

International Progress Organization



Organisation Internationale pour le Progrès

International Day of Solidarity with the Palestinian People

*Solemn meeting held by the United Nations General Assembly,
Committee on the Exercise of the Inalienable Rights of the Palestinian People*

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Statement by

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on behalf of the Network of Non-governmental Organizations on the Question of Palestine

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Madam Chairperson,
Excellencies,
Ladies and Gentlemen!

Since our last commemorative session in 2005, the Palestinian people in the West Bank and Gaza have exercised their democratic right and chosen their representatives in the Palestinian Legislative Council on the basis of free and fair elections. Following the elections, a government has been formed within the framework of the provisions of the Palestinian basic law.

Unfortunately, the occupying power in Palestine and some Western countries have interfered with the political process and decided to punish the entire people of Palestine for the democratic choice they have made. Through their punitive action, those countries have violated basic principles of democracy and effectively invalidated their professed commitment to democracy as a universal value. They have applied a “policy of double standards” by which they further undermine their credibility as possible mediators in the Israeli-Palestinian dispute. The escalation of the crisis – in political as well as military terms – which we have witnessed in the course of this year is a direct result of this kind of interventionist policy (which has already proven disastrous in other regions of the Muslim world). The interference with the political process in occupied Palestine has indeed triggered a chain of events that is very difficult to control by traditional diplomatic means.

On 2 June 2006, the International Progress Organization, in conformity with the position of numerous international NGOs, condemned the *de facto* siege imposed by Israel and Western powers on the people of occupied Palestine, and in particular of the Gaza area. We explained that the withholding, by Israel, of revenues and customs duties that belong to the Palestinian Authority and the suspension of economic and financial aid to the democratically elected Palestinian government by the United States and the European Union constitute a gross neglect of human rights and, in connection with the ongoing occupation régime, amount to a serious violation of international humanitarian law, in particular of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (“Fourth Geneva Convention”). We also alerted the international public about the humanitarian emergency caused by depriving Palestinian families of the means to secure adequate nutrition and preventing the public health sector from providing vital medicines to the hospitals. In the meantime, the situation has become much more severe as a result of repeated Israeli incursions into the Gaza strip and frequent aerial and artillery attacks over the

last few months. There should be no misunderstanding about recent developments: The Palestinian-Israeli agreement on a limited ceasefire for the Gaza strip, including a withdrawal of Israeli troops from that territory, – which is, in itself, a positive development – leaves all punitive economic measures against the people intact.

Let me briefly quote from our statement of 2 June 2006: “It is highly ironic, even cynical, that those countries that have insisted on free and fair elections in Palestine – in particular the United States and the member states of the European Union – now take punitive action because they do not agree with the outcome of the elections. This policy conveys the message of ‘either fake democracy or starvation’ and reveals utter contempt for democratic procedures on the part of Western countries.”

Other NGOs, including Pax Christi and the Palestine Solidarity Campaign in the United Kingdom, have criticized the boycott as “an act of gross inhumanity and political provocation” and called upon the European Union to reverse its starvation policy against the Palestinians immediately. The Temporary International Mechanism (TIM) developed by the European Commission since the end of June – with the aim to alleviate the situation particularly in the health sector – has only brought partial relief and is no remedy to an intrinsically unjust policy. The real issue, namely the illegal – and deeply immoral – linkage between humanitarian aid and politics has not been addressed – in spite of the negative experience in other countries such as Iraq with a sanctions régime that targets the civilian population.

In connection with the destruction of the civilian infrastructure (such as the bombing of the only electrical power plant in Gaza) by the Israeli military, the economic boycott and the siege imposed on the Palestinian territories give rise to questions of personal responsibility under universal jurisdiction, i.e. under international criminal law according to the articles about penal sanctions and responsibilities of the High Contracting Parties common to the Geneva Conventions and in particular to the list of crimes of Art. 5 of the Rome Statute of the International Criminal Court. Art. 148 of the Fourth Geneva Convention unambiguously states: “No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or another High Contracting Party in respect of grave breaches of the Convention.”

Specifically, as regards the ongoing humanitarian catastrophe in Gaza, the responsibility does not only rest with the leaders and officials of the occupying power – that is not a State Party to the Rome Statute, nonetheless bound by the provisions of the Fourth

Geneva Convention –, but also with those leaders of EU member states who enforce the economic boycott against the legitimate Palestinian authority, causing unbearable suffering and deprivation to an ever growing number of people.

