

**International Progress Organization**



**Organisation Internationale pour le Progrès**

Special meeting in observance of the  
**International Day of Solidarity with the Palestinian People**

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Statement by

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on behalf of the International Coordinating Committee for NGOs on the Question of Palestine

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Madam Chairperson,  
Mr. Director-General of the UN Office at Vienna,  
Excellencies,  
Ladies and Gentlemen!

Sixty years after the establishment of only one state on the territory of Palestine – an event which is remembered as Al-Naqba (“the catastrophe”) by all Arabs –, a just solution of the Arab-Israeli conflict appears to be as elusive as it has ever been since the proclamation of a sequence of “peace processes” over the last few decades. To put it in the words of desperate irony used in a recent statement of the Israeli NGO Gush Shalom: *Many years of “process” but still no peace ...*

Let us recall before this august gathering that, as a result of the creation of the state of Israel in 1948, a huge number of the local population (Muslim as well as Christian) have been displaced and forced to leave their ancestral land. According to Israeli historian Ilan Pappé, Israel’s so-called “War of Independence” caused one of the largest forced migrations in modern history. At that time, approximately 800,000 Palestinian Arabs were expelled from their homes at gunpoint, civilians were massacred and hundreds of Palestinian villages were destroyed. Had these events happened today, they would undoubtedly be described as “ethnic cleansing.”

The “international community” cannot hide the fact that a large percentage of Palestinians are still living the miserable life of refugees and that all are denied their inalienable right to self-determination, including the right to establish a truly sovereign state – and not a mere protectorate in which they are kept in a state of total dependence.

In this year 2008 we also commemorate two sixtieth anniversaries of another kind, namely two proclamations of rights by the UN General Assembly – rights which have been denied to the people of Palestine ever since the adoption of these resolutions. On 10 December 1948, the *Universal Declaration of Human Rights* was solemnly promulgated and, one day later, on the 11<sup>th</sup> of December, the General Assembly affirmed the Palestinians’ right to return. Because of the significance for today’s event, let me briefly quote from of Art. 11 of resolution 194 (III): The General Assembly “*resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so **at the earliest practicable date** (emphasis H.K.), and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under the principles of international law or in equity, should be made good by the Governments or

authorities responsible ...” This is a sad anniversary indeed, since, sixty years after their proclamation, virtually nothing has been done to restore those rights to the dispossessed Palestinians.

It is to be recalled, in this context, that the Arab Peace Initiative of 2002 has also called upon Israel to “affirm” its commitment to “a just solution to the Palestinian refugee problem to be agreed upon in accordance with United Nations General Assembly Resolution 194.” (Resolution adopted by the Summit of the League of Arab States at its 14<sup>th</sup> Ordinary Session in Beirut, 28 March 2002)

Due to the General Assembly’s famous resolution of 29 November 1947 on a “Future Government in Palestine,” endorsing the “plan of partition” that provided for the simultaneous establishment of two states in Palestine, namely, in the wording of the resolution, “independent Arab and Jewish states” and a “special international regime for the City of Jerusalem” (Res. 181 [III], Chapter B, Plan of Partition with Economic Union, Part I/B), the United Nations Organization has not only a historical and moral, but a specific legal obligation to undo the gross injustice inflicted upon the people of Palestine. This duty goes far beyond the humanitarian scope of *ad hoc* activities such as those of the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA), laudable as they undoubtedly are.

For that reason, it was more than appropriate (and the least that could be done) that, in resolution 32/40 of 2 December 1977, the General Assembly, “deeply concerned that no just solution to the problem of Palestine has been achieved,” has decided to establish a Special Unit on Palestinian Rights and entrusted it with the annual observance of the International Day of Solidarity with the Palestinian People. In the same resolution, the Assembly again confirmed the Palestinian people’s “right of return and the right to national independence and sovereignty in Palestine.” I think that all will agree that, in the spirit of this resolution, the observance should be more than an annual ritual. Far from diplomatic routine, on this solemn – and somber – occasion, the *State of the Question of Palestine* should be assessed and concrete steps should be proposed in order to mobilize public opinion at a worldwide level. International civil society, represented by the NGOs that are committed to the rights of the Palestinian people, will have an important role to play in this effort.

