



# **INTERNATIONAL PROGRESS ORGANIZATION**

Special meeting in observance of the

## **International Day of Solidarity with the Palestinian People**

General Assembly of the United Nations  
Committee on the Exercise of the Inalienable Rights of the Palestinian People

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*Statement on behalf of civil society*

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**Check against delivery!**

Madam Chairperson,  
Representative of the Secretary-General of the United Nations,  
Ambassador of the State of Palestine,  
Excellencies,  
Ladies and Gentlemen,

2018 will again end as a year of sad anniversaries and missed opportunities in Palestine. When, 100 years ago, the First World War ended and Ottoman rule came to a close, the Principal Allied Powers designed historic Palestine as territory under a “Class A” mandate according to Article 22 of the Covenant of the League of Nations. To understand the gravity of the situation – namely the contrast between the idealistic language of the Covenant and political reality today, it seems appropriate to recall the respective provision, which reads: “Certain communities formerly belonging to the Turkish Empire have reached a stage of development where *their existence as independent nations can be provisionally recognized* [emphasis added] subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.”

However, the guiding principle for the post-war order – which the Allied Powers, under the leadership of President Wilson, had publicly professed, namely **self-determination** – was violated from the outset. This has been obvious in the wording of the so-called “Balfour Declaration” of 1917 the text of which was incorporated into the Palestine Mandate. As of today, around a century later, the largest community in the then mandate territory, namely the Palestinians, is still denied that basic human right of self-determination.

70 years ago, upon the end of the British Mandate, the Jewish people invoked the right to self-determination. Its implementation – by use of armed force – meant the denial of that very right to the Arab people in Palestine, and the expulsion from their homeland, the *Nakba* (catastrophe). It should not be forgotten – indeed, the irony should not be overlooked – that this (1948) was also the year when the UN General Assembly solemnly proclaimed the *Universal Declaration of Human Rights*.

Although the United Nations Organization, through the General Assembly’s “Partition Plan” of 1947, had envisaged self-determination for both, the Jewish and Arab peoples in Palestine, the world organization was an impotent observer of events in 1948 and has remained so in the years that followed. The paralysis of the Security Council – due to the veto provision of Article 27(3) of the UN Charter – made it effectively impossible to reverse the Israeli aggression and revoke the expulsion of the native population. Because of this provision, no binding Chapter VII resolutions have ever been adopted since the beginning of

the Arab-Israeli conflict. The inefficiency of the collective security system of the UN – in this particular case – became painfully obvious in the adoption of resolution 242 (1967) as of several other resolutions, the most recent one 2334 of 23 December 2016. Though all these decisions of the Council did “affirm” or “reaffirm,” by reference to the UN Charter’s “principles,” the illegality of Israeli occupation, annexation, etc. – not being based on Chapter VII, they did not trigger the coercive powers of the Council.

This will continue to be the case as long as the position of the most powerful permanent member of the Security Council does not change. In the meantime, the situation has become even much more serious. Through occupation and annexation – with the creation of ever more and larger Jewish settlements on the West Bank of the Jordan River, including Jerusalem – Israel has pursued a policy of *faits accomplis*. The Israeli military control of the West Bank and effectively also Gaza already amounts to the longest occupation in the world (more than 50 years since the seizure of Palestinian and Arab territories in the war of 1967).

Lacking a credible commitment to *fairness* and *justice* by both sides, the efforts initiated after the 1991 Gulf War (i.e. in a period of Arab discord and weakness) – in the course of the so-called “Madrid Process” – have reached a dead end. As has become obvious by now, the subsequent Oslo Accords of 1993 and 1995 did not provide the basis for the creation of a viable, territorially contiguous Palestinian State. Furthermore, because of instability and disunity in the Arab and wider Muslim world, the old colonial policy of *divide et impera* (divide and rule), a legacy of the Sykes-Picot Agreement upon the end of World War I, is now again being applied – at the expense of the Arab people of Palestine.

Madam Chairperson,

In the case of the Palestine conflict as in any international dispute, civil society has a special responsibility to draw the attention of the public to crucial issues of democracy, human rights and the rule of law, which are all too often overlooked under the pressures of realpolitik. With this in mind, I would like to draw your attention to a number of developments and events in the past year that drastically lay open the ideological rifts, which have made it so increasingly difficult to reach a fair and just solution to the Palestinian issue. The new Basic Law, adopted by the Israeli Knesset, entitled “Israel – The Nation State of the Jewish Nation” (19 July 2018) has created new obstacles to peace. Its Article 1c stipulates that “the right of national self-determination in Israel is unique to the Jewish nation,” thus excluding the Arab population. Article 3a is also in clear violation of international law and UN resolutions, stating that the “complete and united Jerusalem is the State of Israel’s

capital.” The decision of the United States, implemented earlier this year, to move its Embassy to Jerusalem has further aggravated the problem. Article 7a of the Basic Law creates a possibly insurmountable obstacle to a two-state solution as proposed by the United Nations. It provides that Israel “sees Jewish settlement as a national value and will work to ensure and advance its creation and establishment.” (It must be said that important segments of Israeli society, including many members of the Knesset, oppose the law, which was passed with a narrow majority of 62 in favor, 55 against and two abstentions.) In view of recent controversies, it must also be stated that to criticize the discriminatory provisions of this law, the Zionist settlement ideology it embodies, or other policies of occupation and annexation of Palestinian land, is the right of every concerned individual, whether a citizen of Israel or not. A critique of policies or ideologies must not be confused with the racist position of antisemitism. The freedom of opinion is an inalienable human right that applies in all political circumstances, including debates on laws of and actions by the State of Israel.