I would like to recall here the communiqué issued by the International Coordinating Network on Palestine (ICNP) upon the conclusion of the “United Nations International Meeting in Support of Israeli-Palestinian Peace” which was held under the auspices of the Committee for the Exercise of the Inalienable Rights of the Palestinian People on 27-28 June 2006 at the Vienna International Center. The international NGOs assembled at this meeting stated that the military attacks in Gaza “represent a massive collective punishment against the 1.4 million people of Gaza, and thus under international law constitute a war crime.” A delegation of the NGOs made an urgent appeal to the Austrian Presidency of the European Union to take a more active stand in conformity with the EU member states' legal obligations under the Fourth Geneva Convention.

I also would like to draw your attention to the statement by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Karen Koning AbuZayd, who, at a press conference at United Nations headquarters on 7 September 2006, said that “more than 800,000 vulnerable Palestinians in Gaza were trapped in a nightmare, owing to a combination of financial sanctions against Hamas, a ... siege of Gaza, daily targeted killings of suspected militants and Israeli incursions into densely populated neighborhoods.” The Commissioner-General further said that the “strangulation of commerce and trade ... had created mass despair, anger, and a sense of hopelessness and abandonment.” (UNDPI news release of 7 September 2006) According to a report by the Committee for the Exercise of the Inalienable Rights of the Palestinian People, as of October this year, two million Palestinians, constituting 51 per cent of the population in the entire occupied area, were unable to meet their daily food needs without assistance.

In spite of the Commissioner-General's emphasis that Gaza's residents “deserved protection from the international community,” the latter appears having abandoned the Palestinians, with some Western states – due to their unqualified support to the occupying power and their participation in the economic boycott – even being accomplices in the commission of grave violations of international humanitarian law.

Furthermore, the effective paralysis of the United Nations Security Council in all matters related to Palestinian rights has again become drastically obvious in the failure to adopt the draft resolution condemning the Israeli attack in Beit Hanoun on 8 November 2006

that resulted in the death of many innocent civilians. Para. 2 of that resolution would have requested the Secretary-General of the United Nations “to establish a fact-finding mission on the attack ... within thirty days,” while Para. 4 would have called upon “Israel, the occupying Power, to scrupulously abide by its obligations and responsibilities under the Geneva Convention” of 1949. Due to the veto exercised by the United States of America, no action whatsoever has been undertaken to investigate the incident and to coerce the occupying power to immediately cease its military attacks against civilians. The Security Council has again sent the wrong message: namely that the obligations of the occupying power under international law, in particular international humanitarian law, will always be overlooked as long as a veto-wielding member of the Council is determined to protect an allied state.

This sad incident, which appears to go unpunished like so many serious violations of international humanitarian law before, has again demonstrated the need for a *United Nations Protection Force* to be stationed in the occupied Palestinian territories, a measure we have repeatedly been calling for in co-ordination with other non-governmental organizations. (The vetoed Security Council resolution of 11 November 2006 would also have called for the “establishment of an international mechanism for the protection of the civilian populations” [Art. 8 of the draft resolution]). Such a force, however, should be more than a mere observer team. The experience with the EU-observers at the Rafah border crossing between Gaza and Egypt is not very encouraging.

Because of the Security Council’s inability to act, we have urged, at the meeting last June in Vienna, the Committee for the Exercise of the Inalienable Rights of the Palestinian People to do its utmost for the convening of an emergency special session of the United Nations General Assembly under the provisions of the *Uniting for Peace Resolution* (Res. 377 [A] 1950). It is to be recalled that this resolution which was adopted in connection with the Korea War on 3 November 1950 stipulates that, “if the Security Council, because of the lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of 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.”

Eventually, because of the vetoing of the Security Council’s draft resolution of 11 November 2006 by the US, the General Assembly convened under the provisions of *Uniting for Peace*. Resuming its Tenth Emergency Special Session, the Assembly adopted on 17 November 2006, by a vote of 156 to 7 with 6 abstentions, the resolution on “Illegal Israeli

Actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory” (Draft Resolution A/ES-10/L.19), calling, *inter alia*, for the Israeli army’s immediate withdrawal from within the Gaza strip and asking the Secretary-General of the United Nations to set up a probe into the Beit Hanoun incident.

The overwhelming majority by which the resolution was adopted has made obvious even to the most naïve observer of world affairs that the states that rejected it do not in any way represent the “international community” to which they so often refer to justify their policies.

The ongoing violations of international humanitarian law in the occupied Palestinian territories make it mandatory for the states party to the Fourth Geneva Convention to proceed from mere lip service to humanitarian principles to decisive political action in conformity with their collective duty to enforce the Convention’s provisions.

