



International Day of Solidarity with the Palestinian People

*Solemn meeting held by the United Nations General Assembly,
Committee on the Exercise of the Inalienable Rights of the Palestinian People*

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Statement by

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on behalf of the network of non-governmental organizations on the question of Palestine

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Mr. Chairman,
Excellencies,
Ladies and Gentlemen!

2005 was supposed to be the year of the full implementation of the so-called “Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict.” The provisions for Phase III of the implementation stipulate, *inter alia*, that the parties reach a final and comprehensive status agreement that ends the Israeli-Palestinian conflict in 2005 (!), “through a settlement negotiated between the parties based on Security Council resolutions 242, 338, and 1397, that ends the occupation that began in 1967, and includes an agreed, just, fair, and realistic solution to the refugee issue, and a negotiated resolution on the status of Jerusalem ..., and fulfills the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side-by-side in peace and security.” Such was the ambitious plan as announced by the U.S. Department of State on 30 April 2003 on behalf of the so-called “Diplomatic Quartet.”

As of today, 29 November 2005, the vision could not be further away from reality – in spite of the recent Israeli withdrawal from the Gaza area. The risk that the celebrated document will be a map depicting a “road to nowhere” is still very real.

Since the spring of 2003, when the project was proclaimed in Washington, DC, the entire region of the Middle East has been thoroughly destabilized – a development that has resulted, among other causes, from unilateral military action that preceded the proclamation of the “Road Map.” It is obvious that the ensuing climate of instability and weakening of Arab governments has negatively impacted on the Palestinian struggle for national self-determination.

It is painful to admit before this august gathering that the United Nations Organization – through all the years since the occupation of Arab Jerusalem, the “West Bank” of the river Jordan and the “Gaza strip” in 1967 – has been virtually incapable of acting in defense of the Palestinian people, and in particular of its right to self-determination, because of the threat of a negative vote by at least one permanent member of the Security Council.

Let us recall, for the historical record, that earlier this year the General Assembly’s *Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories* has submitted its 37th (!) annual report. Through all those years, the members of the committee each and every time have been denied access to the occupied Palestinian and Arab territories. Up to the present

day, the occupying power has obstinately refused to co-operate with the international community represented by the United Nations. In its latest report, which was forwarded to the General Assembly on 26 September 2005, the Committee referred, *inter alia*, to an “alleged secret Israeli plan to dramatically change the character of the city of Jerusalem” and a “deliberate policy of curtailing the ability of Palestine to become a fully fledged nation State” (Par. 120). In a meeting earlier this year, the Committee further reiterated “that the continued creation of ‘facts on the ground’ by Israel contradicted the Road Map, which obligated Israel to dismantle settlement outposts and freeze all settlement activity ...” (UN DPI news release of 11 May 2005).

If one looks at these facts *sine ira et studio*, one has to admit that the success of the so-called “Diplomatic Quartet” (the United Nations, the European Union, the United States and the Russian Federation) has been very limited so far. It cannot be denied that this rather peculiar grouping of two permanent members of the Security Council plus two intergovernmental entities has been unable to bring about the implementation of the “Road Map” according to the three-phased plan. The group has been handicapped by its own *unanimity rule* which has given, as Israeli peace activist and former Knesset member Uri Avnery rightly observed, a *de facto* veto right to the occupying power in view of its being the closest regional ally of the most influential member of that grouping.

Since the proclamation of the document in 2003, the Israeli occupying power has continued to create “facts on the ground” which are tantamount to systematic obstruction of the Road Map’s implementation, including serious violations of provisions of the Fourth Geneva Convention of 1949. As in all the preceding years, Israel has, in 2005, continued building and expanding settlements on occupied land, and in particular around Jerusalem, the capital of a future Palestinian state.

The most serious violation of international law has been the construction of a so-called “separation wall” which is about to making the splitting up of Palestinian land, initiated by the illegal settlement policy, a *fait accompli*. If the Palestinians are denied a contiguous territory, a sovereign and viable Palestinian state will forever remain a dream. In the context of Israel’s settlement policy, the so-called “security fence” appears to serve purposes other than mere security requirements. Speakers at the debate of the General Assembly’s Fourth Committee have expressed their concern at a long-term strategy of the occupying power of “seriously undermining the territorial integrity and contiguity of the Palestinian territory” and “making

the vision of a two-State solution nearly impossible” (United Nations General Assembly, 7 November 2005, GA/SPD/333).

The Advisory Opinion issued by the International Court of Justice on 9 July 2004 has made it crystal-clear that the construction of the separation wall violates basic principles of international law. Israel’s defiance of the ICJ’s position and the subsequent resolution of the United Nations General Assembly of 2 August 2004 (ES-10/15) should be a matter of grave concern for the international community. In its Opinion on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” the International Court of Justice has minced no words; it stated that “Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall ..., including in and around East Jerusalem, to dismantle forthwith the structure therein situated ...” (Par. B) and “to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory ...” (Par. C).

