



General Assembly GA/PAL/1308

Department of Public Information • News and Media Division • New York

Committee on the Inalienable Rights
of the Palestinian People
362nd Meeting (AM)

PALESTINIAN RIGHTS COMMITTEE MEMBERS URGE REMOVAL OF BARRIER WALL CREATING SITUATION DEEMED ILLEGAL 10 YEARS AGO BY INTERNATIONAL COURT OF JUSTICE

A decade after the International Court of Justice deemed illegal the situation arising from Israel's construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, the Palestinian Rights Committee, in a special meeting, reaffirmed the Court's findings and called on Israel to immediately dismantle its system of walls and fences and to compensate Palestinians that had sustained damages as a result.

In a statement issued today, the Committee, known formally as the Committee on the Exercise of the Inalienable Rights of the Palestinian People, said "The situation has not improved. Israel continues to flagrantly disrespect the [advisory opinion](#), and the wall remains under construction".

Israel's continued disregard of the Court's 9 July 2004 [advisory opinion](#), and its systematic and deliberate violations of international law, "undermined any remaining trust between Israelis and Palestinians", the statement said.

Also according to the statement, already 86 per cent of the wall ran inside the West Bank, not along the "Green Line", the 1949 Armistice Line demarcating Israel and its Arab neighbours. That had resulted in the confiscation of more Palestinian land and property, displacing thousands of Palestinian civilians, severely fragmenting the Palestinian Territory and isolating Occupied East Jerusalem. Once completed, the 712-kilometre barrier of concrete walls, fences, ditches, razor wire, sand paths and electronic monitoring would span twice the length of the Green Line.

The Committee reaffirmed the Court's ruling that all States were obliged not to recognize the illegal situation due to the wall's construction or support its maintenance, and that all State Parties to the Fourth Geneva Convention must ensure that Israel complied with international humanitarian law.

Additionally, the Committee, deeply regretting that the Security Council had remained silent on the matter, called on that body to act urgently and decisively to compel Israel to end its violations, while calling on the international community to take tangible political, diplomatic and economic steps to hold Israel to account. "Ensuring that businesses and corporations have no links with companies involved with and profiting from the occupation, including from the settlements and the wall, would be a significant step to uphold international law," the statement said.

Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs, speaking on behalf of United Nations Secretary-General Ban Ki-moon, said that adhering to the Court's [advisory opinion](#) was an essential step towards ending the occupation that began in 1967 and paving the way for the two-State solution.

Noting that the meeting was taking place amid an "increasingly precarious situation on the ground" and reiterating condemnation of the recent murders of Israeli and Palestinian teenagers, he called on all parties to refrain from any actions that could further escalate conditions and to do their utmost to resume meaningful negotiations.

Shawqi Al-Aissa, Minister for Agriculture, Social and Prisoner Affairs of the State of Palestine, said people no longer accepted Israel's excuse of security concerns for its crimes against Palestinian detainees and continued settlement activities. But the States of Europe and other signatories of the Geneva Conventions had not sufficiently pressured Israel to end such practices that impeded realization of the two-State solution.

He called for an independent committee to investigate crimes that included the recent murder of a Palestinian teenager, and maintained the State of Palestine's right to be a member of all treaty bodies, including the International Court of Justice, and to charge Israel with the crime of apartheid.

Also delivering statements today were Hussein Haniff (Malaysia), Vice President of the General Assembly (on behalf of the Assembly President); Abdou Salam Diallo (Senegal), Committee Chairman; Raymond Dolphin, Humanitarian Affairs Officer and barrier specialist at the Office for the Coordination of Humanitarian Affairs, via video conference from Jerusalem; Abdul Koroma, former Justice of the International Court of Justice; Bill Van Esveld, Senior Israel and Palestine Researcher, Middle East and North Africa Division, Human Rights Watch; and Sarah Whitson, Executive Director of the Middle East and North African Division, Human Rights Watch (on behalf of civil society organizations).

Additional speakers were the representatives of Egypt, Pakistan, Tunisia, Nicaragua, Cuba, Indonesia, Turkey, Morocco and Bolivia.

Statements

HUSSEIN HANIFF (Malaysia), Vice President of the General Assembly, speaking on behalf of its President, John Ashe, noted that by an overwhelming majority the Assembly had taken note of the Court's 9 July 2004 [advisory opinion](#). In its [resolution ES-10/15](#), of 2 August 2004, the Assembly stressed the obligation on both sides to respect the law. With no action taken to dismantle the separation wall since that text's adoption, implementation was now more difficult. The separation wall's effects on the population in the Occupied Palestinian Territory were manifest. They were not fabricated by the Committee or the Assembly. They were exposed by modern communications, and anyone with a computer could see them.