It is of utmost importance that international public opinion is aware of the implications of the “settlement doctrine” (as enshrined in the new Nation-State Bill) for the realities in the occupied Palestinian territories. In the past two years, following the assumption of office of the new US administration, there has been a surge of tenders for settlement construction in the West Bank. In 2017 and in the current year, 2018, there were tenders for 3,154 and 3,167 settlement housing units, respectively, compared with just 42 in 2016. In the words of Michael Lynk, UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, this means that the two-state solution is on “life support with a fading pulse.” In his report of 23 October 2017 to the Assembly (Doc. A/72/43106) he warned of annexation of the West Bank and urged member states to stop Israel’s actions in terms of settlement expansion and legislative initiatives since the beginning of 2017 in particular. In his latest report of 22 October this year, he emphasized that “throughout the years of occupation since the June 1967 war, Israel has continuously entrenched its *de facto* annexation of the West Bank by imposing intentionally-irreversible changes to occupied territory proscribed by international humanitarian law ...” (Par. 25 of the Report to the General Assembly, Doc. A/73/45717). In view of these actions on the ground, one must not take lightly the passing of the so-called “Nationality Law” by the Israeli Knesset.

Madam Chairperson,

It is easy to state the requirements of a solution: namely, implementation of all UN resolutions and respect of international law. It is next to impossible, however, to enforce those

rules under conditions of international realpolitik. The situation may only change when the *power balance* changes at the global level towards a new multipolar constellation, and when Arab countries will again be able, and willing, to act as a cohesive and unified group – instead of being divided along sectarian lines or ad hoc alliances. In the meantime, the only hope is in the Palestinian State’s ability to further build on its recognition by a large majority (more than two-thirds) of UN member states, and to create a “critical mass” of international treaties, legal instruments or organizations of which the State of Palestine is a party or member. The accession of Palestine to the Rome Statute of the International Criminal Court has been an important step in that direction. It remains to be seen, however, whether and when the Prosecutor of the ICC will go beyond the stage of a “preliminary examination” and indeed open an official “investigation” of the alleged international crimes. The killing of more than 130 Palestinians in Gaza, almost all unarmed civilians, in the course of the “March of Return” in connection with Nakba Day in May this year, cannot easily be ignored by the ICC or dismissed as not being of sufficient gravity to warrant prosecution by the Court (as was decided by the Prosecutor concerning the killing of 10 Turkish citizens on the Mavi Marmara ship in 2010).

It is to be hoped that the integration of Palestine, as a State, into the system of intergovernmental relations, will, over time, make it more difficult for the occupying power to continue, and get away with, its policy of *faits accomplis*. As long as this is not the case, peace in the wider Middle East will remain elusive and the neighboring regions, including Europe, will suffer profound destabilization – not to speak of the adverse implications for the United Nations system of collective security.

Madam Chairperson,

Allow me, before concluding, to briefly speak about a civil society initiative in the host country of this meeting. Earlier this year, a citizens’ initiative of around 1,000 personalities submitted a formal petition to the Austrian Parliament for the recognition of the State of Palestine by Austria. The petitioners ask the Parliament to take the necessary steps for the diplomatic recognition of Palestine at the earliest possible date, and to exert its influence vis-à-vis the government in that regard. They refer to the fact that 137 UN member states, including 9 European Union members, have already recognized Palestine as a state. The petitioners further emphasize that, in UN General Assembly resolution 181 of 1947, a two-state solution was envisaged as basis for just and lasting peace, and that sustainable peace can only be achieved if both parties – Israel and Palestine – are treated on an equal level.

Accordingly, the petitioners argue, Austria – which has recognized the State of Israel as early as 1956 – should now join the vast majority of UN member states and enter into full diplomatic relations with the State of Palestine. Such a step would also be in conformity with Austria’s self-chosen international status of *permanent neutrality*.

At this juncture of history – when Palestinian rights again risk to fall victim to global power politics, sectarian disputes and proxy wars in the wider Middle East – it seems appropriate to conclude with a tribute to two great statesmen of the 20<sup>th</sup> century, Chancellor Bruno Kreisky of Austria and Yasser Arafat, Chairman of the Palestine Liberation Organization, who understood that only a just solution to the Arab-Israeli conflict, with recognition of the right of self-determination of the Palestinian people, can bring lasting peace to the Middle East. It took a lot of courage for both to overcome the barriers of prejudice and remove previously insurmountable obstacles when they met in Vienna on that day in July 1979 [8 July 1979], joined by German Chancellor Willy Brandt, to lay out a road map for a comprehensive and lasting settlement. This was the beginning, here in Vienna, of what has often been described as the “Middle East Peace Process.” It is to be hoped that the spirit of compromise and reconciliation, embodied by these statesmen, combined with a firm commitment to peoples’ rights, will not be entirely lost in the present turmoil where force and intimidation seem to trump dialogue and justice.

Thank you, Madam Chairperson.

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