



UNITED NATIONS INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE

*Theme: Responsibility of the international community to uphold international humanitarian law
to ensure the protection of civilians in the Occupied Palestinian Territory
in the wake of the war in Gaza*

United Nations Office at Geneva, 22 and 23 July 2009

Concluding Statement of the Organizers

1. The United Nations International Meeting on the Question of Palestine was held on 22 and 23 July 2009, at the United Nations Office at Geneva, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The theme of the Meeting was "Responsibility of the international community to uphold international humanitarian law to ensure the protection of civilians in the Occupied Palestinian Territory in the wake of the war in Gaza". Participants in the Meeting included internationally renowned legal and other experts, including Israelis and Palestinians, representatives of the United Nations, Members and Observers, parliamentarians and representatives of parliamentary organizations, representatives of the United Nations system and other intergovernmental organizations, the academic community, representatives of civil society organizations, as well as the media.
2. The Meeting took place against the backdrop of a series of disturbing developments, the principal among which was the military offensive of the Israel Defense Forces in the Gaza Strip in December 2008 and January 2009 which gave rise to serious allegations of violations of international humanitarian law. It also took place subsequent to the Sharm el-Sheikh Summit held in March 2009 in order to raise funds for the reconstruction of Gaza after Operation Cast Lead, the election of Mr. Benjamin Netanyahu as Prime Minister of Israel in February 2009, a complete standstill in the peace negotiations, as well as continued internal Palestinian divisions blocking reconciliation and restoration of national unity in the Occupied Palestinian Territory, including East Jerusalem.
3. The participants urged all actors in the international community to renew their commitment and resolve to uphold international law. They welcomed the firm stance adopted by United States President Barack Obama regarding the need for a complete halt to Israeli settlement activity in the West Bank. Despite the fact that Prime Minister Netanyahu mentioned the two-State solution for the first time on 14 June 2009 with so many unacceptable conditions attached, the participants found that his statements and those of members of his Cabinet were disquieting in view of the conditions to be met by the Palestinians before the Israeli Government would consider resuming final status negotiations. The participants welcomed the commitment reaffirmed by the leaders of the Non-Aligned Movement at their recent summit in Sharm el-Sheikh expressing strong backing for the achievement by the Palestinian people of their just rights, including an independent State and emphatic solidarity with the Palestinian people's inalienable rights of self-determination, return of refugees and a viable state with East Jerusalem as its capital.
4. The participants expressed serious concern at the continued settlement activities in the West Bank including in and around East Jerusalem, in contravention of Israeli obligations under the Road Map. They were disturbed in particular about the recent developments in East Jerusalem, including the increase in the number of house demolitions. The participants recalled that five years had elapsed since the International Court of Justice (ICJ) had issued its landmark Advisory Opinion on 9 July 2004 confirming the illegality of building the wall in the West Bank and the illegality of building settlements in the Occupied Territory. They deplored the fact that this historic ruling by the international community's highest judicial organ has largely remained a dead letter and that the Israeli Government has continued the construction of the wall in defiance of the Advisory Opinion and in violation of the Fourth Geneva Convention and United Nations resolutions. The ICJ ruling implies that the wall cannot be viewed by Israel as a permanent political boundary thus predetermining final status negotiations.
5. The participants concluded that the resolution of the conflict through direct negotiations should be firmly based on the principles of international law and would result in the goal of two States – an independent, viable, democratic and territorially contiguous Palestine, living side by side in peace and security with Israel. They were all the more disturbed by accounts of serious violations of international humanitarian law, including possible international crimes and war crimes, committed by Israeli troops during Operation Cast Lead in the Gaza Strip. Equally disquieting was the virtually complete denial by Israel of breaking the rules governing the conduct of war, including the use of illegal weapons and excessive force disproportionate to any threat that may have been faced by the army in densely populated areas. The participants deplored the lack of cooperation by Israel with many of the investigations into its conduct of hostilities in the wake of the Gaza offensive.
6. The participants were particularly dismayed by the fact that Israel has maintained a tight blockade of the Gaza Strip after Operation Cast Lead and the massive destruction of property and infrastructure which took place. This has resulted in all but a trickle of the most indispensable humanitarian relief aid which has exacerbated the already dire socio-economic situation and kept the population barely one step ahead of starvation. Virtually no material for rehabilitation and

reconstruction has been permitted to enter so far. Patients affected by serious illnesses or needing urgent medical interventions outside the Gaza Strip have continued to suffer and die for lack of permits to leave Gaza. In the West Bank, the closure regime associated with the construction of the wall, the permit system as well as checkpoints have all continued unabated and have severely restricted freedom of movement in the territory. The participants stressed that urgent attention by the international community was needed to redress this dismal and unacceptable situation.

