



***Jordan*** PERMANENT MISSION OF THE H.K. OF JORDAN TO THE UNITED NATIONS

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CHECK AGAINST DELIVERY

**Statement**

**by**

**H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein  
Ambassador  
Permanent Representative**

**Before the**

**General Assembly  
Tenth Emergency Special Session**

**On Agenda Item 5: Illegal; Israel Actions in Occupied East Jerusalem  
and the Rest of the Occupied Palestinian Territory**

**New York, 15 December, 2006**

Madame President,

On 20 July 2004, the General Assembly, in its resolution ES-10/15, requested from the Secretary-General that he “establish a register of damage caused to all natural and legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion [then just issued by the International Court of Justice].” The Secretary-General in his report, contained in document A/ES-10/361, and pursuant to that resolution, provides us with the institutional framework recommended for the Register of Damage, and suggests a further resolution be adopted for that purpose.

My delegation welcomes warmly the Secretary-General’s report and finds favour generally with the thrust of the points presented in it. We do believe a Register of Damage must be established immediately, and this in keeping with the Court’s findings, as articulated in paragraphs 152 and 153 of the advisory opinion. And we feel it is important our position is also well understood.

As we made abundantly clear in the oral pleadings before the ICJ on 24 February 2004, we believe that, with the obvious exception of the Palestinians themselves – whose livelihood, lives, and the future of an independent, viable, Palestinian state, are all being compromised by the sweeping penetrations the wall makes into Palestinian territory -- it is we, the Jordanians, who could be the next most affected party owing to Israel’s decision to place the Wall where it has, and where it intends to do so in the near future. I will not retread over those points today, as to why this is, save to say the geographic proximity and the potential for the movement of peoples displaced by the Wall and its regulatory controls does pose to us a direct threat.

Madame President,

Having said we view the Secretary-General’s report favourably, I wish to make the following more specific remarks. In paragraph 4 of the Secretary-General’s report, it is argued that the registration of damage is “a technical, fact-finding process of listing or recording the fact and type of the damage caused as a result of the construction of the wall ... the act of registration of damage as such, does not entail an evaluation or an assessment of the loss or damage claimed.” And certainly this would be our hope. Later in paragraph 7, however, we note the Secretary-General admits that the Board of the Register would determine, *inter alia*, “eligibility criteria”, “establish the procedure of registration”, including defining the “objective criteria” to be used -- one assumes this is the eligibility criteria just mentioned -- and have ultimate authority “in determining the inclusion of damage claims in the Register.” Moreover, in the next paragraph, the Secretary-General stresses that Board members must be chosen for “their integrity, experience and expertise in such areas as law, accounting, loss adjustment, assessment of environmental damage and engineering.”

Madame President,

It is clear that while “the act of registration of damage ... does not entail an evaluation or an assessment of the loss or damage claimed,” the Board will nevertheless have to undertake evaluations on issues like eligibility or title, for which specific qualifications are presented as necessary for its distinguished members. Their decisions could therefore be of some significance at a later date. And in view the Secretary-General’s recommendation that the office of the Register be a subsidiary organ of the General Assembly, we believe the General Assembly should be required to endorse these appointments.

Second, we believe it absolutely essential that Board consider *prima facie* evidence of title to property as sufficient for the purposes of then establishing the validity of the damage claim. The general guidance offered in paragraph 14 is excellent, though also requiring – we believe -- the specificity we propose.

Third, we agree wholeheartedly with the Secretary-General’s suggestion on verification, and believe that, subsequent to the submission of claims, this must of course take place.

We would therefore support the inclusion of the points I just mentioned, in any draft resolution, not just because we respect the decisions and opinions of the UN’s principal judicial organ, but also because our region needs to see justice where Palestine is concerned.

The Court’s opinion was, and still is, quite simply law. The Court’s opinion laid bare that Israel’s construction of the Wall in the Occupied Palestinian Territories, including east Jerusalem, is in violation of Israel’s international legal obligations, including its legal obligations *erga omnes*. The Court did not accept Israel’s claims that legal justifications exist for its actions, notwithstanding the creative legal terms used to describe those territories.

