



Annual meeting in observance of the

International Day of Solidarity with the Palestinian People

convened by

Committee on the Exercise of the Inalienable Rights of the Palestinian People
in accordance with United Nations General Assembly resolution 32/40

Dr. Hans Köchler
President of the International Progress Organization

Statement on behalf of civil society

United Nations Office at Vienna
29 November 2024

Mr. Chairman,
Excellencies,
Ladies and gentlemen,

Self-determination is the inalienable right of every people. *Self-defense*, individual and collective, is the inherent right of every nation under Article 51 of the UN Charter. Reference to these concepts has almost become a ritual in the controversies over the conflict in Palestine, ever since that fateful day in 1947, which we remember at this august gathering today. Contrary to its intentions, the resolution adopted by the General Assembly on the 29th of November of that year was followed by the creation of a state that has denied the Arab people of Palestine the very right of self-determination, and that repeatedly did so in the name of self-defense.

However, what the world has been witnessing since the escalation of the conflict more than a year ago is not self-defense – by an occupying power! – according to Article 51 of the Charter, as the International Court of Justice has already made clear in an earlier decision on the Palestine conflict.¹ What we witness is the commission of war crimes and crimes against humanity – on a scale that defies comprehension – under the cynical and misleading *label* of self-defense. While Israel, to use the language of the ICJ, “has the right, and indeed the duty, to respond” to the attacks of 7 October 2023, “to protect the life of its citizens,”² it has no right whatsoever to violate the most fundamental norms of humanity in the pursuit of this task.

Already a year ago, the Financial Times (November 23, 2023) described northern Gaza as “a bombed-out wasteland.” The Washington Post, on the same day, headlined its report: “Israel has waged one of this century’s most destructive wars in Gaza,” and the Wall Street Journal (December 30, 2023) wrote that the destruction in Gaza “resembles some of the most devastating campaigns in modern history.” The Special Committee to Investigate Israeli Practices, established by the General Assembly of the United Nations, in its most recent Report of 20 September 2024, concluded, “that the policies and practices of Israel (...) are consistent with the characteristics of genocide.” (Par. 69)³ According to a report by Reuters (18 November 2024), His Holiness Pope Francis particularly

¹ Advisory Opinion of 9 July 2004, para. 139.

² *Loc. cit.*, par. 141.

³ Reporting period: October 2023 to July 2024.

referred to this qualification and asked for further careful assessment. Also, in its Order on provisional measures of 26 January this year, the International Court of Justice ruled that Israel, “in conformity with its obligations under the Genocide Convention” shall “without delay” take “all necessary and effective measures” to ensure “the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance” in Gaza (Par. 45), recalling that the Court’s orders on provisional measures “have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed” (Par. 48). As of today, neither this nor the subsequent orders by the ICJ have been implemented. To the contrary, and in open defiance of the international community, the Israeli Knesset has passed two laws banning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) from Israeli territory and prohibiting any Israeli state contact with the agency.

After prolonged and careful deliberation, the International Criminal Court has issued, *inter alia*, warrants of arrest (20 November 2024) for two of the leaders of the war in Gaza, citing “reasonable grounds to believe” that they bear criminal responsibility for the war crimes of starvation as a method of warfare and of intentionally directing an attack against the civilian population, as well as for the crimes against humanity of murder, persecution, and other inhumane acts.

All of this is known to the international public. I am nonetheless recalling these evaluations and decisions by individuals and institutions because of the frequent and vicious allegations implying that criticizing and condemning the conduct of the war is a sign of antisemitism. Since last year in particular, this trope has been used in efforts to delegitimize any form of critique and to intimidate civil society not to speak out against the atrocities and the systematic violation of human rights in Palestine by the occupying power. To contain the wave of protests in support of the people of Palestine, some countries in Europe have taken further measures to suppress the freedom of opinion, blocking peaceful demonstrations, imposing travel bans on conference speakers, etc., measures which are in clear violation of international human rights covenants. The repeated, and at times violent, suppression of student manifestations on

campuses in Europe and the United States should be a wake-up call for civil society when it comes to the defense of civil and political rights. What is often overlooked, however, is, in the words of Israeli Professor Amos Goldberg, “a radical atmosphere of dehumanization of the Palestinians (...) in Israeli society” and among supporters of Israel’s war in Gaza, particularly in some Western countries. There is no excuse whatsoever for expressions of anti-Arab racism and anti-Muslim hatred, which have become ever more pervasive among sectors of society in Europe and the United States.

