

-MICHAEL LYNK's Alert,

- **The relation Israel/UN,**

- **A Threat of Expulsion.**

A)

In a recent Report to the 44th Session of the Human Rights Council, dated 15th July 2020, the author, Michael Lynk – the UN Special Reporter on the Human Rights situation in Palestinian territory (occupied militarily by Israel) since 1967 defines as illegal the *collective punishment* that victimizes the Palestinian people, perpetrated by the Government of Israel. The author of the Report assumes that the situation, besides violating the sense of justice and the scope of the rule of law, attacks human rights and the international law, expressed materially "in a collapsed economy, in a devastated infrastructure, a social service that barely works" and the building of *settlements* on other people's land. It can be understood from the report that some gestures of Hamas, perhaps objectionable, cannot in any way justify the violent charge of settlements or affect the overall Palestinian population.

Internally, the Supreme Court of Israel, by its decision of 09. 06.2020 (taken by vote of 8 in favor and 1 against), decided to *repeal* the *Decree/Law (dated 2017)* that allowed the retroactive legalization of Israeli settlement buildings on the West Bank. The decision of the Supreme Court, based on the call for the values of human dignity and liberty condemns "the illicit acts perpetrated by a specific population (sic. Israeli settlers), while harming the rights of another (sic. Palestinian citizens), characterizing the present territorial context as a *military occupation*."

B)

The Report is fulminating in its criticism to the attitude of the Government of Israel, which over time, pursues, a policy of continuous disrespect, not to mention the *contempt* it votes for the UN Security Council Resolutions, and culminates in a strong call for Israel to fulfil its obligation with the UN in general and the Palestinian people in particular.

The recommendations advanced in the Report are an unequivocal expression of goodwill and perhaps a reflection of a faint hope that the Government of Israel will still comply to respect its conformity as a Democratic State.

It is, however, a somewhat chimeric expectation, since Benny Gantz, President of the coalition party in the government, in a statement of 29.06.2020, has already made it known that the *process of annexation* will be continued after the control of the pandemic (Covid-19) – that is, annexation, whatever be its outcome, in a clear challenge to the values advocated in the decision of the Supreme Court.

C)

Israel joined the UNO as 59th member on 11.05.1949. It was, therefore expected that this country would comply with the dictate that emerges from this world Organization, in particular from its Charter. However, it will never be too much to refer to the rules contained in article 6° and the § 2 of article 18°, that preview the *expulsion* of a member-state which persists in disregarding the Resolutions of the organization to which it belongs, with particular emphasis when these resolutions concern the country directly. A reference should also be made to the precept arising from article 25°, which enshrines not only the commitment but also the obligation of each member to respect and abide by the deliberations of the Security Council, given their binding scope.

The institute of expulsion is, however, of a drastic nature, applicable "in extremis" when there is no indicator of how the addressee will adopt a behavior contrary to the criticized conduct, whilst evaluating the principles of the Charter, namely the peace and security of the peoples, the resource to constructive dialogue, the peaceful coexistence, the humanism and the democracy.

These are precisely the values that have been despised by the Israeli State, sustained by a *conscious* and *voluntary* non-compliance of the numerous UN Security Council Resolutions till today.

The historical argument presented to justify the territorial annexation by Israel suffers a lack of complete sustainability. In fact, the Israeli people could have long ago, in due time, take account of what they say is theirs, instead of their *diaspora* by the four corners of the world, and *not wait for the Holocaust to "conquer" their land in terms of* a "territorial

usurpation", giving rise to a current Palestine refugee population summing up more than upwards of 5 million persons.(UNWRA data).

And this is what is at stake.

D)

In the current phase of evolution of the world society – naturally encompassing the Israeli and the Palestinian societies – and the inherent mentality, the notorious aggressive manner of treatment of the Palestinian people - is not guided by the canons and the principles which inspire the UN Charter. In this context, the systematic failure of a member-state to comply by the Security Council Resolutions, being a direct addressee, assumes the extent of a *qualified aggravating factor*.

More than 70 years after UN Resolution 242 dated 22.11.1967, it is high time the General Assembly of UNO assume its regulatory role in search for peace and prosperity of the peoples, otherwise risking that any passivity on the issue at the present moment, to be confused with an excess of tolerance or a way to ensure the impunity of the remissive State.

On this basis, a Resolution considering the *possibility of expulsion or a mere threat of expulsion*, will have a real input in conveying the deep repulsion of the international community against the atrocities that have been and are being committed, liberating the Israeli people from the shackles of insecurity in which they also live, all culminating in the demand for a policy more in line with the principles of peaceful coexistence among peoples.

E)

The institute of expulsion as a terminal punitive measure, given its radical nature, must contemplate at the international legal level – within the so-called Code of Nations - a gradual scale from **the warning on the possibility of its application*, passing through the **threat* and finally ** its effective application*.

We are convinced that both the Israeli Government and its people are not interested that Israel, with the multifaceted potential it is endowed with, move to the category of a "rogue-state".

We hope that common sense will prevail, in the sense that, if the possibility of one Israeli/Palestinian State lacks, then the rule of good neighborship within a 2-State solution will take its place, and that peace and happiness will definitely reach both the Palestinian and the Israeli peoples as a perennial reality, for an existence that deserves to be lived in the 21st century.

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