65th General Assembly

Statement by the Palestinian Observer

Question of Palestine

November 30, 2010

PERMANENT OBSERVER OF PALESTINE: Mr. President, at the outset, I convey Palestine's appreciation to you for your wise leadership and guidance of the important work of the General Assembly during this 65th session. This includes the Assembly's efforts with regard to the question of Palestine, an item on the organization's agenda since its inception which tragically remains unresolved and continues to demand the urgent attention of the international community.

I also wish to reaffirm our deep appreciation to the members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and to its bureau, including the current and previous chairman, Ambassadors Abdou Salam Diallo and Paul Badji of Senegal, the Vice Chairs, Ambassador Zahir Tanin of Afghanistan and Pedro Nunez Mosquera of Cuba and the rapporteur, Ambassador Savior Burg of Malta. We are grateful for their tireless efforts to assist the Palestinian people in their struggle to realize their right to self determination, a core principle of the charter of the United Nations and their efforts to mobilize international support for the just cause of Palestine and peace.

We thank the rapporteur for his presentation of the committee's report, giving a thorough overview of the committee's work, developments on the ground and the political process over the past year. We also express appreciation to the Division for Palestinian Rights and the Department of Public Information for their efforts to enhance international awareness of this serious issue in all its aspects. We also reiterate our appreciation to His Excellency, Secretary General Ban Ki-moon for his contributions on behalf of the United Nations towards a peaceful resolution on the question of Palestine and the Arab/Israeli conflict as a whole.

Mr. President, today, 29, November 2010, marks 63 years since the General Assembly's adoption of resolution 181, by which it partition mandate Palestine into two states, a decision that dramatically transformed the landscape and future of the Middle East. Although this resolution led to the establishment of the state of Israel, more than six decades later, the independence of the Palestinian Arab state continues to unjustly be obstructed and the rights of the Palestinian people continue to be flagrantly denied and violated.

To this day, the Palestinian people continue to suffer the consequences of the 1948 Nakba, in which they were uprooted and dispersed from their homeland with more than half of the Palestinian population, now approximately 4.8 million people, continuing to live as refugees, the majority still in the camps established to shelter them more than 60 years ago.

The question of Palestine has thus remained at the core of the Arab/Israeli conflict, a burning issue on the international agenda, and a symbol of injustice worldwide. It is the very state that the Assembly created by resolution 181, Israel, that continues to deny the existence of the nation of Palestine and the rights of her people, including to self determination and to return to their homes to live at peace with their neighbors.

And it is that state which continues to undermine all initiatives aimed at justly resolving the conflict according to international law and relevant UN resolutions. Clearly for Israel, the UN served its purpose in 1947 and '48, only then to be ignored, disdained and even vilified thereafter.

The inability of the international community to uphold the law vis-à-vis this conflict and to enforce consequences on Israel for its defiance of the charter and its legal obligations has had a disastrous impact on the Palestinian people in the region. It has fostered a fervent Israeli impunity that has allowed for continuation of Israel's 43-year military occupation over the Palestinian territory, including East Jerusalem, since 1967.

The years have deepened the conflict, causing vast suffering and loss among the Palestinian people, both under occupation and in exile in the Diaspora and imposing a constant state of crisis, instability and insecurity in the region. It is the reason we are here today, once again appealing for measures to bring a halt to Israeli violations against the Palestinian people and for serious efforts to bring an end to this conflict on the basis of the relevant UN resolutions.

As we stand here before you today, our people in the occupied Palestinian territory, including East Jerusalem, continue to endure the systematic violation of their human rights by Israel, the occupying power. They continue to be subjugated to all forms of oppression, including collective punishment and mass imprisonment and to the colonization and confiscation of their land by the occupying power. It is a situation that is both unsustainable and extremely volatile. Indeed, despite their resilience over the years, the Palestinian people are rapidly losing hope in the peace process and its prospects for delivering them from the prolonged state of conflict, suffering and dispossessions imposed upon them and for restoring their rights and freedom.

Mr. President, unfortunately in spite of the international and regional efforts for peace in the recent period, including the efforts of the United States administration of Barack Obama and the other members of the quartet, including the European Union, Russian Federation and the United Nations, as well as the League of Arab States and all other concerned members of the international community, Israel remains intransigent in its pursuit of illegal policies and practices in the occupied Palestinian territory.

The Israeli government continues to prove that it is unable and unwilling to shake the mentality and behavior of occupier and aggressor and to commit to the path of peace and the international consensus on the two-state solution. And I repeat, the international consensus on the two-state solution.

It continues to use arbitrary, irrational, fictitious and even racist pretexts to absolve itself of its legal responsibilities to distract the attention of the international community from the core issues prolonging the conflict and further exacerbating the situation on the ground.

