

International Progress Organization



Organisation Internationale pour le Progrès

Special meeting in observance of the
International Day of Solidarity with the Palestinian People
held by the
United Nations General Assembly's Committee on the Exercise of the
Inalienable Rights of the Palestinian People

United Nations Office at Vienna, 24 November 2015
2 p.m.

Dr. Hans Köchler
President of the International Progress Organization

Statement on behalf of civil society

Check against delivery!

Mister Chairman,
Excellencies,
Ladies and Gentlemen,

It is sad to state on this solemn occasion that, in the year when the United Nations Organization celebrates the 70th anniversary of its foundation, a just and comprehensive settlement of the Palestinian-Israeli conflict still appears to be elusive. The UN General Assembly's recommendation of 1947 has yet to be implemented in full. The political and legal reality is exactly the opposite of what that resolution had envisaged, namely the creation of two sovereign states living peacefully side by side. In fact, talk of peace has become virtually meaningless in the face of continuing occupation of Palestinian and Arab land for almost half a century, and of an ever more determined strategy of the occupying power to expand control over and possession of territory acquired by force – in contravention of Article 2(4) of the UN Charter.

This policy has not been reversed, or even softened, in all the years since – in fact a quarter century after the end of the Cold War – a so-called “peace process” was initiated and the “Oslo agreement” was signed, which has never been acted upon in good faith anyway. Over decades, subsequent Israeli governments have followed a strategy, and worked out corresponding legislation, to create ever-new “facts on the ground.” The absence of a global balance of power – since the end of the Cold War – has made the Palestinian and Arab position even more precarious and has limited the space for independent diplomatic action by concerned regional states and their intergovernmental structures.

The lack of checks and balances in the international system has only further encouraged the occupying state in Palestine to continue with its policy of *faits accomplis*. This has now resulted in a situation where the very viability of the State of Palestine is at stake. There is a supreme irony in the fact that this happens after the State of Palestine has obtained wide legal recognition, bilaterally as well as multilaterally (as a member, for instance of the United Nations Educational, Scientific and Cultural Organization, or a state party of the Rome Statute of the International Criminal Court). The status of statehood, however, requires sovereign control of the Palestinian authority over a contiguous and clearly defined territory, which, one has to admit, is unachievable under the present global power constellation. To state it yet again: The peace process has reached a dead end.

At the same time, the credibility of the international community, represented by the United Nations Organization, is at stake since it has been incapable of enforcing its own resolutions that were meant to end Israeli occupation, in particular since the war of 1967. Because of continued non-enforcement, we are witnessing a serious erosion of international law and an increasing delegitimization of the United Nations' system of collective security. At this juncture, when the UN again celebrates a round anniversary, it is high time to be honest, and it appears appropriate to identify the reasons of this colossal failure. It is not the General Assembly – where the member states have recognized Palestine as Observer State with an impressive majority, but the Security Council that has made the full recognition of Palestinian rights effectively impossible. The problem is structural. Because of the veto provision of Article 27 of the Charter, power has again and again defeated the law. Those permanent members that are allied with, or favor, the occupying power in Palestine have not only prevented the admission of the State of Palestine as a full member, but have made it impossible for the Council, to give just one among many examples, to adopt resolution 242(1967) on the basis of Chapter VII of the Charter, which alone would have made it enforceable.

Mr. Chairman,

The increasing violent confrontations, especially since this summer, have highlighted once more the predicament of the citizens of Palestine, living under the illegal occupation of a powerful neighbor. Any move on their part to exercise their legitimate rights, and to resist aggression or pervasive control over their daily life, is immediately countered by the occupying state with extreme, often disproportionate measures – in violation of international humanitarian law, and in particular the provisions of the Fourth Geneva Convention. The developments in Arab Jerusalem, especially the measures taken by the occupying power at al-Haram al-Sharif, including al-Aqsa Mosque, and the aggressive acts of Israeli settlers at this holy place are deeply worrying because they bring the risk of a wider religious conflict, something that must not be taken lightly under the tense circumstances in the region. It is to be recalled that the Security Council long ago, in resolution 478 (1980), has determined that all measures “to alter the character and status of the Holy City of Jerusalem (...) are null and void ...”

