
INTERNATIONAL MEETING ON QUESTION OF PALESTINE CLOSES MEETING IN GENEVA

23 July 2009

The United Nations International Meeting on the Question of Palestine, which was organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, concluded its two-day session this afternoon, hearing a concluding statement by the organizers, as well as final remarks by the Permanent Representative of Palestine to the United Nations in New York and the Chairman of the Committee. Earlier in this afternoon's meeting, participants continued their discussion on the role of parliaments and civil society in advocating adherence to international humanitarian and human rights law, particularly the role of civil society organizations.

Saviour Borg, the Committee Rapporteur, reading out the concluding statement of the organizers, 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 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. The participants were also particularly dismayed by the fact the 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. Perpetrators of serious crimes have to be brought to justice and held accountable for their actions. Participants hoped that the unprecedented level of mobilization and the results of the investigations into the events in Gaza would result in bringing to justice alleged perpetrators of war crimes on either side.

Paul Badji, Chairman of the Committee, in his own concluding observations, said that the picture that had emerged of what had transpired in Gaza had been grimmer than they had expected. It would require firm resolve by all actors in the international community at all levels. One of the most important challenges was the complete denial by the Israeli authorities that any wrongdoing had been committed outside the laws of war and its so far total intransigence as regarded cooperation with investigations into what had happened during the military operation. There was an historic opportunity to put an end to impunity and hold perpetrators of grave violations of international humanitarian law and international crimes accountable for their actions.

Riyad Mansour, Permanent Representative of Palestine to the United Nations in New York, said that business as usual was not acceptable anymore after what had happened in Gaza this year. They had to address the issue in different ways and to use various platforms to bring Israel to end the occupation. For the first time in the history of Israel there were investigations and many people were saying that Israel had to be held accountable for its human rights and humanitarian law violations. The Committee had met with the Foreign Minister of Switzerland yesterday to discuss the option of convening a conference of the High Contracting Parties of the Fourth Geneva Convention. The Palestinians, the European Union and the other countries had many tools in their hands to hold Israel accountable.

In the panel discussion prior to the conclusion of the meeting, on the role of parliaments and civil society in advocating adherence to international humanitarian and human rights law, panellists addressed issues of double standards in applying international law; self-censorship exercised by the media in Israel; the role of the Israeli Supreme court in dismissing accountability for the Army; the impact of colonialism on Israel's behaviour; and the possibility of imposing a general boycott of Israeli services and products, until Israel respected its obligations under international law, as had been done successfully with South Africa under Apartheid. There was a need to revitalize the strong solidarity of Western civil society that had led to the Oslo Peace Agreement, a panellist said.

The panellists were Daphna Golan-Agnon, Senior Researcher with the Minerva Center for Human Rights at the Hebrew University, Jerusalem; Fatmeh El-Ajou, Advocate, Adalah – The Legal Centre for Arab Minority Rights in Israel; Pierre Galand, Chairman of the European Coordination of Committees and Associations for Palestine; and Rania Al-Madi, Consultant at BADIL Resource Center for Palestinian Residency and Refugees Rights.

Speaking in the interactive discussion with panellists were the delegations of Sri Lanka and Namibia and representatives of Third World Network, and *Centre Europe-Tiers Monde/Union juive française pour la paix*.

Panellists' Statements

DAPHNA GOLAN-AGNON, Senior Researcher with the Minerva Center for Human Rights, Hebrew University, Jerusalem, said that she was born in Israel and was raising her children there. She had lived through several of the past conflicts and even terrorist attacks. When leaving her children at school, she prayed for them to be well all throughout the day. She wanted to ask how long all this could go on. They had heard a lot about international law in the past two days. But after 42 years, what had international law given them? Was it useful? According to international law, there were two sets of rights in the region: one for Israelis and one for Palestinians. Israelis were enjoying their full rights, while Palestinians were only enjoying the very minimal rights provided in times of war by international humanitarian law.

In Israel, everyone thought they were living in a democracy, while Israel had normalized a state of discrimination in the Occupied Palestinian Territories, where hundreds of laws applied to justify the wrong side of things. For how long could they talk about a temporary situation? In Gaza, there were people whose past and present had been taken away and to whom no one was giving a future of hope. To resolve the problem of Gaza, one had to rethink its status. It was an artificial zone and it was still being controlled by Israel. The international community had to rethink this zone as an open space. The future of the people in Gaza was also her future, Ms. Golan-Agnon stressed. Also, how was it possible that Israel saw itself as part of Europe, as it showed by taking part in the Eurovision Song-Contest and playing soccer in the European League? Israel had to see itself as part of the Middle East, because that was the reality.

