



INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE

Solemn meeting held by the UN General Assembly's Committee on the Exercise of the Inalienable Rights of the Palestinian People at the United Nations Office in Vienna (according to General Assembly resolution 32/40)

Vienna, 29 November 2002

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Two long and tragic years have passed since the beginning of the Al-Aqsa Intifada on 28 September 2000, the date on which Ariel Sharon visited Al-Haram Al-Sharif in occupied Jerusalem. Since that date, the operations of the Israeli occupying forces have resulted in the death of over 1,800 Palestinians, among them children, sick and elderly. The Israeli occupation army applied, to a large extent, the method of targeted assassinations and extrajudicial killings, which are not only illegal but constitute a form of state terrorism that must not be condoned by the international community in any way.

What the world has witnessed especially since the beginning of the second Intifada – but what actually has begun decades ago when the illegal occupation of Palestine started – is a never ending cycle of violence and counter-violence. In spite of numerous resolutions adopted by the United Nations – General Assembly as well as Security Council – in support of the inalienable rights of the Palestinian people and for the end of Israeli occupation, the international community has stood by – more or less passively –, watching the confrontation unfold. Nothing has been done to stop – lest prevent – the repeated campaigns of reoccupation of Palestinian cities or to protect innocent Palestinian civilians from attacks by the Israeli army. The killings, demolitions of houses, the wanton destruction of agricultural land and of basic infrastructure in the occupied Palestinian territories went on unpunished and go on up to the present moment.

One of the tactics of the occupying power has been to depict the Palestinian resistance against foreign occupation as a form of terrorism and to defame the Chairman of the Palestine Liberation Organization as a terrorist leader. However, the deliberate obfuscation of the distinction between acts of terrorism and acts of national resistance has not achieved the intended goal; it has not convinced those in the international community – states and non-state actors alike – who are committed to the realization of the Palestinian people’s right to self-determination. It is a truism to say that terrorist violence, i.e. violence against innocent civilians, is unjustifiable – whatever the goals may be. But it is also true that the phenomenon of terrorist violence – on whichever side it may occur – will only disappear when the root causes of violence are eradicated. In the case of Palestine, the basic injustice is the ongoing illegal occupation by a foreign army and the humiliation of an entire people, and particularly the denial of basic human and civil rights resulting from the yoke of occupation.

In spite of the so-called “Oslo Peace Agreements,” the number of Jewish settlements has increased dramatically since the signing of the first accord in 1993; the systematic denial of Palestinian rights has in no way been reversed by what used to be called as the “peace process.” We can only repeat what we stated before this august gathering shortly after the beginning of the Al-Aqsa Intifada – in November 2000 –: namely that all Jewish settlements on occupied Palestinian land, without exception, have to be dismantled and a complete withdrawal of Israeli forces from all Palestinian land (including occupied Jerusalem) must occur if a lasting settlement of the Israeli-Palestinian dispute is to be achieved.

In the course of the repeated incursions and of the reoccupation of Palestinian cities by the Israeli army, the basic provisions of the *Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949* have been breached repeatedly and in many ways. Among the methods used by the Israeli army, in the course of the ongoing violence, were:

- indiscriminate killing of civilians;
- burying people alive in their homes;
- executions of Palestinian prisoners;
- killing civilians staying inside their houses or who left their house to bring people to hospitals or to look for food or to extinguish fires, etc.;
- deliberate attacks on ambulance cars;
- prevention of medical aid to the wounded so that they were bleeding to death;
- prevention of emergency medical aid to sick people in the sealed-off areas, which has led to the death of many civilians;
- preventing any kind of emergency humanitarian assistance;
- inhumane treatment and/or torture of prisoners;
- disrespect for and attacks on holy sites such as the Church of Nativity in Bethlehem;

- deliberate destruction of the civilian infrastructure (including water and sewage systems);
- wanton destruction of civilian houses;
- systematic destruction of the infrastructure of the Palestinian National Authority.

All these grave violations of international humanitarian law constitute war crimes according to the Geneva Conventions and to the Rome Statute of the International Criminal Court (ICC). As long as the ICC cannot exercise jurisdiction in this area, these violations have to be investigated by an independent international commission of inquiry under the auspices of the United Nations. The recent tragic killing by the Israeli army of an aid worker of the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) at the Jenin refugee camp underlines the urgent need not only for an independent investigation of Israeli practices, but for decisive collective action against the Israeli army's continued violations of international humanitarian law.

All the above mentioned facts and practices have repeatedly been denounced by the United Nations. Several decades ago, the Security Council – in resolutions 242 (1967) and 338 (1973) – had called for the withdrawal of Israeli troops from occupied Palestine. In a resolution adopted on 22 November 1974, the General Assembly affirmed the inalienable rights of the Palestinian people including the right of self-determination without external interference and the right to national independence and sovereignty. The General Assembly has affirmed these rights repeatedly.

In real terms, however, the United Nations Organization was never in a position to enforce its resolutions on Palestine. The respective Security Council resolutions were not based on Chapter VII (which alone could have provided for compulsory measures to restore or preserve international peace and security), a fact which is explained by the lack of unanimity among its permanent members when it comes to measures aimed at stopping or ending Israeli occupation. Regrettably, the United Nations Organization was not even able to undertake an independent inquiry of the atrocities committed in the Jenin refugee camp earlier this year. In resolution 1405 (2002), adopted on 19 April 2002, the United Nations Security Council “welcomed” the initiative of the Secretary-General to develop accurate information regarding events in the Jenin refugee camp through a fact-finding team and “requested” him to “keep the Security Council informed.” However, because the resolution was not based on Chapter VII, the occupying power did not feel compelled to allow such an independent investigation under the auspices of the United Nations. The commission of inquiry – which was already designated and held in a “waiting position” by the Secretary-General of the

United Nations – was never dispatched. The mission was aborted before it had even started. This dismal failure of the United Nations Organization – even in the field of mere investigation – has demonstrated the colossal problem faced by the international community in dealing with the situation in Palestine. As long as there is no unanimity among the permanent members in the Security Council on coercive measures based on Chapter VII, the world organization will be condemned to practice a *policy of double standards* vis-à-vis the nations in the region – which will seriously undermine its credibility and the very legitimacy of its resolutions.