In the decades since the [advisory opinion](#) was issued, the situation in the Occupied Palestinian Territory and Israel had become infinitely more complex. It was necessary to keep those facts in mind when attempting to create the conditions that would enable the two sides to sit together and negotiate a solution. "We must not abandon hope," he said. Ten years had passed without the resolution's implementation. However real and disheartening the situation might be, lessons had been learned, including that security must be mutual. Nor was there any hierarchy between the security needs of one side or another. Both sides must be steadfast in their resolve to reduce human suffering. He expressed hope that today's commemoration would ingrain those lessons in people's

hearts.

OSCAR FERNANDEZ-TARANCO, Assistant Secretary-General for Political Affairs, speaking on behalf of Secretary-General Ban Ki-moon, noted that the meeting was taking place amid an "increasingly precarious situation on the ground", and reiterated the condemnation of the recent murders of Israeli and Palestinian teenagers. He also reiterated the call on the parties to refrain from any actions that could further escalate the situation and to do their utmost to find their way back to meaningful negotiations.

Regarding the [advisory opinion](#) on the wall, he said that adhering to it was an essential step towards ending the occupation that began in 1967 and paving the way for the two-State solution to the Israeli-Palestinian conflict. He noted that, based on a [request](#) from the General Assembly, he had established the Office of the Register of Damage caused by the wall. It had become operational in 2008 and had collected 42,600 claims and more than 1.1 million supporting documents. He reiterated the call on all Member States to meet their obligations to ensure compliance by Israel with international humanitarian law.

ABDOU SALAM DIALLO (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, said the commemoration was particularly important. The [advisory opinion's](#) unanimous message was very clear: the building of the separation wall was contrary to international law. Israel was obligated to end the violations, stop construction and dismantle existing structures. Israeli settlements in the Occupied Palestinian Territory were also contrary to international law. All State parties to the [Fourth Geneva Convention](#) must respect international law. Despite that, the message had not been clearly received by the occupying Power. The Committee thus believed it was its duty to mark this tenth anniversary to remind Israel and the international community of the Court's historic decision. The Committee had backed numerous actions towards a just solution.

He said that while the Council had failed to take steps to end construction of the 700 kilometre-long separation wall, the Assembly had spoken more openly of the need for Israel to comply with the Court's decision. Assembly [resolution ES-10/15](#) asked the Secretary-General to set up a registry of all damage caused by the wall, and on Switzerland, in its capacity as the depositary of the Geneva Conventions, to conduct consultations and to report to the Assembly on the matter, including regarding the possible resumption of the Conference of High Contracting Parties to the Fourth Geneva Convention.

The Assembly had sent a clear message reaffirming its desire for international law to be respected, he said, yet 10 years later, the walls and barriers remained intact and the life of most Palestinians continued to deteriorate rapidly. That impeded freedom of movement for thousands of Palestinian families. The recent escalation of violence on the ground, and the ensuing tragic consequences, were a further result of the actions of the occupying Power. The Committee urged Israel to stop such actions and abide by the Court's [opinion](#). "The wall needs to be taken down and all Palestinians need to be compensated for the damage they have suffered because of it," he said, also calling on the Israeli Government to guarantee freedom of movement for all Palestinians. Israel must account for its policies and actions in the Occupied Palestinian Territory, including East Jerusalem. "It behoves the Security Council to take decisive measures and steps. History had shown that lack of action by this main body of the United Nations often came at a high cost".

SHAWQI AL-AISSA, Minister for Agriculture, Social and Prisoner Affairs of the [State of Palestine](#), said that the [advisory opinion](#) stressed the importance of laws, conventions and agreements, which must be implemented. He had no doubt that Israel would continue to ignore international law. Other States, therefore, were responsible for ensuring the [opinion's](#) implementation.

He said Israel continued to perpetrate crimes related to Palestinian detainees, as well as through its continued settlement activities and other activities, which aimed to "empty" the land of its Palestinian residents. Today, Israel was continuing its crimes against civilians in Gaza. The excuse of security concerns for such practices was not accepted by anyone anymore, he maintained. Despite some measures, the States of Europe and other signatories to the Geneva Conventions had not exerted sufficient pressure on Israel to end its settlement and other policies that would destroy possibilities for the two-State solution. He finally called for an independent committee to investigate crimes that included the recent murder of a Palestinian teenager, and he held the State of Palestine's right to be a member of all international bodies, including the International Court of Justice, and to charge Israel with the crime of apartheid.