Mr. Chairman,

Rarely in the modern history of relations between states, has there been a wider gap within the international community between the vast majority of those who support a just and peaceful settlement of the Palestine conflict and a tiny minority of states, empowered by *one* permanent member of the Security Council, that stand in the way of a just and lasting settlement. This has again been drastically obvious in last week’s decision in the Security Council (20 November 2024). A vote in favor of an immediate, unconditional and comprehensive ceasefire in Gaza, supported by 14 out of 15 members of the Council, was defeated because the only opposing vote was that of a veto-wielding permanent member.

This has all along been the predicament, indeed the birth defect, of the UN system of collective security when it comes to the question of Palestine: Draft resolutions affirming legitimate Palestinian rights, if at all adopted, will always be non-committal in a strict legal sense (as would have anyway been the case with last week’s resolution) as long as they are not based on Chapter VII of the Charter, which alone includes measures of enforcement. Also, the much-cited resolution 242 of 1967, which merely “affirmed” as a “principle” the “withdrawal of Israel armed forces from territories occupied in the recent conflict,”⁴ was not based on Chapter VII and thus has never been implemented. The gap within the international community has also been visible in humanitarian ceasefire initiatives of the General Assembly. Because there is no veto in that body, those draft resolutions *were* actually adopted, and always with an overwhelming

⁴ Para. 1(i) of resolution 242 (1967) adopted unanimously on 22 November 1967.

majority. A small number of states around the US and Israel voted against those non-binding resolutions. For the historical record: on 27 October 2023, the voting result was 121:14; on 12 December 2023, it was 153:10. Only two member states of the European Union voted against both resolutions.

These voting results should make us aware of the crucial role of an informed citizenry. Where the political and media establishment is biased in favor of one side of the conflict, the only corrective is an active and alert civil society. In democratic polities, this should not be something to be afraid of. Peaceful critique of government policies, whether domestic or international, is the bread and butter of democracy – and change will only come from free and open debate. As things stand now, freedom of expression concerning the Israeli-Arab conflict has indeed become a litmus test for democracy in Europe.

The corrective role of civil society, including a free and uncensored media, is all the more important in view of the *wide gap between words and deeds* when it comes to the war in Gaza and increasing settler attacks in the occupied West Bank. The crocodile tears shed by those in government who deplore the “heart-breaking” suffering⁵ of innocent civilians (the majority of them being women and children) while at the same time continuing to deliver arms and ammunition for the attacking army, are not in any way convincing – as they obviously did not impress Arab American and Muslim American voters in the U.S. presidential election earlier this month.

In the wake of recent orders of the International Court of Justice on South Africa’s application, joined by Türkiye, Spain, Mexico, Chile, Colombia, and Maldives, under the Genocide Convention, and of the unanimous decision of Pre-Trial Chamber I of the International Criminal Court, those who constantly remind the world of the rule of law should first consider ceasing the delivery of arms and ammunition for a war conducted in violation of the fundamental norms of humanity.

⁵ U.S. Vice-President Kamala Harris at a press conference in Dubai, 2 December 2023.

Mr. Chairman,

In the many decades of occupation, Israel has ignored virtually *all* appeals and resolutions of the international community represented by the United Nations. The outrageous designation of the Secretary-General of the United Nations as *persona non grata* has demonstrated how far Israel is prepared to go in the rejection of the will of, and alienating, the international community.

Against the background of Israeli intransigence, and on the basis of the Advisory Opinion of the International Court of Justice (19 July 2024) that declared Israel's continued presence in the Occupied Palestinian Territory as *illegal*, the UN General Assembly, in a resolution adopted on 18 September,⁶ demanded that Israel "brings to an end without delay" its "unlawful presence" in the territory within 12 months from the adoption of the resolution, a measure which must include "ceasing immediately all new settlement activity," "evacuating all settlers" from the territory, and "returning the land and other immovable property" seized since the occupation started in 1967. Again, this resolution was supported by an overwhelming majority of UN member states (124 in favour, 14 against) – and again, I am afraid, it will be ignored by the addressee.