7. The participants expressed serious concern that Israel was not abiding by its obligations under the Fourth Geneva Convention to provide protection to the civilian population under its occupation. The applicability of the Convention to the Occupied Palestinian Territory, including East Jerusalem, had been repeatedly confirmed by the Conference of the High Contracting Parties, as well as by the United Nations General Assembly, the United Nations Security Council and the International Court of Justice. The participants recalled that the Fourth Geneva Convention, as an instrument of international humanitarian law, was applicable, regardless of the national legislation of Israel, which is a High Contracting Party to the Convention. They encouraged principled action by the international community to ensure respect of and adherence to norms of international humanitarian law. In particular, they appealed to all the High Contracting Parties to the Fourth Geneva Convention to fulfil their obligations in accordance with common Article 1, which requires the High Contracting Parties to respect and to ensure respect for the Convention in all circumstances. They expressed their hope that the High Contracting Parties would take, individually or collectively, the measures they deem appropriate to ensure respect of the Convention, including the convening of a High Contracting Parties conference to address the subject of respect and ensuring respect for the Conventions in all circumstances.

8. In view of the gravity of these developments, the participants reaffirmed that the principal tool to redress the situation and uphold justice was respect for international law as embodied in international legal instruments such as the Fourth Geneva Convention, the ICJ Advisory Opinion and relevant United Nations resolutions. It was only by respecting and ensuring respect for international law, including international humanitarian and human rights law, that the international legal system can fulfil its purpose. International justice can only be restored through the commitment of all actors in the international community to ensure accountability for breaches of international humanitarian and human rights law and put an end to impunity. Perpetrators of serious crimes have to be brought to justice and held accountable for their actions. In this connection the participants called for the implementation of the recommendations of all UN investigations conducted by different commissions. One way to support this is to ensure the understanding of the public at large through information and explanation. Participants agreed that no state should be allowed to deem itself above the law. Only respect for international law will allow for the resumption of a genuine dialogue with a view to resolve the Israeli-Palestinian conflict.

9. The participants called upon all Governments to live up to their legal commitments entered into by ratifying the Geneva Conventions and other legal instruments and to apply them to the realization of their political goals, namely the implementation of the international consensus on the two-State solution. They urged regional organizations to respect their own guidelines on promoting compliance with international humanitarian law and the human rights clauses of the agreements that they have concluded. The participants called on parliamentarians to incorporate in their national legislation laws allowing for the prosecution of serious violations of international humanitarian law and encouraged their umbrella organizations to promote the acceptance of universal standards. Civil society organizations should enhance their advocacy of adherence to international law in relation to the Occupied Palestinian Territory. They called upon the media to inform the public about the situation and heighten their awareness of issues relating to international law.

10. The participants reaffirmed the permanent responsibility of the United Nations with respect to all the aspects of the question of Palestine, until it is resolved in conformity with relevant United Nations resolutions and norms of international law, and until the inalienable rights of the Palestinian people were fully realized. The participants expressed their appreciation to the Committee for convening this timely Meeting. They expressed the hope that the unprecedented level of mobilization and the results of the investigations into the events in Gaza will result in bringing to justice alleged perpetrators of war crimes on either side.

11. The participants welcomed the announcement that the Committee and the Parliamentary Assembly of the Mediterranean will jointly convene early next year in Malta a meeting on the status of Jerusalem.

12. The participants also expressed gratitude to the United Nations Secretary-General for his continued commitment to and support for the work of the Committee, and to the Director-General of the United Nations Office at Geneva for hosting this Meeting and for the assistance and support extended to the Committee and the United Nations Secretariat in its preparation.

*23 July 2009
United Nations Office at Geneva*