FATMEH EL-'AJOU, Advocate, Adalah – The Legal Centre for Arab Minority Rights in Israel, said that during the military operation in Gaza, the Israeli media had exercised self-censorship. On the other hand, human rights organizations had collected information on the result of the actions of the Israel Defense Forces in Gaza. They had created a blog to report on what was happening in Gaza, as it was not made available through the regular media to the Israeli people who wanted to know what really happened there. In Israel there had been two petitions during the war: one on the attack of medical staff in Gaza and another on the damage done, probably intentional, to the civilian infrastructure in Gaza. The Israeli Supreme Court had a good reputation, as it was much involved in what happened in the Occupied Palestinian Territories. However, during the military operation in 2009, all cases had been dismissed, including the two petitions.

The Court was using several legal techniques to dismiss any possibility for accountability for the army, Ms. El-'Ajou said, giving several examples of general and individual cases submitted to the Court over the past years which were later dismissed by the Court for various reasons. Also, Gazans were not able to travel to Israel to testify before the Israeli Supreme Court. Further, criminal investigations were opened when someone was killed, but often the conclusions of the probes were that they had found that the killing had not been

“intentional”, as written in the definition for war crimes in the Rome Statute.

PIERRE GALAND, Chairman of the European Coordination of Committees and Associations for Palestine, said that there was no reason to be overly pessimistic. A different world was possible by being in solidarity with the Palestinians, just as it had happened for South Africa. Europeans had always defended the status quo, a colonial position. That was still ongoing today. Israelis were children of colonialism and they had inherited all of its bad traits. Israel was a colonial state with the same contempt for the people it occupied and neglect of fundamental rights. It was not the Governments but the peoples who were making history. Today, it was the Palestinian people who were writing history and everyone should join them. People had to conquer their rights. State representatives had to work forward for the recognition of the Palestinian State, which reflected the will of the people they represented. States were only committing the crimes that other States allowed them to commit. Never could such a tiny country, even if it was a democracy, commit so many crimes without others allowing it. It was often said that Israel was a bridge-carrier of the Western world in the Middle East.

The organizations Mr. Galand represented would look into how to boycott Israel, as long as it continued to breach human rights. That was not anti-Semitism; nor was it anti-Israeli. They were fighting “for” Israel, just as when they had fought “for” South Africa when they had put an end to apartheid. They were against a Government which was in breach of its own rules and the rules of the international community. Even in Israel itself there were enough democratic forces which would join that movement. Today they were launching an appeal for a third grand “World Public Opinion International Tribunal” to highlight all the compliance and support which allowed Israel to carry out colonial occupations. One could mobilize by using negative measures such as boycott and sanctions or positive measures such as rallying people for support of the Palestinian people.

RANIA AL-Madi, Consultant at BADIL Resource Center for Palestinian Residency and Refugees Rights, observed that the General Assembly President had said last year that more than 20 years ago the United Nations had taken the lead of the civil society by taking sanctions against South Africa and that it was perhaps the time to do so today with Israel. Abuses should no longer be tolerated and Israel should be held accountable for its actions. Many civil society organizations had funded programmes in the Occupied Palestinian Territories to help Palestinians survive under the Occupation. The strong solidarity of the West had, however, weakened since the Oslo Peace Agreement. That movement had to be strengthened and revitalized again. She suggested the implementation of a general boycott of Israeli services and products, until Israel respected its obligations under international law. Awareness had also to be raised among the civil population in Europe. A ban on arms trade with Israel should also be put in place. The European Union-Israel Association Agreement should be put to a halt for the time being, until Israel complied fully with international law.

In the interactive discussion, various Government and civil society representatives raised issues, including whether the European Union had really made a decisive move to change its colonialism; and whether Hamas should be seen as legally elected Government by the European Union. What was being done to increase the voice of dissent inside Israel? Was Europe also not guilty of encouraging Israel to see itself part of the European Union? Should it rather not be indicating to it that its future lay in the Middle East and not in Europe? One speaker said that the issue had to do with power and the fact that the biggest Power in the world was allowing one of the worst human rights violators to disregard international law.

In answers to the questions, panellists said that the Hamas elections had been legal and conducted in conformity with international rules and that thus Hamas were fully entitled to govern. It was unacceptable that the European Union had told the Palestinians that they had voted for the wrong party. States were today totally in position to invoke the Geneva Convention with regard to what happened in Gaza this year. Another panellist said that it was maybe time for the European Union to say that enough was enough and that it should stop the occupation. Looking at the Israeli Army, one panellist noted that there was a growing grassroots movement against the occupation that the Government would find hard to stop. While people might be afraid to openly oppose the war, more and more Israelis were refusing to serve in the army. Some figures were talking of only 25 per cent of the population who finished their military service. It was also observed that more Israeli soldiers committed suicide than were killed in action.

Closing Statements

SAVIOUR BORG, Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, reading out a concluding statement of the organizers, noted that the two-day meeting had taken place against the backdrop of a series of disturbing developments, principal among which had been the military offensive of the Israel Defense Forces in the Gaza Strip in December 2008 and January 2009. Despite the fact that Prime Minister Netanyahu had mentioned the two-State solution for the first time on 14 June 2009, the participants had 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. Participants also 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. It was recalled that five years had elapsed since the International Court of Justice 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. The participants deplored that that historic ruling had largely remained a dead letter. 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 also deplored the lack of cooperation by Israel with many of the investigations into its conduct of hostilities in the wake of the Gaza offensive.

