UNITED NATIONS INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE

Qawra, Malta 3 and 4 June 2008

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I. Introduction

1. The United Nations International Meeting on the Question of Palestine was held in Qawra, Malta, on 3 and 4 June 2008, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and in keeping with General Assembly resolutions 62/80 and 62/81 of 10 December 2007.

2. The Committee was represented at the Meeting by a delegation comprising Paul Badji (Senegal), Chairman of the Committee; Saviour Borg (Malta), Rapporteur of the Committee; Habib Mansour (Tunisia); Angel Dalmau Fernández (Cuba); and Riyad Mansour (Palestine).

3. The Meeting consisted of an opening session, three plenary sessions and a closing session. Presentations were made by 13 speakers, including Israeli and Palestinian speakers. In addition, representatives of 23 Governments, the Holy See and Palestine, as well as representatives of 3 intergovernmental organizations, 4 United Nations system entities, 4 civil society organizations and 12 media outlets participated in the Meeting (see annex II).

4. The Meeting adopted a final document (see annex I).

5. The Deputy Prime Minister and Minister for Foreign Affairs of Malta, **Tonio Borg**, said that Malta's strategic relevance in the central Mediterranean had led the country to pursue a comprehensive and proactive foreign policy in the Euro-Mediterranean region which offered Malta another opportunity to further peace, security and stability across this geostrategic region, including the Middle East. As an active and ardent proponent of peace in the Middle East, Malta had long been a supporter of a two-State solution to the Middle East conflict between Israel and Palestine. He reiterated Malta's support for a speedy end to the occupation of the Palestinian territory and the creation of an independent Palestinian State.

6. Mr. Borg stated that only by creating an atmosphere that was conducive to peace in the Middle East could constructive steps be taken to settle the Israeli-Palestinian conflict. The Middle East stalemate was not only detrimental to the region itself but was also having a negative impact upon regional relations across the Mediterranean area. The European Union recognized that it needed to assume an increasingly active political role in the region; it was already a major economic player in the Middle East and should seek to play just as important a political role. Malta's decisive foreign policy towards the Middle East through its bilateral and multilateral channels of diplomacy had thus to be seen as an effort to secure peace in the region. It was only by working together through Euro-Mediterranean diplomatic initiatives such as the Barcelona Process, the "Five plus Five" forum, the European Union's European Neighbourhood Policy and the Parliamentary Assembly of the Mediterranean, which was headquartered in Malta, that a permanent settlement to the Middle East conflict would be achieved.

7. He continued that one could not leave the open wound of the Israeli-Palestinian conflict unaddressed. The State of Israel was rightly recognized by all. The State of Palestine needed to come into being at the earliest opportunity. The primary objective of the international community must be to achieve peace in the region and simultaneously guarantee the right to exist for the State of Israel. While peace in the Middle East did not guarantee peace in the rest of the Mediterranean, there could be no peace in the Mediterranean without peace in the Middle East. Mr. Borg indicated that a concerted strategy that focused on trying to help Israel and the Palestinians forge a common ground despite their clear differences should be the driving force at that particularly sensitive juncture. Geographical proximity and stability in the region dictated that the European Union needed to try to influence regional dynamics in the Middle East more systematically than in recent years. Strategic thinking was not enough in itself to make a difference on the ground, however. As experience had consistently demonstrated, decisive results were only achieved when verbal commitments were matched by appropriate resources. Only by creating an atmosphere that was conducive to peace in the Middle East could constructive steps be taken to settle the Israeli-Palestinian conflict. By continually contributing to the creation of such a context, Malta had assisted in helping facilitate the task of reactivating peace efforts in the Middle East.

