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**Statement by H.E. Dr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority, Agenda Item 16: Question of Palestine, 63<sup>rd</sup> Session of the United Nations General Assembly, 24 November 2008: (Check Against Delivery)**

I thank you, Mr. President, and wish to reiterate Palestine's pleasure at seeing you preside over the General Assembly during this 63<sup>rd</sup> session. We reaffirm our confidence in your abilities and wisdom in guiding the Assembly's efforts to address the important and critical issues on its agenda.

Mr. President,

This morning we gathered in the Trusteeship Council of the United Nations to once again solemnly commemorate the International Day of Solidarity with the Palestinian People. Our people are filled with gratitude for the outpouring of solidarity, support and concern expressed to them on this day from all corners of the globe.

This day is traditionally observed on 29 November, the date in 1947 when the General Assembly adopted resolution 181 (II), which partitioned historic Palestine into two States - one Arab and one Jewish - and led to the tragedy and injustice that befell the Palestinian people with their uprooting, dispersion, dispossession and loss of their homeland in Al-Nakba of 1948. Observance of the day reassures the Palestinian people of the continuing international commitment, including by the United Nations, to uphold the permanent responsibility towards the question of Palestine until it is resolved in all its aspects in accordance with international law and U.N. resolutions. This commitment has helped fortify Palestinian perseverance over the many years of struggle against injustice, statelessness, oppression and occupation on the long road towards the realization of their inalienable human rights and national aspirations.

Yet, today, as the Palestinian people solemnly reflect on the passage of sixty years since Al-Nakba, they are also filled with grief at the immense suffering and losses endured, collectively and individually, tired and drained from the hardships withstood, and filled with longing for the rights and freedom they have so long been denied, including their rights to self-determination and return.

More than half of the Palestinian people, constituting more than three generations of families, continue to live in exile as refugees. They are dispersed throughout the Diaspora, with millions still languishing in refugee camps, denied the right to return to their homes to live at peace with their neighbors and suffering innumerable hardships; while the remainder of the Palestinian people, including refugees, continue to live under Israel's occupation in the Occupied Palestinian Territory, including East Jerusalem, subjugated to the constant violation of their human rights.

As they reflect on this reality, the Palestinian people are filled with sorrow and resentment at the injustices and endless humiliation and affronts to their dignity that they have for so long been forced to endure before the eyes of the world as they have continued to appeal for their rights. Moreover, they are deeply disappointed by the many promises repeatedly made, yet unfulfilled, to

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uphold the law and the resolutions of international legitimacy to justly resolve the question of Palestine and finally bring peace and stability to our region.

Yet, Mr. President, the Palestinian people, do remain hopeful, reassured by the justness of their cause and the international support that has helped to sustain their steadfastness over the decades. The political, socio-economic, humanitarian and moral support and assistance extended to them from around the world has helped to ease their hardships and to strengthen their resolve to bring an end to the occupation, realize their rights, and attain a just and lasting peace.

Indeed, despite waves of crisis, upheaval and displacement, the Palestinian people have never given up on their legitimate national aspirations. Under the leadership of their sole, legitimate representative, the Palestine Liberation Organization, they have remained determined to achieve justice and to live in peace and security in their homeland, side by side with their neighbors. As embodied in the 1988 Palestinian Declaration of Independence and as pledged to in the Middle East peace process since 1991, they are committed to the two-State solution as the means for peacefully establishing their independent State of Palestine, with East Jerusalem as its capital, in the Palestinian Territory under Israeli occupation since 1967.

As such, the Palestinian leadership remains committed to the Madrid terms of reference, including Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace; has strived to fulfill its Quartet Road Map obligations; has fully endorsed and is committed to the Arab Peace Initiative; and has exerted all efforts to follow up the Annapolis joint understandings. Moreover, the Palestinian people and their leadership remain firm in their conviction that, when it comes to the question of Palestine, the international community will also ultimately fulfill its responsibilities by upholding international law and the U.N. Charter and promoting the achievement of a peaceful settlement, bringing our people their long-awaited freedom and allowing them to take their rightful place among the nations of the world, including here in this General Assembly.

Mr. President,

We thus return to the Assembly to renew our appeals to the international community to continue and intensify efforts in support of the peace process towards the achievement of a peaceful settlement of the question of Palestine in all its aspects, including a just solution for the plight of the Palestine refugees on the basis of resolution 194 (III).