RAYMOND DOLPHIN, Humanitarian Affairs Officer and barrier specialist at the Office for the Coordination of Humanitarian Affairs, speaking from Jerusalem via video conference, said that the wall would be 700 kilometres long if finished as planned, making it twice the length of the Green Line, which showed the enormous deviation. At least 85 per cent of the barrier would eventually be inside the West Bank, isolating 9.4 per cent of its area, including East Jerusalem. Continuing via a PowerPoint presentation, he described deleterious effects of the barrier on Palestinian farmers, who needed special permits to access land near the Green Line. He estimated that there was a 60 per cent reduction of olive tree output in restricted areas, adding that there were also negative impacts on social relations and access to health facilities by the Palestinians who resided between the barrier and the Green Line, including on those who lived in East Jerusalem and its vicinity. He presented two videos with testimonies of Palestinians affected by the barrier.

ABDUL KOROMA, former Justice of the International Court of Justice, agreed that the [advisory opinion](#) should be seen as an instrument for the peaceful solution of the Israeli-Palestinian conflict. The [opinion](#) confirmed the responsibility of the United Nations towards Palestine, as did the activities of the Palestinian Rights Committee. If international law, including the [opinion](#), and Security Council resolutions on the wall, were respected, he maintained, much of the current situation could have been avoided. In that context, he found it unfortunate that unilateral decisions had been taken by all sides in the conflict.

He noted that, in responding to the request of the General Assembly for an [opinion](#), the Court had concluded that the wall's construction was contrary to international law, placing it in the context of the maintenance of international peace and security, the protection of civilians and the right to self-determination. He explained that an advisory opinion was not a judgement, but rather it provided advice to those who requested it. However, it applied principles of binding international law to extend such advice, asking Israel to dismantle the wall forthwith. Ten years later, it remained the international community's responsibility to end continuing violations of international law.

BILL VAN ESVELD, Senior Israel and Palestine Researcher, Middle East and North Africa Division, [Human Rights Watch](#), pointed to the barrier's intensely discriminatory nature. Israelis, settlers or tourists could easily travel from the West Bank to Israel through checkpoints. But Palestinians did not have access and had to apply for and receive permits, which were very difficult to obtain, to access just one gate in the barrier that only Israeli soldiers could open. Palestinians were required to submit applications to live in their own homes and renew those applications every two years. Farmers cut off from their land because of the separation wall received permits for only three weeks to access it. Residents of Biddu, a village northeast of Jerusalem that was home to some 30,000 Palestinians, had been unable to access their land for more than 300 days in 2011. Israel had given the villagers grape seedlings but did not allow them to be planted, and had denied farmers access to their grape vines during olive season.

In 2004, he went on, the Israeli Government, arguing that a permit system would prevent Palestinian attacks on Israel, ordered Israel's courts to set one up, even though Palestinians had petitioned against its creation in 2003. Israel had maintained that the permit system was not harmful. Permits for Palestinians to work in Israeli settlements were far less restrictive than permits for Palestinians to access their own farmlands. The option of going to the Israeli justice system to seek retribution, in reality, was closed. He cited incidents in which Israel used coerced confessions from Palestinians, including from children and mentally disabled persons, to arrest and detain them.

SARAH WHITSON, Executive Director of the Middle East and North African Division of [Human Rights Watch](#), speaking on behalf of civil society organizations, said that the Palestinian Authority could bring what she called Israel's war crimes to the International Criminal Court if it acceded to the Rome Statute. She criticized the Authority's failure to do so, saying that it was succumbing to bullying by the United States, Israel and others who had threatened negative effects for the peace process. The greatest impediment to peace was Israel's impunity, and whoever blocked accountability was damaging the cause of peace and performing a disservice to all victims of war crimes on both sides.

MOOTAZ AHMADEIN KHALIL ([Egypt](#)) thanked the day's participants and emphasized the connection between Israel's disregard for the [advisory opinion](#) and current violence, for which he blamed that country's continued impunity in relation to its practices of occupation. He called for a more forceful reaction from the international community.

MASOOD KHAN ([Pakistan](#)) condemned what he called the brazen violence by the occupying authorities and the collective punishment being meted out to the

Palestinian people. He too called on the international community to act to stop it. He called for a resumption of peace negotiations and justice for the murdered Palestinian teenager. Finally, he called for the dismantling of the separation wall, as stated in the [advisory opinion](#).

MOHAMED KHALED KHIARI ([Tunisia](#)) said that the violations of international law in the Occupied Palestinian Territory went beyond the construction of the wall. He expressed deep concern over continuing practices in that context, and called on the Security Council to act.

