



INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE

Israeli settlements as an obstacle to peace – possible ways forward

Brussels, 7 and 8 September 2015

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OPENING SESSION

Statement by

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Keynote presentation



State of Palestine
Ministry of Foreign Affairs

Statement by Dr. Riad Malki, Minister of Foreign Affairs of the State of Palestine, before the International Meeting on the Question of Palestine, Brussels, 7 and 8 September 2015:

Thank you Mr. Chairman,

At the onset, I wish to extend our sincere appreciation to (You) or (H.E. Mr. Fodé Seck, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People), and members of the committee for their efforts in advancing inalienable Palestinian rights, including in convening this important meeting.

I wish to also thank the Organization of Islamic Cooperation and the League of Arab States for contributing to holding this important meeting. Our gratitude also goes to all participants for their contribution to the successful outcome of the meeting.

Mr. Chairman,

Since the occupation of the territory of the State of Palestine in June 1967, Israel, the occupying power, has openly led and directly participated in the planning, construction, development, and consolidation of illegal settlements. Today, forty-eight years later, some 250 illegal settlements are now established in the West Bank, including East Jerusalem, currently housing at least 600,000 Israeli-Jewish settlers, and effectively confiscating over half of the territory of the State of Palestine.

But let's be clear, the issue of settlements is not one of real estate and the deceptively positive term "construction of housing units". Let there be no doubt, for every act of construction and expansion in Israeli settlements, Israel destroys Palestinian property and livelihoods; it unravels the Palestinian social fabric and combats the most essential element of the Palestinian personality - Hope. Indeed, these settlements and their associated infrastructure make up a regime. This regime, was created, maintained, funded, and expanded by Israeli officials at all levels of the State (and outside of it) through the institutionalization of a multi-layered system of violence and intimidation against the Palestinian people and the widespread and systematic commission of crimes.

The settlement regime encompasses a range of illegal policies and measures including, the confiscation of large amounts of Palestinian land under numerous pretexts and the eviction of Palestinian residents and destruction of structures. These illegal steps are taken to make way for the establishment of settlements and their related infrastructure, including the Wall, hundreds of military checkpoints and other movement restrictions that are part of a strict permit regime that

denies Palestinians their right to move freely within their own country. There are also other administrative restrictions aimed exclusively and discriminatorily at the Palestinian population, as well as roads for the exclusive use of settlers.

These illegal measures are neither temporary nor justified under international law. These measures – this regime – is designed to achieve a strategic and devastating goal: the unlawful appropriation of land and property from the Palestinian people, the cleansing of that land of their presence and the creation of a new demographic reality on that land thus denying the Palestinian people their most basic right – self-determination and freedom. No doubt, this constitutes the most brutal enterprise of ethnic cleansing, perpetuated as a widespread and systematic policy of criminality over decades against the Palestinian people within the Occupied Palestinian Territory.

The classification of the Israeli settlement regime as criminal is not a matter of opinion. Indeed, it is a clearly established fact in international humanitarian and criminal law. This regime is a grave breach of the Fourth Geneva Convention and has rightly triggered international reaction ever since its commencement in 1967. A series of U.N. Security Council resolutions adopted between 1971 and 1980 have thus condemned and called for the cessation of Israel's settlement measures that change the legal, demographic and geographic status of the Occupied Palestinian Territory, including East Jerusalem. It has been the subject of numerous other United Nations resolutions and reports, and was the subject of a UN Human Rights Council Fact-Finding Mission. The Israeli settlement regime has also been deemed illegal by a variety of international actors, including the International Court of Justice, the High Contracting Parties to the Fourth Geneva Convention, regional and political groups, as well as legal scholars and civil society worldwide. Furthermore, the maintenance of this regime involves the commission of crimes that are within the jurisdiction of the International Criminal Court, because it implies the unlawful appropriation of land, the forcible removal of civilians and the adoption of a variety of deliberate discriminatory and persecutory policies.