8. The statement of the Secretary-General of the United Nations, **Ban Ki-moon**, was read out by his representative at the Meeting, Maxwell Gaylard, United Nations Deputy Special Coordinator for the Middle East Peace Process and United Nations coordinator for humanitarian and development activities in the Occupied Palestinian Territory. He said that the Meeting was taking place at a time when the international community had intensified its efforts to help Israelis and Palestinians reach a peace treaty. The parameters of such an agreement were clear: an end to the occupation that began in 1967, an end to conflict and the establishment of a sovereign, viable and independent Palestinian State living side by side in peace with a secure Israel. To succeed, current efforts to achieve a peace deal needed to be underpinned by visible progress on the ground. Both sides had to seize the current window of opportunity to push the peace process forward, especially by acting on their obligations under the Road Map. Some actions had already been taken, but much more remained to be done. Continuing settlement activity contravened both international law and Israel's obligations under the Road Map. Also, the construction of the barrier in the Occupied Palestinian Territory contravened the advisory opinion of the International Court of Justice. Those activities had to cease at once. On the Palestinian side, efforts to improve capacity and performance on security and the rule of law should continue.

9. There was a particularly urgent need to develop a different and more positive strategy for Gaza. The Palestinian people, especially the 1.5 million inhabitants of the Gaza Strip, endured punishing humanitarian conditions. Two thirds of Gaza's residents subsisted in poverty, and economic growth had stood at zero the previous year. Continuing Israeli air and ground operations only aggravated that situation, resulting in unacceptable casualties among Palestinian civilians in both the West Bank and the Gaza Strip. Equally unacceptable and deeply irresponsible were the rocket and other attacks by militants against Israeli civilians and at crossing point. The Secretary-General reiterated his call for the cessation of all such condemnable acts of violence and for all parties to comply with international humanitarian law. In particular, measures of collective punishment should cease immediately.

10. In his statement, the Secretary-General commended Egypt for its efforts to achieve calm in the Gaza Strip and also welcomed the reaffirmation of the Arab Peace Initiative, which was a central element in the quest for peace in the region. He urged strong Arab support for the Palestinian Authority's efforts to negotiate a peace agreement, to build its institutions and to advance Palestinian unity. He added that the coming months would be critical to the collective efforts to restore hope to the Palestinians and said that he would remain closely involved in the peace process, both personally and through the Quartet and the efforts of the United Nations Special Coordinator. The international community had to do everything possible to help ensure a comprehensive, just and lasting peace in the Middle East, based on full implementation of relevant United Nations resolutions and the requirements under the Road Map.

11. The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, **Paul Badji**, said that participants had gathered in Malta to discuss obstacles facing the parties in advancing the peace process. One of the principal obstacles in the way of the political process was the presence of settlements and outposts in the occupied West Bank, along with the associated infrastructure serving the needs of the settler population. The presence of settlements in an occupied territory was illegal under international law. The most intensive settlement expansion was taking place in and around East Jerusalem. The Committee considered that no agreement that did not include East Jerusalem as the capital of a future Palestinian State could bring about a sustainable settlement of the conflict. Another disturbing factor was the presence of the separation wall, which cut deep into the West Bank, enveloping large settlement blocks. This was viewed as an indication of Israel's intention to unilaterally determine its borders with a future Palestinian State, prejudging the outcome of the permanent status negotiations. In 2004, the International Court of Justice (ICJ), the highest international judicial body, had clearly stated that the wall was illegal under international law. By utilizing legal and institutional tools, the international community could challenge the presence of the wall more vigorously. He added that there were many other forms of movement restriction in place in the Occupied Palestinian Territory that made sustainable economic activity simply impossible for the Palestinians. The important development projects currently under way, aimed at boosting the economy, would inevitably end up as mere temporary remedies.

12. Mr. Badji stated that the question of Palestine refugees remained a core permanent status issue that could not be neglected in any peace agreement negotiation, since it had been a major element of the Israeli-Palestinian conflict, and its fair and just resolution should be an essential prerequisite for peace. Mr. Badji said that of great concern was the humanitarian situation in the Occupied Palestinian Territory, in particular in the Gaza Strip, where the civilian population suffered from routine Israeli military raids targeting rocket-launching operations, as well as from the humanitarian crisis caused by total closures. He added that the Committee unequivocally condemned the killing of innocent civilians by both sides, either in Israeli military operations or as a result of rocket fire from Gaza, but at the same time considered it totally unacceptable and unjust that the entire civilian population of the Gaza Strip was enduring collective punishment and was subjected to a suffocating blockade for the actions of a few militant groups. The Committee reiterated that Israel, as the occupying Power, was obligated under the Fourth Geneva Convention to protect civilians under its occupation and was responsible for providing basic services, such as food and medical care, and ensuring the overall welfare of the population. The applicability of the Convention to the Occupied Palestinian Territory had been repeatedly confirmed by the Conference of the High Contracting Parties to the Fourth Geneva Convention, as well as by the United Nations General Assembly and Security Council. The Gaza Strip was no exception, with Israel fully controlling not only the entry and exit of people and goods but also every single aspect of the daily life of the population.