At this solemn gathering requested by a resolution of the General Assembly, it may be appropriate to refer to a possible course of action by which the United Nations Organization could avoid its further marginalization in one of the crucial issues of international peace and security. In terms of United Nations procedures, there exists – since the Korea crisis of 1950 – a precedent which would allow an extraordinary measure to be taken by the United Nations General Assembly. At the initiative of concerned regional and international organizations such as the League of Arab States or the Organization of the Islamic Conference, the General Assembly of the United Nations could act on the basis of the provisions of the "*Uniting for Peace Resolution*" and convene in an emergency session in order to deal with the deteriorating humanitarian and security situation in occupied Palestine. The Uniting for Peace Resolution – General Assembly resolution 377A (V) of 3 November 1950 – provides a space for independent action by the General Assembly in situations of a serious international crisis triggered by the inability of the Security Council to act under Chapter VII of the Charter. The resolution states that – if the Security Council, "because of the lack of unanimity of the permanent members," fails to exercise its primary responsibility, namely "to maintain or restore international peace and security" – "*the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures ... to maintain or restore international peace and security.*" According to this resolution, the General Assembly may convene within twenty-four hours when a request for an emergency session by any nine members of the Security Council or by the simple majority of the members of the General Assembly has been made.

Such an extraordinary measure as outlined in resolution 377A (V) could be realistically undertaken if there exists a collective political will and adequate co-ordination among the member states of the Arab League and the Islamic Conference. In the absence of any legal remedies in regard to the grave violations of international humanitarian law in Palestine at the present, such an initiative could have a considerable political impact

worldwide and would undoubtedly have a mobilizing effect for the implementation of urgent humanitarian measures by regional and international organizations.

What is most urgently needed at the present moment is the immediate dispatch of a *United Nations Protection Force* to the occupied Palestinian territories. The situation in Palestine constitutes a serious threat to international peace and security according to Article 39 of the United Nations Charter.

In connection with the increasing tensions in the Gulf region and the renewed threats of war against Iraq, the developments during recent months have revealed large-scale plans for the expulsion of Palestinians from the West Bank. Many Palestinians in the occupied territories and concerned citizens in Israel have expressed great anxiety that the Israeli army may undertake such moves, euphemistically declared as population “transfer,” in the case of war in the Gulf. The Palestinians are seriously concerned about the eventual dispossession of their communities and, in this regard, make reference to al-naqba [the catastrophe] of 1948. The fears of ethnic cleansing are fed by the public statements of Israeli politicians and religious leaders, many of them close to the present government in Israel, in favour of such a “transfer.” The argument often heard, in that regard, is that such deportations would enhance national security and solve the “demographic problem.” This form of “ethnic cleansing” is not new, however. In the course of the 1948 and 1967 wars, large-scale expulsions of Palestinians occurred. In connection with the increase of tensions and the renewed threat of war in the Middle East, we strongly condemn these inhuman plans. To exile people from their native land is not only morally outrageous, it also constitutes a grave breach of Article 147 of the Fourth Geneva Convention referred to earlier.

On behalf of the international non-governmental organizations we unequivocally condemn such plans and practices and demand that the international community not stand idly by another time when plans are unfolding to liquidate the Palestinian people’s right to self-determination and to redraw the entire map of the Middle East.

In this highly volatile and dangerous situation, a lot will depend on the courage of the Secretary-General of the United Nations and – because of the Security Council’s inability to act under Chapter VII (due to the veto rule of Article 27 of the Charter) – on member states represented in the General Assembly of the United Nations.

If – in spite of the dramatic escalation of the situation in occupied Palestine and in spite of the threat of war in the entire Middle East – the concerned states in the region and the international community at large continue to merely observe the situation – instead of insisting on the implementation of the basic provisions of international humanitarian law and

of acting according to their collective responsibility for international peace and security –, the chain of events triggered by the recent escalation in Palestine – in connection with the developments in the Gulf region – may well trigger a wider conflict that cannot be contained to the region and that may threaten peace and security on a global scale.

On behalf of the non-governmental community, I solemnly appeal to the President of the General Assembly and to the Secretary General of the United Nations to exercise their responsibility under the United Nations Charter and to use all procedural means at their disposal as well as the moral authority afforded to them by their high international office so as to support urgent measures aimed at bringing about an end to human rights violations in Palestine, at dismantling all settlements in the occupied territories, at the immediate withdrawal of Israeli troops from the occupied territories, and at establishing the sovereign State of Palestine in conformity with previous United Nations resolutions and on the basis of the inalienable right of self-determination.

In all fairness, it must be said in this forum that the handling of the Palestinian question will be first and foremost the litmus test regional organizations such as the League of Arab States cannot evade forever. But the adoption of decisive measures in Palestine will also be a defining moment for the United Nations, demonstrating its raison d'être in the post-Cold War international system – lest its responsibility for global order and for the international rule of law will be unilaterally arrogated by the most powerful actors on the international scene. The United Nations must not suffer the fate of the League of Nations! The credibility of the world organization as such, and its very future as universal organization representing the aspirations of the peoples of the world, are at stake in its dealing with the issue of Palestine.