In spite of this clear and unambiguous legal position, the international community has been largely inactive; the Security Council has taken no action whatsoever to stop this illegal building of a wall. The deplorable inaction has impacted negatively on the credibility of the Quartet which has done virtually nothing to oblige Israel to refrain from acting in a way that is incompatible with letter and spirit of the Road Map. So far, the Quartet’s only action, in that particular matter, has been a statement issued on 20 September 2005 in New York according to which the grouping notes “with concern the route of the Israeli separation barrier, particularly as it results in the confiscation of Palestinian land, cuts off the movement of people and goods, and undermines Palestinians’ trust in the Roadmap process as it appears to prejudice the final borders of a Palestinian state.”

I would like to recall – before this forum of the United Nations Organization, which we still consider the paramount intergovernmental institution committed to the international rule of law – that there exists a *legal obligation* of the High Contracting Parties to the *Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949* to ensure compliance by Israel as occupying power with international humanitarian law as embodied in that Convention. The construction of the separation wall is a clear-cut case of a grave breach of that Convention. In its Advisory Opinion of 9 July 2004, the International Court of Justice has explicitly confirmed the existence of such an obligation on the part of all States Parties to the Convention.

Another serious case of violation of international humanitarian law is Israel's continuation of a policy of what is euphemistically referred to as "extrajudicial killings," but in reality is tantamount to acts of state terrorism. Acts of assassination with the use of sophisticated technology by an occupying army are not part of regular warfare and can in no way be condoned. Such policies should be condemned unequivocally by all civilized people.

As a representative of non-governmental organizations I am, by definition, not bound by the dictates of realpolitik. I shall, for a moment, draw your attention to sad events that happened about a year ago. On 11 November 2004 the Chairman of the Palestine Liberation Organization and President of the Palestinian National Authority, Yasser Arafat, died under mysterious circumstances in a military hospital in France. The possibility of death by unnatural causes has not been ruled out; after having seen the French hospital's medical records, the late Yasser Arafat's nephew, Dr. Nasser Al-Kidwa, had spoken of the impossibility of reaching a clear diagnosis. (Cf. "Nephew Suspicious About Arafat's Death," Associated Press news release, Ramallah, 11 December 2004.) We, therefore, call for an *independent international investigation* of the causes of President Arafat's death to be mandated by the United Nations Organization. The world organization must not practice a policy of double standards when it comes to ordering mandatory criminal investigations in the context of international disputes; it is simply unacceptable if an investigation is being ordered in one case while no investigative action is taken in another, depending on considerations of political convenience in each and every case.

The knowledge of the truth – the full truth – in this matter, with all implications as to responsibility under criminal law, will be indispensable not only in the eyes of the people of Palestine, but of all those who are committed to justice as basis of durable peace. Yasser Arafat was a founding father of the Palestinian resistance movement and had become the symbol of the Palestinian struggle for self-determination. It is impossible to conduct diplomatic "business as usual" if the circumstances of his death are not established beyond a reasonable doubt. An impartial investigation would also be a sign of respect for the people of Palestine and its legitimate struggle for national self-determination. We fully support the call by the Palestine Liberation Organization and the Head of its Political Department for the setting up of an investigating commission by the United Nations Security Council.

Let me briefly draw your attention to recent developments: In view of the harsh facts of an inhuman occupation, characterized by systematic violations of international humanitarian law, the occupying power's unilateral withdrawal of military forces from the

Gaza area is highly questionable as regards the underlying long-term strategy. In the meantime, we know that the basis for the “unilateral” withdrawal was an agreement between Israel and the United States, something which puts into question the latter’s credibility as a member of the “Diplomatic Quartet.” (See the interview with the Israeli Prime Minister’s chief advisor, Dov Weisglass, published in *Der Spiegel*, 48/2005, 28 November 2005.) Is that withdrawal, irrespective of its genesis, to be considered an honest measure in preparation of a final settlement including the creation of a sovereign and viable Palestinian state? Or is it a tactical move to bolster the settlement policy in the West Bank and in and around Jerusalem in particular? The continuation of the construction of the separation wall, the building and enlargement of settlements, the confiscation of Palestinian land, destruction of homes, uprooting of olive trees, etc., point more into the direction of a strategy of diverting attention than of a commitment to comprehensive and lasting peace with the Palestinians. The reopening of the Rafah border post – under the watchful eyes of the Israeli army and with participation of European Union “inspectors” – resembles more arrangements for a *protectorate* than for a nascent sovereign Palestinian entity.