In our world today, there remains no doubt that the question of Palestine is the core of the Arab-Israeli conflict, and that rectification of the injustice imposed on the Palestinian people is fundamental for allowing peace and stability to finally flourish in the Middle East, the positive reverberations of which will surely extend beyond our region. This has been repeatedly expressed over the years in the many debates regarding Palestine, but it has also emerged as a central theme in debates on other relevant issues of our time, including the recent high-level meeting on dialogue of religions and cultures. During that meeting, one country after another referred to the pressing need to resolve the Palestine question for it is at the center of widely-held perceptions regarding the lack of justice, equality and respect for human rights in our world and the tensions and sensitivities among religions and between the East and West.

Indeed, a just resolution of the question of Palestine and the closing of this tragic era will allow the people of the world to truly believe that the wrongs of history can be righted and that dialogue and peaceful negotiations are the ways to resolve conflict and not military force and

aggression. This will in turn permit us to turn our attention and energies away from conflict and self-preservation and instead towards the pursuit of coexistence and the development of our societies. Moreover, the hope and political, social and economic stability and security that this will engender will allow us to exert all necessary efforts to lift our people from the suffering of armed strife, poverty, and hunger and to harness their true potential for the benefit of our nations and for the benefit of our international community as a whole towards a more harmonious and prosperous future.

Mr. President,

Regrettably, we have not made significant strides towards the realization of these goals since we last met in this Assembly to consider the question of Palestine. An honest assessment of the current situation reveals little progress in the peace process since its resumption a year ago and reveals the continued deterioration of the situation on the ground in the Occupied Palestinian Territory, including East Jerusalem, as a result of ongoing illegal Israeli policies and practices.

Even under the aegis of a peace process, Israel, the occupying Power, has continued to commit countless violations of international law, including humanitarian and human rights law, many amounting to war crimes. With impunity, it continues killing, injuring, imprisoning, displacing and collectively punishing Palestinian civilians; destroying their homes, properties, infrastructure and lands; and inflicting on them immense losses and humanitarian suffering. Simultaneously, it continues its unlawful colonization campaign, particularly through its construction and expansion of settlements and the Wall in the Occupied Palestinian Territory, including East Jerusalem, all aimed at creating facts on the ground to alter the Territory's character, status and demographic composition, entrench its presence on the land and advance its expansionist agenda.

For decades, Israel has relentlessly pursued this two-pronged policy: the subjugation and oppression of the Palestinian people and the confiscation and colonization of their land. As time and the evolution of the situation on the ground has shown us, Israel's deliberate intent in this regard has been to consolidate its control over the Palestinian Territory it occupied in 1967 in order to forcibly acquire and *de facto* annex as much of that land as possible. Israeli pursuit of this policy has involved a vast web of illegal practices and crimes, violating all human rights standards, causing extensive hardships for the Palestinian people, including socio-economic devastation, fragmenting the unity, contiguity and integrity of the Occupied Palestinian Territory, fueling the cycles of violence and instability, and undermining all peace efforts.

Mr. President,

Over the past year, the Israeli occupying forces continued to use excessive and indiscriminate military force against Palestinian civilians and civilian areas and objects in grave breach of the 4<sup>th</sup> Geneva Convention, causing loss of innocent lives, including of children and women, thousands of injuries and psychological trauma among the population as well as the destruction of more properties, homes, agricultural fields and infrastructure. Death, injury and property destruction also continued to be caused by armed, extremist Israeli settlers illegally transferred to the Occupied Palestinian Territory, who continue to perpetrate acts of violence, harassment, incitement, provocation and terror against Palestinian civilians. The situation is especially severe in Al-Khalil (Hebron) and is worsening with the intensification of settler attacks and the continued failure of the occupying Power to halt their lawlessness and hold them accountable for their crimes.

In addition, Israel, the occupying Power, continues to arbitrarily detain and imprison approximately 11,000 Palestinian civilians, including children and women. Despite release of some prisoners in recent months, continuing Israeli raids and arrests have kept the number of prisoners at a high level. Moreover, Palestinian prisoners and detainees continue to be subject to physical and mental ill-treatment, abuse, solitary confinement and torture, are denied family visits, adequate medical care and food, and are held in totally unhygienic, inhumane conditions.

In collective punishment of the Palestinian people, Israel also continues to impose restrictions on the movement of persons and goods within and into and out of the Occupied Palestinian Territory, including East Jerusalem, which has been virtually cut off from the rest of the Territory. Palestinian rights and access to schools, hospitals, work, farmlands, food supply, holy places, humanitarian assistance and to each other is being severely obstructed by complete closures in the Gaza Strip and by a labyrinth of more than 630 checkpoints and roadblocks in the West Bank, in addition to the settlements, Wall, bypass roads, permit regime and the imposition of residency restrictions on Jerusalem residents in particular. The impact on the Palestinian economy and societal fabric has been disastrous.