The lack of resolve – over several decades – of what nowadays is euphemistically called the “international community” is indeed one of the root causes of the intransigence of the occupying power in Palestine. While severe sanctions régimes have been imposed upon several states in connection with issues of international legality, Israel has never been confronted with the imposition of coercive measures to make it abide by the basic norms of international law and withdraw from the illegally held Arab territories, including Jerusalem. I would like to recall here the demand made by the *International Conference on the Legal Aspects of the Palestine Problem with Special Regard to the Question of Jerusalem*, organized by the I.P.O. more than a quarter century ago in Vienna under the auspices of the late Bruno Kreisky, Federal Chancellor of Austria and one of the early advocates of Palestinian rights and a negotiated settlement to the Israeli-Arab dispute. In the Final Communiqué adopted on 7 November 1980 the participants had stated that “the possibility of sanctions against Israel will have to be explored in order to force [the country] to cease the infringement of international law.” In spite of the numerous appeals, no binding measure on the basis of Chapter VII of the UN Charter has ever been adopted to make the country respect its obligations under international law. Contrary to a widely held opinion among the international public, Security Council resolutions 242 (1967) and 338 (1973) have not been adopted on the basis of Chapter VII. Making their provisions enforceable by the coercive measures outlined in Arts. 42 et seq. would have immediately triggered a veto of at least one Western power.

In addition to applying double standards in the implementation of international legal norms, the Western countries – the United States and EU member states in particular – face a

serious credibility problem insofar as they act inconsistently at the political level too. The negotiating policy of the High Representative for the Common Foreign and Security Policy of the European Union is a case in point: while refusing to negotiate with the democratically elected members of the Palestinian government and parliament, he recently saw no problem in conducting a meeting with a newly appointed Israeli Deputy Prime Minister and Minister of Strategic Affairs who has been known, over the years, for his openly anti-Arab ideology, a political doctrine that includes a program for the expulsion – or forced deportation – of Palestinians, a measure that, in the final instance, would amount to ethnic cleansing. Many politicians, human rights and peace groups in Israel proper have condemned the “racist declarations” of this politician who was dismissed in June 2004 from the Israeli Cabinet for his radical views and who, after having rejoined the Cabinet in an even higher function, said that Israel should assassinate the leaders of Hamas, ignore the Palestinian President and walk away from international peace efforts. (Josef Federman, “Israeli official: Kill Hamas leaders,” Associated Press, 18 November 2006) The foreign policy chief of the European Union, however, prefers to make “business as usual” as far as political developments on the Israeli side are concerned and considers whoever holds a political office in Israel as acceptable negotiating partner, while acting as ideological arbiter vis-à-vis the Palestinians and Arabs.

The unresolved conflict in Palestine has repercussions not only upon the region of the Middle East, but negatively affects, with an ever increasing intensity, the relations between the Muslim world and the West; this has again been emphasized by Secretary-General Kofi Annan upon the presentation of the report of the *High-level Group on the Alliance of Civilizations* on 14 November 2006 in Istanbul. According to that panel, “the Arab-Israeli conflict has become a critical symbol of the deepening rift.” (UN Non-Governmental Liaison Service, News Release, Geneva, 14 November 2006)

At this solemn occasion, the International Progress Organization, acting in unison with the International Coordinating Committee of NGOs on the Question of Palestine, appeals to the member states of the United Nations to take collective action – if necessary outside the framework of a paralyzed Security Council – for the restoration of the legitimate rights of the Palestinian people, first and foremost the inalienable right to self-determination which, according to General Assembly resolution 3236 (XXII) of 22 November 1974, must be exercised **without external interference**, a requirement that is obviously violated by the Western countries’ imposing conditions related to internal political matters of the Palestinians. In our view, it is entirely up to the duly elected representatives of the Palestinian

people to decide on the specific form of government in Palestine – whether as a “National Unity Government” or any other arrangement within the framework of the basic law.

We sincerely hope that the principles and ideals of the United Nations Organization will not be sacrificed on the altar of international realpolitik, which so far has only favored one party to the dispute. Continuation of this Machiavellian policy will not only be detrimental to the people of Palestine, but will further poison relations between Muslim and Western nations and prevent regional and global stability for an indefinite time.

The “great global game” for power and influence – if we may allude here to the world order discourse initiated some years ago by Zbigniew Brzezinski –, which is waged in and over the Middle East and Central Asia, must not be conducted at the expense of the Arab people of Palestine. People are not figures on a chessboard, their human rights are not at the disposal of those who base everything on political calculations. The diplomats and “High Representatives” of the major global players should stop playing with the fate of the Palestinian people by putting them under siege and interfering with their inalienable political rights; they should reconsider their strategies before it is too late and the entire region descends into a state of anarchy that may trigger a global conflagration.

Thank you, Madam Chairperson.