13. Mr. Badji emphasized that the Committee was advocating the creation of a climate conducive to the advancement of permanent status negotiations between the parties and supported all efforts in that regard. On the ground, that required, first of all, a complete cessation of all acts of violence, such as military attacks, destruction and acts of terror. The Committee firmly believed that the unity of the Palestinian people was an essential condition for achieving a viable resolution of the question of Palestine. It was of the view that Europe should also play a more active role in the current political process.

14. The Deputy Speaker of the Palestine National Council and the representative of Palestine, **Tayseer Quba**, said that there had been significant developments in the months that had passed since the important Annapolis and Paris Conferences, held in November and December 2007, respectively. A central factor in that period which had witnessed the revival of the Middle East peace process and the relaunching of bilateral negotiations between the Israeli and Palestinian sides, had been the international community's support. The Annapolis Conference had brought together representatives from around the world and had brought the two sides together. Mr. Quba stated that the key role of the Arab Peace Initiative must be recognized and seized upon in the effort to build momentum, promote progress and advance the process. Annapolis had been followed by a timely international donor meeting in Paris to mobilize donor assistance to the Palestinian Authority in order to enable it to build the foundations for a prosperous and viable Palestinian State. The donor meeting also allowed the alleviation of the socio-economic and humanitarian crisis being faced by the Palestinian people as a result of years of destruction of the Palestinian economy, the imposition of severe closures and restrictions on the freedom of movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, and devastating sanctions.

15. Mr. Quba said that, regrettably, the reality on the ground in the Occupied Palestinian Territory was not nearly as positive and that there had been little progress in negotiations because of Israeli actions that were destabilizing the situation on the ground and creating even more challenges. Instead of truly turning a new page and embarking on the path to peace, Israel never ceased pursuing illegal practices in the Occupied Palestinian Territory, including East Jerusalem, obstructing tangible progress. The deadly and destructive military assaults and the measures of collective punishment that continued to be carried out against the Palestinian civilian population in the Gaza Strip were starkly illustrative of the relentless Israeli onslaught against Palestinian human rights that continued to incite and fuel the dreaded cycle of violence between the two sides. After Annapolis, Israel had continued and intensified settlement construction in the Occupied Palestinian Territory, particularly in East Jerusalem. Such illegal actions only further provoked and reignited violence and destabilized the situation on the ground, poisoning the environment and endangering peace efforts. Following its declaration of the Gaza Strip as a "hostile entity" in September 2007, the occupying Power had intensified its siege through the continued closure of all border crossings, the obstruction of the access and movement of people and goods, including humardis of checkpoints and roadblocks, which debilitated Palestinian socio-economic life and recovery. While a few hundred prisoners had been released, the daily arrest campaigns carried out by Israel maintained the number of Palestinians in Israeli jails and detention centres at nearly 11,000 people, including hundreds of children and women.

16. Mr. Quba stated that those were serious issues that must be addressed if the international community wanted to bring about a real change in the situation on the ground and between the two sides, for their continuation ensured only the deterioration of the situation and the weakening of the forces of peace. He said that the region was at a crossroads, where there was a historic opportunity to advance the Middle East peace process towards the goal of a just, peaceful settlement of the Israel-Palestinian conflict with the achievement of an end to the Israeli occupation. The international community, including the Security Council, had clear responsibilities to shoulder if peace and security were to become more than mere words in the region.