MARIA RUBIALES DE CHAMORRO ([Nicaragua](#)) affirmed solidarity with the Palestinian people and thanked Judge Koroma for his presentation, requesting that his statement be distributed. She affirmed the responsibility of the United Nations for the situation of Palestinians, adding that one permanent member of the Security Council was protecting Israel's impunity.

OSCAR LEÓN GONZÁLEZ ([Cuba](#)) supported Mr. Diallo's initiative to circulate Mr. Koroma's briefing. He strongly condemned Israel's violations in the Middle East, and endorsed the Nicaraguan delegate's assertion that Israel felt it had immunity from its crimes because it was protected by the United States' veto power in the Security Council. He demanded that Israel end its crimes.

DESRA PERCAYA ([Indonesia](#)) stressed the need to strengthen the Committee's cooperation with civil society and other non-State actors, which had power to influence Government policies and were in a good position to further disseminate the Committee's work at large to end the occupation. He hoped such efforts would change the international community's view in favour of a more independent State of Palestine.

MELIS KURULTAY ([Turkey](#)), speaking on behalf of the Permanent Representative, said the separation wall was one of the gravest barriers to reaching a durable peace. She deplored the recent killing of Israeli youths and subsequent killing of a Palestinian youth. She also deplored Israel's Operation Protective Edge launched on Tuesday and the killing of 28 Palestinians since the start of that operation. She called on the international community to urge Israel to immediately stop its use of force on the Palestinian people, and she urged all parties to act with restraint.

Mr. BOUCHAARA ([Morocco](#)) strongly condemned the recent escalation of violence and series of attacks against Palestinians, which had killed and injured many, saying that those attacks could gravely undermine the peace process. He called on the international community to intervene immediately to protect the Palestinians and hold Israel to account for such violations.

SACHA SERGIO LLORENTY SOLÍZ ([Bolivia](#)) strongly joined others in condemning Israel's attacks against Palestinians, which he said were accompanied by an alarming degree of impunity because of its protection by other States. He asked for wider dissemination of the decisions and statements of the Committee.

[Committee Statement](#)

Following is the full text of the Committee's statement on the occasion of the 10-year anniversary of the [advisory opinion](#) of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory:

"The Committee on the Exercise of the Inalienable Rights of the Palestinian People met today to commemorate the landmark [advisory opinion](#) of the International Court of Justice (ICJ) on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (OPT), which was rendered by the Court on 9 July 2004.

"The Committee reaffirms the findings of the 2004 [advisory opinion](#), which concluded, inter alia, that the construction of the wall that began to be built by Israel, the occupying Power, in 2003 in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law and that Israel is under an obligation to terminate its breaches of international law, to cease the construction of the wall, and to dismantle the structure already built. Israel is also under an obligation to make reparation for all damage caused by the construction of the wall, as reaffirmed by General Assembly [resolution ES-10/17](#) of 15 December 2006 by which the Assembly established the "United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory". The Court also concluded that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, have been established in breach of international law.

"Moreover, the Committee reaffirms the Court's ruling that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; and all States parties to the Fourth Geneva Convention have an additional obligation to ensure compliance by Israel with international humanitarian law. The Committee reiterates the call by the Court on the General Assembly and the Security Council to consider what further action is required to bring to an end the illegal situation resulting from Israel's construction of the wall and the associated regime.

"The Committee emphasizes that this authoritative ruling of the ICJ provided a substantial international legal framework applicable to the Israeli occupation of the Palestinian land. It clearly exposes the connection between the wall and Israel's illegal settlement policies and calls upon the responsible actors to uphold their obligations in compliance with the rules and provisions of international law.

"The Israeli Government claims that the wall was a temporary security measure. However, the ICJ indicated that the specific route Israel has chosen for the wall was not necessary to attain its security objectives and that the construction of the wall constituted 'breaches by Israel of various of its obligations under the applicable international humanitarian law and human rights instruments'. The overwhelming majority of the route of the wall — 86 percent — runs inside the West Bank, not along the 1949 Armistice Line (the Green Line/pre-1967 border). The ICJ pointed out that the route of the Wall has been planned to encompass the bulk of the Israeli settlements in the Occupied Palestinian Territory — settlements which are illegal under international law, thus compounding the perpetration of such violations.

"Ten years after the ICJ issued its [advisory opinion](#), the situation has not improved. Israel continues to flagrantly disrespect the [advisory opinion](#), and the wall remains under construction, resulting in the confiscation of more Palestinian land and property, the displacement of thousands of Palestinian civilians, the severe fragmentation of the Palestinian Territory's contiguity and the isolation of Occupied East Jerusalem and other Palestinian cities and towns. According to the Israeli plans, the total length of the wall, if completed, will be 712 km, more than twice the length of the Green Line. Approximately 443 km of the wall, consisting of concrete walls, fences, ditches, razor wire, sand paths and electronic monitoring, are complete with further 72 km now under construction.

