June 10, 2019), <https://www.jewishvirtuallibrary.org/the-first-aliyah-1882-1903>.
- 9 Abbas: I will never recognize Israel as a Jewish State, PMW (July 27, 2016), https://palwatch.org/main.aspx?fi=820&doc_id=19012.
- 10 Hamas Covenant 1988, THE AVALON PROJECT (last visited July 1, 2019), http://avalon.law.yale.edu/20th_century/hamas.asp.
- 11 Kate Havard, Hamas's New Document: More of the Same, FOUNDATION FOR DEFENSE OF DEMOCRACIES (May 2, 2017), <https://www.fdd.org/analysis/2017/05/02/hamass-new-document-more-of-the-same/>; Adam Rasgon, Analysis: The New Hamas Charter – No Moderation Here, JERUSALEM POST (May 3, 2017), <https://www.jpost.com/Arab-Israeli-Conflict/Analysis-No-moderation-here-489581>.