When, upon the end of World War I, the Council of the League of Nations "confirmed" the British mandate over Palestine (24 July 1922), the instrument clearly stated, in the Preamble, "that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine." In actual fact, however, and particularly after the expiration of the Mandate in 1948, the development went in the opposite direction. Now, more than a century after this commitment has been made by the then "Principal Allied Powers," a war of extermination in Gaza, with one of the most intense bombardments in history, and a policy of settlement and, ultimately, annexation of the entire territory in the West Bank seem to be aimed at *liquidating* the Palestinian issue and *precluding* the two-state solution which had been envisaged in the General Assembly resolution we are remembering today. The policy of systematic assassination of the leaders – potential negotiating partners – on the Arab side is a further ominous sign.

⁶ A/ES-10/L.31/Rev.1 (tenth emergency special session, agenda item 5).

Mr. Chairman,

In this geopolitically highly volatile period between the election and inauguration of a new president in the United States, the agreement, mediated, among others, by the outgoing U.S. administration, on the cessation of hostilities on the Lebanese-Israeli front must not be used by Israel as *carte blanche* for the total destruction of Gaza. In a bellicose speech with eschatological undertones, the Israeli Prime Minister, announcing the ceasefire, earlier this week spoke of the agreement as a kind of tactical truce in what he labeled as Israel's "War of Redemption" on *seven* fronts. He threateningly declared: "We are changing the face of the Middle East." Among the reasons why the country agreed to a ceasefire – which is to expire in the week after the next U.S. President has taken office – the Prime Minister mentioned the replenishing of arms stockpiles and "to separate the fronts and isolate Hamas."⁷ Frankly, this appears more like a ceasefire as preparation for *more* war, on *all* fronts.

One can just hope that, after decades of paralysis of the Security Council, the incoming leader of the only member country that vetoed the Council's latest draft resolution on a ceasefire, will make good on his electoral promise of restoring peace in this as in other regions. In a phone call with President Abbas on 8 November, President-elect Trump said that he "will work to stop the war" and "promote peace in the Middle East."⁸ In view of the speech of the Israeli Prime Minister just three days ago, this pledge appears rather bold. It will only make sense if what the President means is *just* peace in accordance with international law.⁹ In the present difficult and chaotic circumstances, it is good to remember how President Eisenhower, in 1956, was able to defuse the Suez Crisis. In the face of a French and UK veto in the Security Council, he supported the creation, by the General Assembly, of UNEF (United Nations Emergency Force), an

⁷ *Statement by PM Netanyahu*. Prime Minister's Office, 26 November 2024, <https://www.gov.il/en/pages/spoke-statement261124>.

⁸ "In call with PA's Abbas, Trump says he 'will work to stop the war'." Jacob Magid, *The Times of Israel*, 8 November 2024, 8:59 p.m. – On Trump's Middle East diplomacy as 45th President, see Barak Ravid, *Trump's Peace: The Abraham Accords and the Reshaping of the Middle East*. No place, 2022.

⁹ The recent designation of Christian fundamentalist, and fervent supporter of annexation, for the office of Ambassador to Israel runs counter to the President's lofty promise.

initiative that resulted in a ceasefire and the withdrawal of troops, monitored by UNEF.¹⁰

In the face of the death of an estimated more than 50,000 Palestinians, many of whom are still buried under the rubble of their homes – most of them innocent civilians, in particular women and children –, the systematic destruction of civilian infrastructure, the poisoning of the soil by the use of banned munitions, deliberate attacks on hospitals and places of shelter, including schools and United Nations premises, acts of torture and murder: in the face of all these atrocities, appeals to the law, in order to be credible, must be backed up by concrete and decisive action, and those responsible must be held to account. An arms embargo and targeted economic sanctions will be the least the civilized world must do to oppose a process that, if not stopped, will lead to the forced transfer of the population, indeed to a second *Nakba* that may not only embroil the wider region, but endanger global peace and security.

Thank you, Mr. Chairman.

¹⁰ The General Assembly acted under the provisions of the “Uniting for Peace” resolution: Resolutions 997 (ES-I) and seq. of November 1956 (“Questions considered by the Security Council at its 749th and 750th meetings, held on 30 October 1956”).