In this regard, Israel's continues its siege of the Gaza Strip, which has transformed the area into an open-air prison and is a most inhumane form of collective punishment tantamount to a war crime. This deplorable situation continues despite the ceasefire brokered by Egypt in June aimed at breaking the cycle of violence and breaking the blockade. The sealing of border crossings and restrictions on movement of persons and goods, including humanitarian personnel and the import of food, medicine and other essential supplies; the complete prohibition of exports; and the fuel and electricity cuts continue to cause socio-economic deprivation in Gaza, deepening the dire humanitarian crisis. Every sector of life has been disrupted and poverty, hunger, disease, and unemployment continue to rise, with 80% of civilians in Gaza now living below the poverty line and dependent on food aid for survival, over 50% of the workforce unemployed, and over 90% of industry and business now closed.

Mr. President,

At the same time, Israel continues its massive colonization campaign in the Occupied Palestinian Territory in grave breach of the 4<sup>th</sup> Geneva Convention and Additional Protocol I, in violation of U.N. resolutions, in total disrespect for the 9 July 2004 Advisory Opinion of the International Court of Justice and in disrespect of its peace process commitments.

This campaign has involved the continued illegal confiscation of Palestinian land, construction and expansion of settlements and settlement "outposts", the transfer of hundreds of thousands of Israeli settlers, the construction of the Wall, the establishment of a bypass road system prohibited to Palestinians and intended to connect the settlements to each other and to Israel, and numerous other illegal measures. Settlement activity has been especially intense in and around Occupied East Jerusalem, where Israel continues pursuing measures, including expansion of settlements and transfer of settlers, demolition of Palestinian homes, residency restrictions, and excavations aimed at altering the City's demographic composition and character, forcing the "quiet transfer" of Palestinians and ensuring a Jewish majority in the City.

Combined, the settlements, the Wall, the bypass roads, the checkpoints and other Israeli military installations, are occupying huge swaths of Palestinian land, including areas with water and natural resources being daily exploited, totaling approximately 50% of the West Bank's land area.

Moreover, this vast colonial network is separating Palestinian communities, including in East Jerusalem, from each other, with many transformed into walled cantons and some being destroyed in their entirety, and is causing the displacement of thousands of civilians.

In addition to the immediate humanitarian consequences for the Palestinian people, the continuation of Israel's unlawful colonization campaign seriously threatens future prospects for peace. This campaign is altering the demographic composition, character and status of the Occupied Palestinian Territory and destroying its contiguity, integrity and unity, and it constitutes the core obstruction to the efforts to politically and physically achieve the two-State solution of Palestine and Israel, living side by side in peace and security on the basis of the pre-1967 borders, in accordance with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the Arab Peace Initiative and the Road Map.

All of Israel's illegal actions must be firmly rejected and condemned. A complete cessation of all Israeli settlement activities and human rights violations is required both for stemming the human suffering caused by this occupation and for creating a more stable environment conducive for peacemaking. It is the collective duty of the international community, including the Security Council, to uphold the law and implement the relevant U.N. resolutions and to act concertedly to compel Israel to abide by its legal obligations and to truly pursue peace towards achievement of the two-State solution and an end to the Israeli-Palestinian conflict and to the entire Arab-Israeli conflict.

Mr. President,

Continuation of the current situation is untenable and unacceptable, and there can never be peace or security in the Middle East as long as the question of Palestine remains unresolved. Moreover, peace can never be realized as long as Israel remains defiant of the law and remains an unwilling or absent partner in the peace process, continuously trying to impose an unlawful, unilateral military solution. Only a just settlement, including a just solution for the refugee problem, can bring an end to this conflict and bring the peace, stability and security we are all searching for and to which all peoples are entitled.

The Palestinian people and their leadership remain committed to the peace process on the basis of the clear principles of international law and the U.N. resolutions that constitute its terms of reference. We urge all concerned parties, including the Quartet, to seize the historic opportunities created by the Arab Peace Initiative and the Annapolis Conference and to exert all necessary efforts to assist the parties to advance their negotiations towards achieving an end to Israel's occupation of the Palestinian Territory, including East Jerusalem, and all other Arab territories since 1967, the realization by the Palestinian people of their inalienable rights, including their right to self-determination in their independent State of Palestine, and a just, lasting and comprehensive peace.

Indeed, at this critical time, it is incumbent upon the international community to redouble its efforts to uphold its legal, political and moral responsibilities to promote a peaceful settlement of the Israeli-Palestinian conflict. After sixty long years, during which both peoples have lived in conflict, no effort should be spared to bring an end to this tragedy and the suffering and loss on both sides.

In this regard, our belief in the purposes and principles of the U.N. and in international law is firm, and we will continue to seek international support to achieve a just and lasting peace settlement, with the hope that one day soon we shall gather here to celebrate the inclusion of the free and independent Palestine among the family of nations.