



THE PERMANENT MISSION OF
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TO THE UNITED NATIONS

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**STATEMENT
BY**

**MINISTER COUNSELLOR S. MAQUNGO
PERMANENT MISSION OF SOUTH AFRICA
TO THE UNITED NATIONS**

**TO THE SPECIAL POLITICAL AND
DECOLONISATION COMMITTEE
(4TH COMMITTEE)**

**ON AGENDA ITEM 32:
REPORT OF THE SPECIAL COMMITTEE
TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLES AND OTHER
ARABS OF THE OCCUPIED TERRITORIES**

**NEW YORK
06 NOVEMBER 2006**

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(NEW YORK, 06 NOVEMBER 2006)

Mr Chairman,

I thank you once again for providing my delegation with an opportunity to address this Committee. We are pleased with the progress that the Committee has made in its deliberations and congratulate you on the milestones that have been achieved thus far under your wise stewardship.

My delegation aligns itself with the outcome of the Ministerial Meeting of the Non Aligned Movement (NAM) Committee on Palestine, held on 28 May 2006, and its call for the revival of the peace process towards the achievement of a comprehensive, just and lasting peace settlement and the exercise by the Palestinian people of their inalienable right to self-determination in their independent and sovereign State of Palestine.

We also welcome the report of the Special Committee established pursuant to General Assembly resolution 2443. We congratulate the Special Committee for compiling a comprehensive and balanced report on Israeli practises affecting the human rights of the Palestinian people and other Arabs of the occupied territories. However, we have to register our serious concerns regarding the continued lack of cooperation on the part of the government of Israel with the Special Committee, as well as with the Secretary-General's 'Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967', Professor John Dugard. Israel is denying itself a valuable opportunity to engage in a meaningful manner with the international community on this question. And, by defying the United Nations and the international community in this way, Israel is undermining confidence in its commitment to a peaceful

resolution of the Israeli-Palestinian crisis, which remains the root cause of instability and violence throughout the Middle East region.

The Special Committee reported that the "pattern already noted in previous reports has continued", which is of concern as this means that there has not been any discernable improvement in the human rights situation of the Palestinian people and other Arabs in the occupied territories. To the contrary, the situation has worsened over the reporting period.

Mr Chairman,

The human rights situation in the occupied territories cannot be addressed in isolation. The use of air strikes by Israel in heavily populated areas, extra-judicial killings and illegal detentions are contrary to international humanitarian law. The only lesson that we have been able to learn from this over the past decades is that these actions merely give rise to more violence. At the same time, the firing of Qassam rockets on Israel by Palestinian militants should also stop.

We are also deeply troubled by Israel's decision to arrest members of the Palestinian Legislative Council, some of whom remain in prison today. We call for their immediate and unconditional release. In addition, the abduction of the Corporal Gilad Shalit by Palestinian militants serves no purpose other than to heighten tensions and we encourage the Palestinian Authority to continue with its efforts to secure his release.

In line with the recommendations of the Special Committee and as one of the High Contracting Parties (HCP) to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, my delegation urges Israel, as an occupying power, to comply with its obligations under international law and recognise the applicability of this Convention to the Occupied Palestinian Territory as well as other Arab territories that it has occupied since 1967. My delegation continues to be actively engaged in a process of consultation with other member states to examine methods of implementing the Convention in the Occupied Palestinian Territory.

Mr Chairman,

The financial crisis that the Palestinian Authority is experiencing contributes to instability in the occupied territory. Israel continues to withhold over half billion dollars of Palestinian tax and customs revenues. It is the biggest single cause of the Palestinian financial crisis and has caused untold hardship and misery among ordinary Palestinians, 900 000 of whom are dependent on the Palestinian Authority for a livelihood. This form of collective punishment is a contributing factor to the recent violent incidents that have occurred among Palestinians in the occupied territory. Ways and means have to be found to capacitate the Palestinian Authority in order for it to deliver essential services to its people and improve social conditions on the ground.

The economic embargo of the democratically elected Palestinian government by some countries has to end immediately so that essential services may be resumed to the Palestinian people. This form of collective punishment is a contributing factor to the recent violent incidents that have occurred among Palestinians in the Occupied Territory.

The temporary international mechanism that was initiated under the auspices of the European Union (EU) is encouraging as it will alleviate some of the suffering, but it is of a temporary nature. The international community has an obligation to act more decisively in creating the framework for the current situation to be resolved and for the Palestinian Authority to receive funds from abroad.

President Abbas has made significant attempts over the past months to form a unity government and we urge him, together with the leaders of Hamas, to continue with their efforts in this regard. Failure will only result in further hardship and suffering by ordinary Palestinians.

Mr Chairman,

My delegation reiterates its position that no party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiation.

One such instance is the construction of the Separation Wall which is contrary to international law as confirmed by the General Assembly as well as the Advisory Opinion of the International Court of Justice of 9 July 2004. We urge the government of Israel to dismantle it since the state of Israel cannot be secured through isolation.

The other issue of concern is the settlements. The government of Israel has to dismantle settlements and desist from plans at further expansion in the Occupied Palestinian Territory.

The checkpoints that are operated by Israel continue to be a source of tension and disgruntlement as the Palestinian people continue to be subjected to degrading treatment. It is also a major stumbling block to economic growth. Israel has a right to protect its citizens from terrorist attacks but there cannot be any justification for the sometimes inhumane treatment that ordinary Palestinians are subjected to by Israeli security personnel at these checkpoints. It is, therefore, imperative that the Agreement on Movement and Access concluded on 15 November 2005 should be observed and implemented without delay.

Despite the polarisation and setbacks that have characterised the Palestinian - Israeli conflict over the past few months, we are convinced that both the peoples of Palestine and Israel have a genuine desire for peace.

The security of the state of Israel is interwoven with that of its neighbours. It will never be secure while relations with its neighbours continue to be characterised by hatred and violence and we call on the government of Israel to withdraw to the pre-June 1967 borders. Lasting peace and security can only be achieved through the full integration of the state of Israel into the community of nations of the Middle East.

Mr Chairman,

It is imperative that direct negotiations between Prime Minister Olmert and President Abbas should take place without delay and any settlement must be mutually agreed upon by the parties within the framework of the Quartet Road Map.

In conclusion, Mr Chairman, we wish to reiterate our unwavering support to the Palestinian people in their struggle for the establishment of an independent State of Palestine, with East Jerusalem as its capital, living side-by-side with Israel with both States enjoying secure and internationally recognised borders. This vision of a two State solution, as enshrined in Security Council resolution 1397 (2002), and the principle of land for peace must therefore underpin any permanent settlement of the Middle East conflict.

I thank you.