There is no more stark illustration of this point than Israel's continued pursuit of its settlement colonization campaign throughout the occupied Palestinian territory, including East Jerusalem, in direct violation of international humanitarian law, UN resolutions and the roadmap obligation to freeze all settlement activities, including so-called natural growth.

Moreover, this is being done in total defiance of the global calls to completely cease this illegal and destructive campaign in rejection of the fundamental peace process principle of land for peace and in blatant contradiction to the objective of the peace process.

Once again, Israel has chosen its expansionist agenda over the goal of peace and security by refusing to respect the circumstances that allowed the negotiations to be convened in September and refusing to extend its so-called moratorium on settlement activities.

Since expiration of the moratorium, settlement activities have intensified exponentially, especially in occupied East Jerusalem, and thus Israel's continued construction of settlements and the annexation wall, confiscation of land and exploitation of natural resources and in positions of hundreds of checkpoints, continue to destroy the contiguity, integrity and unity of the Palestinian land and are rapidly destroying the viability of the two-state solution.

The situation in the occupied East Jerusalem, including in and around the old city and the neighborhoods of Silwan, Al Bustan [?] and Shar Jera [?] [01:11:28], remains most critical as evidenced by the recent Israeli announcement of plans for the construction of yet another 1,300 settlement units in the illegal settlement of Ar Homa [?], Jabal Mukaber on the Palestinian land historically known as Jabal Mukaber.

It must be recalled that it was the construction of this settlement and the failure of the Security Council to address this illegal action that led to the 10th emergency special session of this assembly in 1997. Israeli settlement campaign in and around the holy city is clearly intended to dramatically alter the demographic composition and Palestinian/Arab character and identity to East Jerusalem and to physically isolate and severe the city from its natural Palestinian emblems.

We condemn this unlawful campaign and all related measures and reaffirm rejection of Israel's annexation of East Jerusalem, a measure not recognized by the international community and determined by the Security Council and the General Assembly to be null and void.

In addition to the settlement activities, Palestinians in occupied East Jerusalem also continue to be subjected to the demolishing of their homes, evictions, revocation of their resident's rights and other provocations by Israeli settlers, government officials and even religious leaders who continue to morally glorify and justify this crime of colonization of another people's land.

Moreover, settlers who increased by another 8,000 in number during the moratorium period alone continue to terrorize and intimidate Palestinian civilians and to destroy and vandalize Palestinian property, including homes, mosques and agricultural fields. All this is fueling already high tensions and inflaming religious sensitivities and gives further credence to the serious doubts about Israel's credibility as a peace partner.

At this point, we must reiterate a halt to all Israeli settlement activities in the occupied Palestinian territory, including East Jerusalem is essential for a resumption of a credible process aimed at achieving the two-state solution based on the pre-1967 borders. It is not a Palestinian precondition for the peace process. Rather it is a mandatory, legal obligation for Israel, the occupying power under the fourth Geneva Convention, which prohibits colonization activities and in accordance with Security Council and General Assembly resolutions, the 2004 advisory opinion of the International Court of Justice, the quartet roadmap, all of which deem Israeli settlement activities illegal and call for their complete cessation.

Mr. President, at the same time, Israel continues to pursue other illegal measures and policies in the occupied Palestinian territory, subjecting the Palestinian population to systematic human rights violations, collective punishment, displacement and constant affronts to their human dignity and completely violating the principle of and obligation for the protection of civilians in armed conflict, including situations of foreign occupation.

The occupying power continues to arbitrarily detain and imprison thousands of Palestinian civilians, including children and women. Palestinian prisoners and detainees continue to be held in unhygienic and inhumane conditions, subjected to physical and mental health treatment, including abuse, solitary confinement and torture and continue to be denied family visits, adequate medical care and food in violation of international humanitarian and human rights law.

The situation in the Gaza Strip also remains most critical. The continuing impact of Israel's blockade and the consequences of last year's Israeli military aggression still gravely effect every aspect of life in Gaza with the movement of persons and goods and recovery continuing to be impeded and poverty and employment and food and security still at high levels.

The trauma and destruction inflicted by Israel, the occupying power on the Palestinian civilian population, thousands of whom were killed and injured and its continued obstruction of Gaza's rehabilitation and reconstruction is gravely harming the well being and stability of the society as a whole, particularly the most vulnerable, such as refugees, constitute the majority of the population there.

In this regard, we will continue to call for accountability for the war crimes committed by Israel, the occupying power, and continue our efforts in this regard in followup by the report of the UN fact-finding mission on the Gaza conflict, Goldstone report, emphasizing the need to end Israeli impunity and to realize justice for the victims.