Statements by representatives of Governments, intergovernmental organizations and the United Nations system

17. The representative of **Cuba**, speaking on behalf of the Coordinating Bureau of the Non-Aligned Movement, said that the Movement kept the follow-up to the situation in the Occupied Palestinian Territory, including East Jerusalem, as one of its priority agenda items and that the question of Palestine was the key to the problems in the Middle East. As long as that question remained unresolved, the pockets of tension in the region would continue to proliferate. The Movement was highly concerned at the critical situation on the ground and the obstacles to relaunching the peace process in the region. It rejected all attempts to alter the attributes of the peace process, as well as the implementation of unilateral measures aimed at imposing a unilateral and illegal solution by Israel. Israel had to put an end to the illegitimate and illegal occupation and practices in the Occupied Palestinian Territory, including the illegal construction of the separation wall, which were aimed at confiscating and annexing Palestinian land and property and at modifying the demographic and geographic character of the Palestinian Territory. A policy that was based on unilateral acts would never resolve the conflict. The acts carried out on the ground, including the construction of the Wall or the settlements, only contributed to exacerbating resentment and increasing distrust.

18. Notwithstanding the recent efforts of the international community to rekindle the peace process in the region, the Movement was concerned at the critical situation on the ground and the lack of hope for advancing towards a just and lasting solution to the question of Palestine. After the Annapolis Conference and the Donors Conference in Paris, some had predicted that sustained progress in the peace process in the Middle East would take place. Unfortunately, reality had proved completely different. He said that the lukewarn hope for advancements in the peace process following the Annapolis Conference and the Donors Conference in Paris had quickly waned as a result of the continued deterioration of the situation on the ground, particularly in the Caza Strip, owing to the recent illegal measures taken by Israel against Palestinian civilians. The current situation did not benefit anyone, not even the people of Israel, who also suffered the consequences of their Government's policies. To overcome those factors, the Movement had repeatedly urged the Quartet to continue to work actively with both parties to carry forward direct negotiations and encourage immediate steps on the ground to promote a genuine resumption of the peace process. The Movement called on Israel to immediately cease its aggression, withdraw its troops from Gaza, abide by its obligations under the Geneva Convention and stop the illegal construction of the separation wall as well as other unilateral actions. The Security Council must also act to fulfil its responsibilities to protect the civilian population in Gaza. He pledged that the Movement would continue to contribute to the achievement of a just and lasting peace based on all relevant United Nations resolutions and other internationally recognized agreements.

19. The representative of the **Organization of the Islamic Conference** (OIC) said that Palestinians were still suffering in the Gaza Strip because of Israeli restrictions which had given rise to a humanitarian crisis. He urged the lifting of the embargo and called upon the international community to put pressure on Israel regarding its continued incursions, restrictions, assassinations and other aggressions in the West Bank. He demanded that Israel stop those practices, as well as the expansion of settlements and the building of the separation wall, so that the State of Palestine could be created, ending the suffering of the Palestinian people and restoring their right of self-determination. He reiterated OIC's support to the Palestinian people in the realization of their inalienable rights and voiced support for the Committee's efforts towards helping that come about.

20. The representative of **Malaysia** said that it was time to take a clear look at the situation in the Middle East. Despite recent diplomatic events and the glimmer of hope raised by the Annapolis and Paris conferences, which had seemed to echo the resolve of the international community to settle the core issues, it was clear that Israel regularly engaged in provocations to prevent a final settlement of the question. There should be no preconditions for the resumption of negotiations. He expressed concern at the deteriorating humanitarian situation, especially in the Gaza Strip. A stronger international focus on negotiations to achieve a settlement was needed, as was humanitarian aid for Gazans. He said that the Committee should exercise its influence on the Security Council to make sure that Israel changed its practices. In addition, Palestinians must unite in order to be able to establish their sovereign State.

21. The representative of **Tunisia** emphasized the moral need to support an agreement towards the establishment of the Palestinian State by the deadline of the end of the year. World peace would not be achieved until the Middle East conflict had been resolved. Although the Annapolis conference had given rise to a lot of hope, the situation on the ground had been allowed to deteriorate. There had been a multiplication of control barriers and other obstacles set up by Israel to prevent the reunification of families. That was not favouring peace. He indicated that settlement activity must also cease and that prisoners must be released. The representative of Tunisia called upon all influential parties, including the Quartet, to redouble their efforts to end the conflict and set out on the road to peace. It was time for the Palestinian people, who had suffered so much, to gain their own State.