Almost exactly one year ago, on 27 November 2007 in Annapolis, Maryland, the leaders of Palestine and Israel convened under the auspices of the US President and solemnly declared their “determination to bring an end to bloodshed, suffering and conflict between our peoples,” committing themselves to “make every effort to conclude an agreement before the

end of 2008.” (*Joint Understanding Read by President Bush at Annapolis Conference*, The White House, Office of the Press Secretary, 27 November 2007) As we know by now, this deadline will be missed like so many others before. Another sad example of failed efforts and missed targets is the so-called “Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict” agreed upon on 30 April 2003 between the two parties under the auspices of the “Middle East Quartet” (the United States, European Union, United Nations, and Russia). This ambitious plan, announced again in the United States, envisaged “a final and comprehensive settlement of the Israel-Palestinian conflict by 2005 [sic!].” More specifically, Phase III of the Road Map’s “peace process” was expected to be a “Permanent Status Agreement and End of the Israeli Palestinian Conflict – 2004 – 2005.” (*Press Statement*, Office of the Spokesman, U.S. Department of State, Washington, DC, 30 April 2003) In fact, all the deadlines for the specific targets of this plan (concerning the issues of borders, Jerusalem, refugees, Jewish settlements, etc.) have been missed. They were proven to be more the result of wishful thinking than of strategic planning, something which would have required to pay attention to the concrete conditions of implementation of these goals. Frankly speaking, the political situation appears even more complicated today than at the time when the Road Map was solemnly declared more than five years ago.

All these declarations, whether that of Annapolis or the earlier one on the Road Map, not to speak of the Oslo Accords of 1993 (*Declaration of Principles on Interim Self-Government Arrangements*, 20 August 1993) and several others, sound hollow in the light of the **developments on the ground**. The fundamental predicament of the Palestinian people has in no way been addressed and the general situation, including the conditions of daily life, has even further deteriorated.

Two years ago, we have criticized from this rostrum the economic siege, indeed a brutal form of collective punishment, which had been imposed on the people of Palestine. Today, in November 2008, the suffering of the Palestinian people in Gaza has drastically increased. We urgently call upon the member states of the United Nations, and in particular the European Union, to undertake **all measures necessary** for an immediate and unconditional lifting of the blockade and to prevent the occupying power from continuing its punitive measures. Brief and intermittent openings of certain border crossings, arbitrarily decided by the occupying power, do not alter the basic situation in any way. With the international community idly standing by, the people in Gaza are effectively kept at the mercy of those who control the borders by military might. The punitive measures are carried out in blatant violation of international law, in particular of the binding obligations under the Fourth

Geneva Convention which has been ratified by Israel (*Convention relative to the Protection of Civilian Persons in Time of War*). If states do not act in the face of these gross injustices and do not respect their collective duty under the Geneva Conventions to enforce their basic provisions, they become accomplices in the commission of war crimes and crimes against humanity. Furthermore, Art. 54 of Additional Protocol I to the Geneva Conventions, adopted on 8 June 1977, explicitly and unambiguously states: “Starvation of civilians as a method of warfare is prohibited.” It is to be noted that Protocol I has been ratified by 167 states, which means that there is broad consensus on this international norm. Conspicuously, the occupying power in Palestine is not among those states.

Irrespective of the ratification status of this treaty and apart from the duties of the international community according to the principle now described as the “Responsibility to Protect” (see, *inter alia*, Security Council resolution 1674 [2006] of 28 April 2006), the member states of the European Union should be reminded of their specific contractual obligation under Art. 2 of the “EU-Israel Association Agreement” (*Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part*, dated 21 June 2000) which states, *inter alia*: “Relations between the Parties ... shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.” The conclusion to be drawn from this obligation is crystal-clear: a medieval-type siege of an entire territory such as in Gaza is in direct violation of the Euro-Mediterranean Agreement. Instead of interfering in intra-Palestinian affairs (a policy effectively pursued since the democratic elections in Palestine in the year 2006) and thus making the political process more complicated, the European Union should hold the occupying power responsible for the grave breaches of international humanitarian law which, in many instances, amount to war crimes and crimes against humanity.