Despite this unmistakable clarity in the definition of the law and the consistent universal condemnation of the settlement regime, Israel continues to push ahead with this criminal enterprise. It continues to unravel any practical hope for realizing the two-state formula. Why? Because Israel has committed these grave breaches and crimes for almost half a century without facing accountability. Yes. Impunity, brought about by lack of accountability and justice is the reason why this conflict still rages on and why we are here today to discuss the problem of settlements rather than the prospects of a future of peace and prosperity in the context of two-states.

This reality of impunity and practical disdain for international law and Palestinian rights has also transformed the settlement regime into a hotbed of racism, terrorism, and violence. The Israeli government has extended to Israeli settler militias and racist groups the same kind of immunity from accountability it has enjoyed at the international arena. As such, violent, and often deadly attacks, by Israeli settlers against Palestinian civilians and property have quadrupled over the past few years and increased in the level of brutality and audacity. In this regard, we believe that confronting the settlement regime is also gaining special urgency in light of the recent tragic

events that have taken place in Palestine, namely the horrific act of terror and hate committed by Israeli settlers against the Al-Dawabsheh family and earlier against Mohammad Abu Khdeir. The terrorism of Israel's illegal settler population is directly linked to the lawlessness of the occupying Power and its illegal settlement regime, as well as its institutionalized system of persecution and oppression, which allows such brutal acts of murder and hate to go unpunished and for hate groups to continue receiving funds from the Israeli government.

By committing these actions and enacting these policies, Israel undermines the two-state solution for peace everyday. Yet, unfortunately, the international community as a whole, including the Security Council, have thus far failed to rise to the occasion to avoid this grave outcome, even as all international actors recognize that the situation is unsustainable and constitutes a threat to peace and security in the Middle East and beyond.

So what is the way forward? How do we save the prospects of peace? The answer is simple and clear: by combatting this illegal regime and taking practical steps to end it, including through boycott. Any talk of patience, waiting, or maintaining the status quo are simply reckless and irresponsible. Moreover, it should be clear that if the international community continues to fail to take practical steps to put an end to the settlement regime, the climate of complete impunity will prevail, presenting serious and imminent threat to any hopes in achieving a peaceful solution. If not confronted by the international community as a whole, the settlement regime will undermine the realization of the Palestinian people's inalienable rights, in particular their right to self-determination and statehood. It will also will have devastating consequences to international peace and security as a whole and will undermine the credibility of international law and with it the whole international system.

In this regard, let me point out that Palestine considers the EU step of labelling settlement products to be a positive, yet long overdue, initial step. It is a step in the right direction but it is nowhere near enough. The EU is in a strategic position to make an effective impact in this regard, given its special trade and cooperation relation with Israel. We have consistently called on the EU members to subject Israel to the scrutiny and standards entailed in the Union's foreign relations guidelines. Israel must be made to understand that it cannot continue to make a profit off the oppression of the Palestinian people, the illegal exploitation of their natural resources, and the denial of their most basic and inalienable rights. In this regard, we continue to work with states worldwide to ensure that companies and individuals are made aware of the serious legal ramification of any involvement, direct or indirect, in the profiteering from the illegal settlement regime. This is of paramount importance.

The Security Council also has a principle duty to act to end this insidious occupation and uphold its duties vis-à-vis the Palestine Question. We believe in international law and in the central role of the Council in maintaining international peace and security. The Council must undertake this role seriously and consciously in the Middle East in its ongoing attempts to resolve the Arab-Israeli conflict, the core of which remains the Palestinian-Israeli conflict.

But even with the letdowns of the political reality and the ongoing political impasse, we have not relented in advancing our people's rights. The State of Palestine has constantly been calling on

the international community, particularly the Security Council, to act swiftly and send a clear signal to Israel, the occupying Power, that all these illegal actions will not be tolerated and must be brought to a complete halt. We have been acting at every level to confront the settlement regime at the international level including the International Criminal Court.