22. The representative of the Ad Hoc Committee on the Middle East of the Parliamentary Assembly of the Mediterranean said that Malta had long held the rapporteurship of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and had remained deeply engaged on the question. His organization had promoted interparliamentary dialogue to move the issue forward. He described the inception and the work of the Assembly's Committee on the Middle East, the approach of which would be innovative, through interchange with people from the area and experts on specific issues. Among the measures to be taken by the Ad Hoc Committee were the monitoring of the situation on the ground and visits to the Middle East in order to collect the facts first-hand and speak to the parties and civil society. The Ad Hoc Committee would also be action-oriented, with suggestions and recommendations, engage civil society and serve as a catalyst for a new approach. It was determined that the Committee would not take sides, apportion blame or engage in empty talk but would be an action-oriented catalyst for a solution to the problems. He stressed that his organization could help mediate but that it was up to the parties themselves to compromise and come through on their commitments.

23. The Vice-President of the **Parliamentary Assembly of the Mediterranean** said that it was the intention of the Assembly to reaffirm the key role of its members in addressing their common interests and create an era of peace, security and prosperity for all. The objective was to create a stable and prosperous Mediterranean with common values and shared aspirations, as well as a forum for political and economic cooperation and dialogue among cultures and civilizations. Some of the common problems faced by the region were globalization, energy, water, migration, occupation, terrorism and trafficking. Lack of peace was the main problem with regard to the process of ensuring security, stability and development of the Mediterranean area, which had the lowest level of direct foreign investment while a huge amount of resources was spent for armament and military purposes. A key objective was for Israel and the Palestinians to reach a just and lasting peace. The organization hoped to build trust between the parties for that purpose, and stressed that it had great concern over the humanitarian situation in Gaza in particular, where he urged access for humanitarian staff.

24. The representative of **Madagascar** said that the Middle East situation was the most complex and burning issue of the day but that the various agreements and resolutions of the Security Council and the General Assembly had not produced any positive effects. There had been some positive developments, such as the recognition by other parties of Israel, together with its right to exist within safe borders alongside a State of Palestine; however, the hope created by the Road Map was practically at a standstill, and the suffering continued. He said that the establishment of settlements and the building of the separation wall violated international law. Although he recognized the right of Israel to defend itself and protect its people, it should not violate international law and the Fourth Geneva Convention, which affects all aspects of life. International law should be inviolable, and humane treatment should be given to civilians under occupation. The diplomatic developments of recent months were encouraging, however, and it was now up to the two protagonists of the Middle East situation to create the conditions for living together in harmony. There should be a coexistence of two States, living side by side in peace and with Jerusalem as the capital of both States. That would require a stop in settlement activity. He concluded by saying that the Road Map opened a real opportunity for peace in the Middle East.

25. The representative of **China** stated that the question of Palestine was at the centre of the Middle East issue. China appealed to both parties to seize the opportunity, demonstrate a longer perspective to show flexibility, steadily promote the peace process and reach common understanding at an early date. He said that China was concerned about the persistent violent confrontations in the Gaza Strip and appealed to all parties jointly to adopt positive measures for a comprehensive and lasting ceasefire arrangement as soon as possible. Israel should completely lift its blockade on Gaza and take more action to improve the humanitarian situation and freedom of movement. China firmly supported the restoration of the legitimate rights of the Palestinian people and hoped that the concerned parties, on the basis of related United Nations resolutions, the principle of "land for peace", the Road Map and the Arab Peace Initiative, would resolve the disputes through political negotiations, establish an independent Palestinian State and realize the peaceful coexistence of the Palestinians and Israel. As a permanent member of the United Nations Security Council, China would continue making efforts to push forward for a comprehensive and just solution of the Palestine issue at an early date.

26. The representative of the **United Nations Human Settlements Programme (UN-Habitat)** said that a number of housing initiatives had been pursued by the Palestinian Authority since the early 1990s but that currently there was no coherent housing policy in the Occupied Palestinian Territory, even though there was a shortage of acceptable housing. UN-Habitat was therefore submitting proposals for that purpose, working with both Israeli and Palestinian local authorities. He described some of those proposals and thanked donors for their funding.