Recently, in a joint declaration issued on 14 October 2015, Israel-based human rights organizations have deplored “the reality of ongoing and daily oppression faced by some four

million people who live without hope of any change in the situation, without any horizon for the end of occupation, and without prospects for a life of liberty and dignity.”

As far as extrajudicial killings, indiscriminate attacks, and gross, disproportionate violence against civilians are concerned, it will be up to the International Criminal Court – of which Palestine has become a State Party – to investigate and prosecute the most serious violations of international humanitarian law, in particular war crimes and crimes against humanity, on the territory of the State of Palestine.

When the occupying power, through the earlier-described and other measures, tries to undermine the exercise of the authority of the State of Palestine and continuously increases the number of colonial settlements and expands existing ones in the Palestinian territories, it is only fair that the Palestinian Authority asks the international community, represented by the United Nations Organization, for effective measures of protection vis-à-vis a hostile occupier.

Unfortunately, because of the structural problem mentioned earlier, the United Nations Security Council is still unable to apply the system of collective security effectively and to stop those transgressions that threaten international peace and security. Because of the veto provision, the establishment of an **international protection**, not merely observer, **force with coercive powers** in the occupied State of Palestine would require unanimity among the Council’s permanent members, something that will be very difficult to achieve in terms of global realpolitik.

Let us be clear: The so-called “facts on the ground” in Palestine have all been created by violation of the most basic rule of international law and the United Nations Charter, namely a *unilateral use of force*. As I already stated before this august gathering some years ago, the *expulsion* of the Palestinians from their native land in 1948 was a unilateral act; the *extension of the borders* of the State of Israel by military force was a unilateral act; the *annexation* of East Jerusalem and of the Syrian Golan heights were unilateral acts; the *expropriation* of Palestinian land, the building and continuous expansion of Jewish *settlements* were, and are, unilateral acts by the occupying power – not to speak of the innumerable violations of international humanitarian law, and in particular the provisions of the Fourth Geneva Convention, in the course of these acts.

All these measures are diametrically opposed to fundamental principles of the rule of law. As we are gathered here under the auspices of the General Assembly’s Committee on the Exercise of the Inalienable Rights of the Palestinian People, let me recall the Assembly’s solemn confirmation of those very rules in its sixty-seventh session on 24 September 2012,

and I quote: “We recognize that the rule of law applies to all States equally, (...) and that respect for and promotion of the rule of law and justice should guide all of their activities and accord predictability and legitimacy to their actions.”

The reality on the ground in Palestine could not be further away from this lofty ideal.

The International Progress Organization, in unison with civil society organizations worldwide, sincerely hopes that the international community, as embodied by the General Assembly of the United Nations, will follow up on the recognition of the State of Palestine as observer state and take additional legal and political measures so that the occupying power’s strategy of colonial expansion in the West bank and ongoing siege of Gaza – measures that threaten the very viability of the Palestinian state – will come to an end. The international community must not continue further with a policy of double standards in the enforcement of the law.

Mr. Chairman,

Trying to buy time, and delaying a just, comprehensive and permanent solution of the Palestinian issue indefinitely, is a *dangerous gamble* under the circumstances of turmoil and geopolitical transformation in the Middle East. The developments triggered by military interventions and domestic conflicts, especially since the events of 2011, have brought the risk of a political vacuum that will be – in some cases already was – filled by forces *outside* the political spectrum within which the international community used to function. Those new actors may not be accessible to traditional means and mechanisms of problem solving through negotiations. As always in history, the loss of hope can make people resort to desperate acts.

It is to be hoped, nevertheless, that a proper reading of history and a mounting awareness and influence of international public opinion will eventually convince the occupying power in Palestine and her allies to reverse course and agree to a permanent settlement of the conflict on the basis of justice and mutual respect. Only a policy inspired by these principles will ensure *security* and sustainable *peace* in the interest of all peoples in the region, and ultimately of the community of nations.

Thank you, Mister Chairman.