The participants were particularly dismayed by the fact the Israel had maintained a tight blockade of the Gaza Strip after Operation Cast Lead and the massive destruction of property and infrastructure which had taken place. That had resulted in all but a trickle of the most indispensable humanitarian relief aid which had exacerbated the already dire socio-economic situation and had kept the population barely one step ahead of starvation. It was of 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 participants appealed to all the High Contracting Parties to the Fourth Geneva Convention to fulfil their obligations in accordance with common Article 1, which required them to respect and to ensure respect for the Convention in all circumstances. International justice could 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 had to be brought to justice and held accountable for their actions. They called upon all Governments to live up to their legal commitments, urged regional organizations to respect their own guidelines on promoting compliance with international humanitarian law, called on parliamentarians to incorporate in their national legislation laws allowing for the prosecution of serious violations of international humanitarian law, and called upon the media to inform the public about the situation and heighten their awareness of issues relating to international law.

Mr. Borg expressed the hope that the unprecedented level of mobilization and the results of the investigations into the events in Gaza would result in bringing to justice alleged perpetrators of war crimes on either side. Also welcome was the announcement that the Committee and the Parliamentary Assembly of the Mediterranean would jointly convene early next year in Malta a meeting on the status of Jerusalem.

RIYAD MANSOUR, Permanent Observer of Palestine to the United Nations in New York, said that they were all fighting on different fronts to accomplish the same thing: to end the Israeli Occupation and to create a sovereign Palestinian State. All present today were united around that objective, although they might disagree on other details. Through the last two days, they had discussed and debated very complicated issues, intertwined in legal and political scope. As a realistic political practitioner, he was trying to make sense out of them to draft a programme that would bring the cause of the Palestinians forward. Business as usual was not acceptable anymore after what had happened in Gaza this year. They had to address the issue in different ways and to use various platforms to bring Israel to bring an end to Occupation. It was a historic moment they were passing through, because of the hope that had come out of the election of the new United States President, Barack Obama, and they had to seize that opportunity.

Mr. Mansour said that Annapolis had not succeeded because Israel had put in place obstacles, such as their insistence not to abide by their obligation to freeze settlement activity. During the same year as Annapolis, they had increased settlements activity and increased the number of checkpoints after Annapolis. That was not the behaviour of one who was interested in peace with the Palestinians. Those obstacles had to be bypassed in order for Palestinian to reach a peace treaty with Israel. There was no such thing as natural growth there was only an illegal resettlement of people from Israel to the Occupied Palestinian Territories.

On the lifting of the blockade of Gaza and the beginning of the reconstruction, Mr. Mansour had not seen any progress since the end of the military operation seven months ago. All should support the suggestion of the United Nations Secretary-General that projects from before the blockade needed to begin because the funding for it had been available for a while now.

For the first time in the history of Israel there were investigations and many people were saying that Israel had to be held accountable for its human rights and humanitarian law violations, Mr. Mansour noted. Everyone should continue to pressure Israel and all the Governments and individuals present today should do so. In that connection, the Committee had met with the Foreign Minister of Switzerland yesterday to discuss the option of convening a conference of the High Contracting Parties of the Fourth Geneva Convention. The Palestinians, the European Union and the other countries had many tools in their hands to hold Israel accountable. They did not want more resolutions on Israel but to bring it to respect its obligations and to start the practical process of ending the Occupation. He also proposed to consider Israeli settlers as international humanitarian law breakers and block them when they travelled to Europe.

PAUL BADJI, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in concluding observations, said that during the course of the last two days they had heard informative, in-depth and thought-provoking presentations by distinguished experts, as they shared with the Committee their legal analysis of the situation with regard to Gaza during Operation Cast Lead and what was required as a response by the international community at the national, regional and global levels. The speakers had reaffirmed the primacy of Governments, parliamentarians, intergovernmental organizations, the United Nations, civil society as well as the media in upholding international humanitarian law. The picture that had emerged of what had transpired in Gaza had been grimmer than they had expected. That would require firm resolve by all actors in the international community at all levels.

Mr. Badji said that one of the most important challenges was the complete denial by the Israeli authorities that any wrongdoing had been committed outside the laws of war and its so far total intransigence as regards cooperation with investigations of what had happened during the military operation. The focus on Gaza should also not divert from their attention to the still serious situation in the West Bank, including East Jerusalem. There was an historic opportunity to put an end to impunity and hold perpetrators of grave violations of international humanitarian law and international crimes accountable for their actions. They had to learn the lessons and not lose sight of what had happened to the historic ruling by the International Commission of Jurists on the wall in the Occupied Palestinian Territories.

For use of the information media; not an official record

M09013E