"The wall is but one element of the wider system of severe restrictions on the freedom of movement imposed by Israel, the occupying Power, on the Palestinian civilian population in the West Bank. There are currently well over 600 closure obstacles, including checkpoints, obstructing Palestinian movement within the West Bank. In addition, the system of roads constructed by Israel in connection with the wall and settlements is increasingly segregated: travel on hundreds of kilometres in the West Bank is restricted or prohibited outright for Palestinians, whereby Israelis are allowed to travel on them freely. About one third of the West Bank, including Occupied East Jerusalem, is completely prohibited to Palestinians without a special permit issued by the Israeli military.

"These severe restrictions violate not only the right to freedom of movement. They also effectively prevent Palestinian residents from exercising a wide range of other human rights, including their right to work, to health, to education, to an adequate standard of living and to development. Farmers are prevented from accessing their fields and from exercising their right to sustain their livelihood. Children are prevented from accessing schools and students face restrictions in choosing their university. Patients are prevented from accessing hospitals, blocking them from exercising their right to the highest sustainable standard of health. Palestinian families, particularly Bedouin refugee families, continue to be forcibly displaced from their homes and lands as the route of the wall cuts into their communities and the occupying Power seizes their lands and properties. And Palestinians currently lack meaningful access to an effective remedy — judicial or otherwise — for their plight.

"The Committee expresses its appreciation to the United Nations system entities on the ground following the developments in the Occupied Palestinian Territory, including East Jerusalem, providing assistance to the Palestinian people, and documenting the vastly negative impact of the wall, the settlements and associated restrictive Israeli policies. It appreciates in this regard the work of the United Nations Register of Damage and calls for the expeditious fulfilment of its mandate.

"The Committee reiterates its condemnation of all illegal policies and measures by Israel, the occupying Power, including the continued construction of the wall, expansion of settlements, military raids on civilian areas and the use of excessive force against Palestinian protesters, arrest raids, the arrest and detention of Palestinians and abuse of prisoners and detainees, and the continuation of the suffocating Gaza blockade. With regard to the wall, it calls on the Israeli Government to immediately and fully implement the ruling of the ICJ by dismantling the system of walls, fences and barriers erected in the occupied West Bank, including East Jerusalem, and making reparations to all Palestinians that sustained damage as a result of the construction of the wall. Israel's continued disregard of the findings of the [advisory opinion](#), ten years after it was issued, as well as its systematic and deliberate violations of international law, undermines any remaining trust between Israelis and Palestinians. They hamper any efforts aimed at achieving a comprehensive, just and lasting settlement of the question of Palestine on the basis of two States — an independent, sovereign, contiguous and viable State of Palestine on the basis of the 1967 borders, with East Jerusalem as its capital, living side by side with Israel in peace and security.

"The Committee deeply regrets that the Security Council has remained silent on the critical matter of Israel's construction of the wall and has failed in recent years to take action to condemn and bring a halt to Israel's continuing violations of international law, especially as they relate to the illegal settlement expansion and the wall. The Committee calls on the Security Council to act urgently and decisively to compel Israel to end its violations of international law. Moreover, the Committee calls on the international community to adopt measures to hold Israel, the occupying Power, accountable for its actions and compel it to cease its violations and choose the path of peace. State parties to the [Fourth Geneva Convention](#) are, as reconfirmed by the ICJ, under an obligation to ensure compliance by Israel with international humanitarian law. Tangible action needs to be taken on the political, diplomatic and economic levels. Recognizing the State of Palestine and supporting its access to international treaties and agreements would be important steps in upholding the right of the Palestinian people to self-determination. Ensuring that businesses and corporations have no links with companies involved with and profiting from the occupation, including from the settlements and the wall, would be a significant step to uphold international law. The Committee commends the European Union guidelines in that regard prohibiting funding to settlements and all other measures undertaken by States to hold Israel accountable for its violations in this regard.

"More active steps from the international community, Governments, international organizations, parliamentarians and civil society are required to salvage the two-State solution in accordance with the relevant United Nations resolutions, the [Madrid principles](#) and the [Arab Peace Initiative](#), the [Quartet Road Map](#), and to assist the Palestinian people to realize their inalienable rights, justice, freedom and peace."

<http://webtv.un.org/watch/362nd-meeting-committee-on-the-exercise-of-the-inalienable-rights-of-the-palestinian-people-general-assembly/3666678767001/>

* * * * *

For information media • not an official record