Further, the State of Palestine also continue to remind all states that in line with their obligations under international law, they have a collective and individual responsibility to take serious and effective measures to ensure accountability if Israel continues to refuse to comply with the legal obligations incumbent upon it, including under the Fourth Geneva Convention and the ICJ ruling of 2004. We are asking States to uphold their responsibilities under international law and requesting states to take all possible measures to ensure that state institutions, companies, entities or individuals cease forthwith their operation and/or involvement in the illegal Israeli settlement regime, in line with obligations under international law. As you are aware, involvement by individuals and/or businesses in these grave violations of international humanitarian law and international criminal law makes them legally liable for their actions and hence subject to the corresponding legal and administrative consequences of these wrongdoings.

We are also calling on States to ensure that any existing agreement with the Israeli side is signed and implemented on the strict condition that it does not involve any action within the Occupied Palestinian Territory, including East Jerusalem. States must also take immediate and concrete measures aimed at discouraging any form of trade with companies involved in illegal colonial policies, including by banning illegal settlement products. It is high time for states to ensure that any development of relations with Israel should be linked to Israel's abidance by its obligations under international law and the peace process. This would signal to Israel that its illegal actions will reflect on the level of its relations with countries around the world and hence contribute to advancing peace.

Additionally, and in relation to the increasing terror and hate attacks by settler militias, we believe it is imperative that all states take measures, individually and collectively, to combat the increasingly violent and vocal racist and terrorist groups in Israel. This includes holding accountable individuals, officials, and organizations involved in perpetuating, encouraging, financing, and/or inciting crimes and to consider them as terrorists with all political, legal and financial implications of such characterization.

Every state must act immediately to meet their obligations under international law in order to end decades of impunity. Unequivocal demands must be made for Israel to halt and reverse its illegal settlement regime, thus advance a just and lasting peace. The culture of hate and impunity must not be tolerated as it is the axe with which the foundations of peace could be permanently destroyed.

We maintain, as recognized by the whole international community, that preserving the two-state solution based on 1967 borders including as regards Jerusalem, requires the effective and urgent confrontation of these illegal and provocative actions, including settlement activities and terrorist attacks by settlers' groups. They also demand the recognition of Palestinian rights to self-determination and independence without conditions. A practical step in this regard is the

recognition of the State of Palestine, without delay. This would send the right message to Israel and consecrate the recognition of borders in line with international legality.

Barring this, we believe that we will surely only continue to witness the further deterioration of the situation on the ground, the failure of any and all efforts to revive the peace process, and the irreversible undermining of the practicability of the two-State solution based on the pre-1967 borders, with grave consequences for our peoples and the region as a whole.

Our overarching goals remain to bring an end to the Israeli colonization and occupation of our land and its destruction of the two-State solution, and to create the appropriate environment and dynamics for the conduct and ultimate success of genuine peace negotiations for the achievement of the two-State solution for peace in accordance international law.

Mr. Chairman,

Allow me to end on a note that departs from the quite dismaying political reality I have just outlined. Despite the current dangerous impasse and the continued Israeli illegal acts, the Palestinian people are not alone. Their noble plight for justice and freedom is supported by an increasing majority of the international public, whose increased awareness of the situation and commitment to the universal values of human rights has translated into actions of practical solidarity and principled support. This moral majority has given our people hope and continues to inspire acts of innovation and creativity that confront the occupation and injustice with hope, positive action, and fraternity.

The Palestinian people and their leadership will not forgo our legitimate national aspirations and will not cease their honorable efforts to achieve a peaceful resolution to this conflict in all its aspects. We will continue to push ahead and use all available political and legal means available to advance our rights and realize our national aspirations. We will combat the hopelessness and despair that the persistent acts of brutality and injustice create with hope and determination. The settlement regime will not succeed in pushing us out of hope and out of our homeland. We will continue to persevere - deeply rooted in our homeland – determined to plant where the occupation uproots and build where it demolishes. We will hold on to our faith – that the future is for justice and freedom and that the evils of oppression cannot outlast a free people's will to overcome injustice.

Thank You.

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