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Statement by Ms. Somaia Barghouti, Charge d'Affaires, a.i., First Counsellor, Permanent Observer of Palestine to the United Nations, 59th Session of the United Nations General Assembly, Agenda Item 55: Follow-up to the Outcome of the Millennium Summit: Report of the Secretary-General entitled, "In larger freedom: Towards Security, Development and Human Rights for All", 8 April 2005. (Check Against Delivery)

Mr. President,

On behalf of my delegation, I would like to express our heartfelt condolences on the passing away of His Holiness Pope John Paul II. He was a man of peace who spent his life defending and promoting freedom, justice, independence and equality for all people of all races and religions. We would also like to extend our condolences on the passing away of His Serene Highness Prince Rainier III of Monaco.

Mr. President,

At the outset, allow me to take this opportunity to extend the appreciation of my delegation for the convening of this plenary meeting of the General Assembly. We commend your transparent approach and excellent manner in which you are conducting this preparatory process in line with the roadmap you have proposed.

Mr. President,

My delegation has taken note of the report of the Secretary-General entitled, *"In Larger Freedom: Towards Security, Development and Human Rights for All."* While we are still examining the report, we would like to make initial observations on the many interesting and challenging recommendations proposed, which require careful studying and consideration. The report is an important source that will guide our deliberations and preparations for reaching a common position on the final outcome of the high-level plenary meeting in September 2005.

In this regard, Palestine associates itself with the statements made by the Non-Aligned Movement and the Group of 77 and China. However, we would like to put on record our initial comments in relation to issues that are pertinent and important to my delegation. Palestine believes that the report contains some positive elements that should be expanded upon, but we also believe that the report as a whole was not as comprehensive as was expected. At this time, we would also like to express our disappointment that the report ignored many of the ideas, comments and positions expressed by many delegations, including those of the Arab Group.

P R E S S R E L E A S E

Mr. President,

We welcome the proposal made in the report regarding the three principles of the organization: peace, security and human rights. In specific, the proposal to treat these three principles on an equal basis, recognizing their individual yet linked importance. We believe this approach will ultimately lead to achieving a balanced outcome. Palestine would also like to highlight the importance of the section of the report with respect to the rule of law. Strengthening the rule of law as a framework for advancing human security and prosperity is one of paramount significance to my delegation. We share the Secretary-General's statement "that every nation that proclaims the rule of law at home must respect it abroad and that every nation that insists on it abroad must enforce it at home." Yet, as we are all aware, in many places, Governments and individuals continue to violate the rule of law, often without penalty, but with deadly ramifications for the weak and the vulnerable. This is further exacerbated by a surge of impunity by some countries, in total defiance and disrespect for international humanitarian law, compounding the multitude of widespread human rights abuses.

Clearly, adherence to the basic rule and principles of international law, as well as to the Charter and to the relevant resolutions of the United Nations, are imperative for the ultimate attainment of international peace and security. Without such adherence and respect for international law- peace, freedom and security- cannot, and will not, be attained.

Mr. President,

The international community has and continues to pronounce their grave concern regarding the continuation of the conflict in the Middle East, particularly the Israeli-Palestinian conflict. This remains the crux of the problem in the Middle East and indisputably threatens the maintenance of international peace and security. Irrespective of this and the dangerous repercussions this has on the maintenance of international peace and security, the report fails to address this situation with the necessary weight and consideration.

As you aware, Mr. President, the situation in the Occupied Palestinian Territory, including East Jerusalem, continues to be dangerous as a result of the unprecedented injustices that have been inflicted on the Palestinian people throughout Israel's thirty-eight year military occupation- an occupation which has brutally denied them their inalienable rights, including their right to self-determination, independence and freedom. There has been no instrument of international law or noble legal principle that has not been grossly violated by Israel, in terms of both its policies and actions as a State and as an occupying power. All of Israel's illegal policies and practices have been carried out with impunity and blatant contempt and disregard for international law and relevant UN resolutions. Mr. President, how can the Palestinian people live "in larger freedom", as the report indicates, when the entire population remains captive and held hostage by a brutal occupation, affecting every aspect of their daily lives?

Mr. President,

My delegation was encouraged that the report of the Secretary-General emphasized the importance of international humanitarian law, in particular the Geneva Conventions. It should be noted that in this context the provisions of the Fourth Geneva Convention, in particular Additional Protocol I, sets the term of reference that govern situations of foreign occupation. In such situations, there is an occupying Power and there is an occupied people, a civilian population, who under international humanitarian law, are considered protected persons and whose safety and well-being the occupying Power is under obligation to ensure. Yet the report of the Secretary-General completely ignored to address the issue of foreign occupation and its detrimental consequences on the people it occupies and their society. In fact, the only time that occupation is mentioned in the report is in the section dealing with transnational terrorism, which is a completely different issue than situations of occupation.

Mr. President,

On the issue of terrorism, it is important to draw the distinction between terrorism and the right of peoples to resist occupation and to defend themselves against an occupying Power. Resistance is a legitimate right of an oppressed and occupied people and should not in any way be compared with, or confused with, condemnable acts of terror.

The report correctly stated that, "terrorism is a threat to all that the United Nations stands for: respect for human rights, the rule of law, the protection of civilians, tolerance among peoples and nations, and the peaceful resolution of conflict." Yet, the report states that "it is time to set aside the debate on so-called State terrorism." These two points seem not only to contradict one another but dangerously exclude one form of terrorism "state terrorism",-carried out by a State army in implementation of formal state polices. How can we set aside the debate on any manifestation of terrorism while the international community is still seeking to establish a common understanding on the definition of terrorism?

Mr. President,

Palestine stands ready to participate fully in the upcoming months in preparation for the outcome of the high-level plenary meeting of the General Assembly in September 2005. We hope that this process continues to be as transparent and forthcoming as you have demonstrated. We believe, Mr. President, the way to move forward and ensure that all human beings live in larger freedom, towards development, security and human rights for all is when the international community adheres to international humanitarian law, human rights law and implements all UN resolutions. This needs to be done without selectivity and supremacy, and based on the rule of law. Without this, we will continue to talk and fail to act. The time has come to act.

Thank You, Mr. Chairman.