And this is significant to us, because Israel has long had the habit of denigrating the Green Line, and questioning what once lay beyond it – to such an extreme that no one now in Israel seems to know where the country’s eastern boundary lies – or if it actually has one. Only days ago, Israel’s Minister of Education ignited an uproar inside Israel by instructing that all the maps in new editions of Israeli textbooks show the Green Line – obvious to us here today, but bewildering and threatening to many Israelis. While earlier, in her statement before the General Assembly on 20 September 2006, Israel’s Foreign Minister, Tzipi Livni, expressed Israel’s more familiar exception to the Green Line by stating, in connection to the question of a common boundary: “There are those who believe that if only we could turn back the hands of time to 1967 all would be resolved. But in 1967 there was no Palestinian state ...”

This last point may be true, but whether there was or was not a Palestinian state in 1967 does not change the basic fact that Israel subsequently occupied territory that did not belong to it, and had not belonged to it. The significance of the Green Line cannot therefore be underappreciated. Sir Arthur Watts Q.C., Counsel for Jordan, in his pleading before the Court on 24 February 2004, explained this most clearly:

It [the Green Line] is, in origin, the Armistice Demarcation Line, laid down in Article V of the Jordan-Israel General Armistice of 3 April 1949. But it was given additional significance by Security Council Resolution 242 of 1967, which affirmed, unanimously, the principle of Israel's withdrawal of its armed forces "from territories occupied in the recent conflict" – which meant, and could only mean, territories on the non-Israeli side of the Green Line. Thus the Green Line is the starting line from which is measured the extent of Israel's occupation of non-Israeli territory; originating in 1949 as an armistice line, it became in 1967 the line to the Israeli side of which Israel had to withdraw its forces, and on the non-Israeli side of which territory was "occupied" by Israel.

Israel's virtual dismissal of the Green Line, over the years, is what has led many of us to interpret the route chosen for the Separation Wall, as an attempt by Israel to carve out for itself, unilaterally, its eastern boundary.

As the Court found, in its advisory opinion, the law requires that Israel abide by its international legal obligations, that it put an end to its violations related to the construction of the Separation Wall on Occupied Palestinian territory, and that it immediately restore the *status quo ante* by removing the portions of the Wall already constructed on that territory, and repealing the relevant legislation and administrative procedures. Israel must also restore to the Palestinian people all their legitimate rights; it must return all confiscated property to its rightful owners; and it must compensate all those who have been harmed for the losses he have incurred as a result of its illegal actions.

Moreover, the law stipulates that the international community must not support Israel in the violation of its obligations *erga omnes*, under international law, such as respect for the right of self-determination and for international humanitarian law.

Madame President,

As this is probably the last time I address the General Assembly as Permanent Representative, I wish to complete this statement by placing my own personal signature on it – for which I bear sole responsibility -- and for which I beg your indulgence.

Madame President,

Is it not wrong that Israel continues to enforce its occupation of Arab, and particularly Palestinian, territories, stretching now to four decades the exposure of our Arab neighbors to an oppressive and desperate existence? Is it not wrong for a people who themselves have suffered so greatly for centuries to maintain an occupation, the effect of which is to degrade another people -- a proud people, in many respects, the very best the Arab world has to offer. Is it not wrong for Israel to visit violence on civilian Arab populations like it has, and is it not wrong for Arab groups to be doing likewise to civilians in Israel?

Is it not also wrong for many of us in the Arab world and beyond to continue to deny or downplay the Holocaust, an event of immense pain and suffering to the Jewish people, the Roma and others? Can we not see this too? Can we not also see we are not perfect in our virtues either?

Can we not see in all of this, Madame President, in all of these crises swamping our region, parallels to the game of chess, where play now slips into patterns so sickening in their predictability, and where the middle game will be reached soon enough: where all the crises of our region and just beyond it, eventually fold into one another, creating the greatest political emergency of our time, or pitching our region on a cusp of a war unlike any we have witnessed since 1945. Can we not see this?

I pray we will be able to depart from patterns of old. As peace will only come when we see justice done; see justice eclipse political expediency for all the peoples of our region. It is justice, the law, and a sense of morality which will provide for something better. Or to borrow from Daniel O'Connell's dictum, Madame President: "Nothing .. [can be] politically right which is morally wrong."

I thank you Madame President