As explained by a leading Egyptian political scientist, Dr. Mohamed Sid-Ahmed, a new approach will be required by the Israeli occupying power and its allies if a lasting settlement is to be achieved: “Categorizing an entire people as terrorists and dismissing their legitimate aspirations for a homeland of their own as nothing more than a security threat might make Israel safer in the short term” but will not ensure security in the long term (*Al-Ahram Weekly*, 729, 2005). The mistake of the Sharm El-Sheikh Summit of 8 February 2005 – which was obvious in excluding the core issues of Jerusalem, the Palestinian right of return, the so-called “security fence” and the “Road Map” from the discussions – must not be repeated in future negotiations lest the Gaza withdrawal will have been nothing more than a smokescreen for a policy of preventing the emergence of a viable Palestinian state.

Apart from these regional shortcomings and obstacles to peace, there exists a more general predicament when one tries to make a realistic assessment of the prospects of a lasting settlement in Palestine: Due to the unipolar power constellation at the global level, a comprehensive settlement may be extremely difficult, if not elusive. At the beginning of the 21st century, it is the Palestinians who, like people in other crisis regions, are paying the price for the absence of a global balance of power.

Because of these structural facts of the global power constellation, the Quartet – like the United Nations Organization in its earlier mediation efforts – cannot act as a fair and

neutral mediator or facilitator of direct talks between the parties; it resembles more a protectorate agency leaning towards the occupying power: unlike Israel, the Arabs have no *de facto* veto over the Quartet's decisions. What does this mean? The only superpower – leading actor among the Quartet – is the closest ally of the occupying power in Palestine. (This has been evidenced, among other developments, in the United States' endorsement of Israel's unilateral withdrawal from the Gaza strip.) Any progress in the implementation of the "Road Map" depends on the former's goodwill. The predicament of the "Diplomatic Quartet" lies exactly in its unanimity rule because of which Israel enjoys a *de facto* veto privilege over the Quartet's policies. Obviously, this is not a healthy situation in terms of regional stability. Not only is the regional organization that is most directly concerned – the League of Arab States – a mere bystander; the organization from the neighboring region of the Middle East that is forming part of the Quartet, namely the European Union, still lacks a cohesive foreign policy and cannot yet be considered a major international player that would be able to counterbalance the United States' position as foremost protector of Israeli strategic interests. Because of the unanimity rule, even the grouping's enlargement into a "Quintet" – by including the League of Arab States – would not substantially alter the power equation that is so unfavorable to the Palestinians living under occupation.

The geopolitical implications of this impasse are being painfully felt in the context of the greater Middle East, particularly since the events of 2002/2003. The unresolved issue of Palestine, including Jerusalem, destabilizes the situation in the Arab and wider Muslim world and threatens to poison the relations between Islam and the West, irrespective of solemn political declarations to the contrary. It also negatively impacts on what is being called the "global war on terror" and on the United Nations' efforts at implementing its global "agenda for peace."

Ideally – i. e. in conformity with the Charter's provisions on international peace and security –, the United Nations should play the leading role in all efforts towards a comprehensive settlement of the Arab-Israeli conflict. However, the world organization will only be able to play a decisive role after major steps of *internal reform* will have been undertaken. Such measures would have to be based on the *democratization* of the world organization – including the abolishing of the veto rule in the Security Council – as guiding principle. Removing the threat of a negative vote from possible Chapter VII enforcement actions of the Security Council would be the only way to reinstate the United Nations into its legitimate role as guarantor of the rule of law in Palestine. It goes without saying that this condition will not be met in the foreseeable future.

Against this rather bleak outlook in the field of global power politics the role of international NGOs must be realistically assessed. Non-governmental organizations, in cooperation with local grass-roots movements, may help in creating public awareness particularly in those countries that exercise the strongest political influence in the concerned region. NGOs should further expand humanitarian and human rights initiatives in close coordination with Palestinian-Arab and Israeli volunteers and peace groups; in general, it is the noble duty of non-governmental groups to challenge the realpolitik of the international community – i. e. of states and intergovernmental organizations – that almost always means surrender to the dictates of power politics.

For those who are honestly reflecting on the solution of the Palestine problem, this may be a rather blunt assessment. But wishful thinking – i. e. the denial of (political) realities – has never changed the world nor has it improved the conditions of peoples living under the yoke of colonization or foreign occupation. In the interest of global peace – and in the interest of their own security – the member states of the United Nations, first and foremost those that exercise influence on the occupying power in Palestine, should not be content, to quote Arab-American journalist Ramzy Baroud, with a “peace process” that may “carry on marching with rhetoric, handshakes and broken promises.” (*Freedom Deferred: The Palestinian Quest to Break Away*, Arabic Media Network, 27 October 2005) There will be no peace in Palestine unless the illegal settlements are removed and the separation wall has been torn down. A strategy of creating *faits accomplis* is a recipe for disaster. The “Road Map to Peace” will be a “Road Map to Nowhere” unless its authors are firmly committed to preventing all unilateral acts by the occupying power that would prejudice the final status of a future State of Palestine.

Thank you, Mr. Chairman.