Because of the siege, the United Nations Organization has effectively been incapacitated in carrying out its humanitarian mandate in Gaza. In view of the escalating situation, it should not surprise us that the spokesman of UNRWA, Christopher Gunness, characterized the blockade imposed on the 1.5 million people in Gaza as “a physical as well as a mental punishment” and spoke of the “barbarity of this inhuman blockade.” (*BBC News*, 11 November 2008) In equally drastic words, Lord Nazir Ahmad, member of the British Upper House, said in the course of a siege-breaking peace and solidarity visit to Gaza earlier this month: “Even prisoners have rights, rights to have food and medicine and to live in

dignity ... People here in Gaza don't have those rights." (*Deutsche Welle*, "EU Parliamentarians Defy Israeli Blockade, Sail to Gaza," 8 November 2008)

The starvation of the people of Gaza and other acts of collective punishment and the targeting of civilians by the occupying power are international crimes not only according to the Geneva Conventions, but also as defined in the Rome Statute of the International Criminal Court. It is to be noted that the United Nations Security Council – by virtue of Art. 13 (b) of the Court's Statute – has the authority to refer a situation in which international crimes appear to have been committed to the International Criminal Court. While the Council has made use of this provision in its 2005 decision concerning Sudan (resolution 1593, adopted on 31 March 2005), it has not acted in the same way concerning the situation in Palestine. Unfortunately, this policy of double standards is inherent in the Council's decision-making rules of which the people of Palestine (because of the veto right of those permanent members that are allied with Israel) has been the first and foremost victim.

In the face of the – structural as well as opportunistic – paralysis of what nowadays is called "the international community" (i.e. the sovereign states and the organizations they have formed), non-governmental organizations should give concrete meaning to the solemnly declared international "Responsibility to Protect," thus filling the moral vacuum which was left by politics. Because of the failure of governments to protect the people of Palestine, the task before international civil society – to raise public awareness, alleviate the suffering and lobby decision-makers – is enormous. The *Free Gaza Movement* in the United States and the *European Campaign to End the Siege* are but two examples of what should be done and what can be achieved through concerted international campaigns. The repeated voyages, most recently on a ship aptly named "Dignity," across the Mediterranean Sea to Gaza – in defiance of the Israeli blockade – have demonstrated that political paralysis – in fact capitulation vis-à-vis a powerful occupier – is not the only possible reaction and that there is indeed another answer to overwhelming military power. The parliamentarians and civil society activists on the vessels that broke the naval blockade for three times, so far, have demonstrated that, in certain situations, civil disobedience and peaceful resistance can achieve more than traditional diplomacy. We hope that these initiatives will be a wakeup call to the political leaders in the region and beyond.

If the Libyan ship that left the port of Zouara day before yesterday, with a load of 3,000 tons of food and medicine donated by the *Libyan Fund for Aid and Development in*

*Africa*, succeeds to dock at the port of Gaza, this will be a much needed practical humanitarian measure and a further milestone in defying the siege.

Because the unresolved Palestinian problem continues to have a profoundly destabilizing impact on the entire region of the Middle East, threatening the relations between the Muslim world and the West and endangering global peace, international civil society – indeed an **international community of citizens** in addition to the community of states – will have to insist (1) on urgent and concerted humanitarian measures to alleviate the suffering of the innocent Palestinian civilians, (2) on political and coercive legal measures, on the part of the UN, EU and other concerned intergovernmental organizations, to bring to an end the illegal acts of the occupying power in Palestine, and (3) on a just and comprehensive political settlement, on the basis of all relevant United Nations resolutions, that must result in a sovereign state of Palestine, not in a number of territorially disconnected Palestinian protectorates. *This* is the road map which all of us, representatives of non-governmental organizations, governments and intergovernmental organizations alike, will have to follow if a major conflagration – with devastating consequences far beyond the Middle East – is to be averted.

Thank you, Madam Chairperson.

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