We continue to also call for full lifting of the Israeli blockade in accordance with international humanitarian law, Security Council resolution 1860 and the agreement on movement and access. The persistence of this shameful situation continues to inflict suffering on the population in Gaza and to stop feelings of injustice and despair, and it must be ended. This unjust situation has also prompted greater solidarity for the Palestinian people in Gaza from around the world, including those civilians that had been aboard the Gaza freedom flotilla in May of this year, attempting to deliver much-needed humanitarian aid.

We reiterate our condemnation of Israel's military attack on the flotilla, in violation of international law, including humanitarian and human rights law, which resulted in the killing of nine Turkish nationals and also reiterate our calls for accountability for this crime perpetrated against civilians in international waters.

Mr. President, we are undeniably at a crossroads in our long search for a just settlement of the question of Palestine and peace and security in the Middle East. The status quo is unattainable and we must choose the way forward, knowing that the path chosen will determine the future prospects for peace and stability in the Middle East region and beyond.

The first path is clear, to seize with full determination the opportunity before us to resume and accelerate the peace process on the basis of its agreed terms of reference. This path can advance us towards achievement of a final, just resolution of all core issues in the Israeli/Palestinian conflict, the refugees, Jerusalem, settlements, borders, water, security and prisoners, bringing a definitive end to the Israeli military occupation that began in 1967, the independence of the state of Palestine with East Jerusalem as its capital, a just and agreed solution to the plight of the Palestine refugees and the establishment of peace and security between Palestine and Israel and throughout the Middle East. This is the path preferred and supported by the international community, and it must be pursued with urgency.

The second path is also clear, to allow the violations and impunity of Israel, the occupying power, to sabotage the prospects that remain for realizing the two-state solution for peace. If forced down this path, we will witness only more violence, suffering and instability for the Palestinian and Israeli peoples and the entire region, and we will be taken further away than ever from our noble goal of peace.

The Palestinian people and their leadership reject this path and reaffirm their commitment to the first path aimed at achieving a just, lasting and peaceful settlement on the basis of the two-state solution. We us come before the assembly today to again urge the international community to uphold its responsibilities. Serious efforts must be undertaken, including by the Security Council, to uphold the permanent responsibility toward the question of Palestine until it is justly resolved in all aspects.

The political will and courage must be found to follow through on the legal positions taken, the principle declarations made and the commitment pledged to uphold the law in all circumstances and to make a peace a reality. Peace and security in the Middle East are dependent on this, the credibility of international law and of our international system, including the Security Council of the United Nations is dependent on this.

This is not an intractable conflict for which there is no solution, as the occupying power would have us believe in the hope that the drive for peace would be abandoned and the status quo accepted. A just and viable solution can be found in the many relevant Security Council and General Assembly resolutions, including the peaceful settlement of the question of Palestine adopted annually under this agenda item, as well as in the landmark ICJ advisory opinion of 2004.

This solution is the clear objective of the internationally supported Middle East peace process based on relevant UN resolutions, the Madrid terms of reference, including the land for peace principle, the Arab peace initiative and the roadmap.

Of course, we fully understand the need for negotiation of a peace settlement between the Israeli and Palestinian side, while actively implementing our state-building program despite all obstacles in preparation for our independence, which we believe has reached the point of inevitability. The Palestinian leadership has also repeatedly reaffirmed its readiness to resume the negotiation process in an environment that is actually conducive for achieving piece, i.e., one in which actions contrary to peace are halted, including settlement activities.

At the same time, however, we continue to reaffirm the duty of the international community to fulfill the international covenant to the Palestinian people made decades ago beginning with the League of Nations through UN General Assembly resolution 181 and all subsequent resolutions. As long as this covenant remains unfulfilled, peace will remain elusive, for peace cannot take hold in a land where injustice prevails. The Israeli breaches of the law and contempt for the will of the international community must no longer be tolerated. Israel must be compelled to either choose the path of peace or to bear responsibility for its obstruction.

With such a commitment to international law and the true principles of justice and peace, it will be possible to overcome the current impasse and resolve this prolonged, tragic conflict. But the window of opportunity is narrow and must act now. It is only with such collective action that we can achieve the visionary goal set by US President Barack Obama before this assembly in September for realization of the UN membership in the coming year of an independent, sovereign state of Palestine, living side by side with Israel and all other neighbors in peace and security. We express our deepest hopes that this vision will indeed be the reality when the Assembly meets next session to address the question of Palestine.

In conclusion, on the occasion of this international day of solidarity with the Palestinian people, we express deepest gratitude for all of the support and solidarity extended to us over the many years by the international community, a support that has been and will continue to be central to the resilience and steadfastness of the Palestinian people in the pursuit of their just cause for the fulfillment of their legitimate national aspirations and rights, including to the independence of their state of Palestine, with East Jerusalem as its capital. I thank you Mr. President.