III. Plenary sessions

Plenary I Meeting Road Map commitments

27. The President Emeritus of Malta, **Guido de Marco**, said it was a privilege for him to address the Meeting, in particular on the issue of the settlements and their impact on the Palestinian population, the issue of the settlements in terms of the Road Map and the consequences of settlement construction for the territorial integrity and contiguity of the future Palestinian State. He said that there could be no peace in the Mediterranean unless the Palestinian and Middle East issues were resolved. Unless the Middle East issue was resolved, however, there could be no real understanding between Europe and the Arab world, or between Europe and Israel itself. As President of the United Nations General Assembly in 1990, he had visited Palestinian refugee camps in the Gaza Strip, the West Bank and Jordan. He recalled how Israeli police had watched settlers trying to overturn his car on the road between Jerusalem and Bethlehem. Mr. de Marco said that one of the most important objectives, without which a Palestinian State would never be a reality, was to stop settlement activity. The settlements were an important point in Oslo; it was necessary to stop the settlements because they were intended to prevent the State of Palestine from ever becoming a reality. When overflying the West Bank, his attention had been drawn to the strategic placement of settlements and the roads linking them, which was such that there could never be a State of Palestinian State of Palestinian sere suffering the humiliation of being refugees in their own country and also of seeing the construction of settlements on their land. Unless something was done now, another chance for peace would be lost. He said that the late Palestinian peace and that the Americans were doing what they could under the circumstances.

28. Mr. de Marco said that Malta was today part of the European Union. It was a small country but was very relevant in the European Union because it brought in the Mediterranean dimension. As far back as the first Helsinki meeting, the Maltese had been saying that there would be no security in Europe unless there was security in the Mediterranean, and that there could be no security in the Mediterranean unless there was security in Europe. That had been stated at the height of the Cold War, and it was still a reality today, when the Cold War was being spoken about in the past tense. His plea to fellow members of the European Union was to defend and work for peace in the Middle East. Mr. de Marco noted that Malta had held the rapporteurship of the Committee on the Exercise of the Inalienable Rights of the Palestinian People since its inception. Some claimed that that was not in accord with some European Union policies, which was not true since it also dealt with the rights and interests of the European Union and Israel. Mr. de Marco stressed that peace could be achieved and had to be achieved. The presence of the participants in the Meeting testified to their belief in the inalienable rights not only of the Palestinian people but of all peoples to have a country of their own, and to their respect for the rights of other countries. The region should move together in a Euro-Mediterranean process combining the capacities of the industrialized States of Europe and the human resources, oil and gas resources of the Middle East. There were three commonalities in the Mediterranean: common interests, common concerns and common heritage. If the peoples built upon those three commonalities, the Palestinian people, as an independent and sovereign people, would also be able to become a part of the region in friendship with Israel, in friendship with other Arab nations and in friendship with Europe.

29. The Director of Peace Now's Settlement Watch Project, **Hagit Ofran**, said that the settlement activity of Israel in the West Bank would determine either the success of the peace process or its failure. As an Israeli, she was working with the Peace Now movement, a group of people trying to persuade Israelis and their Government to move for peace, because they had concluded that settlements were one of the biggest obstacles to peace. The organization had decided to create a

project to monitor all settlement activity in the West Bank and Gaza in order to make sure that the Israeli public and all interested people in the rest of the world knew what was going on. Ms. Ofran said that there were two short sentences in the Road Map about settlements. The first meant the evacuation of outposts that had been settlements established by Israel but not officially, a trick devised by the Government of Israel since the 1990s, when it had decided not to build new settlements. Therefore, it did not build settlements officially but unofficially, calling them unauthorized settlements or illegal outposts. The Road Map only referred to those outposts established after March 2001 because then Prime Minister Ariel Sharon declared that he would only take responsibility for those outposts which he had established or was responsible for. She opined that the Road Map was tailor-made to suit Mr. Sharon and what the two sides could have agreed on at the time. As a result, the Quartet accepted Mr. Sharon's argument and said that, for the purposes of the Road Map, it was sufficient to consider only those outposts established after March 2001. The second clause regarding settlements in the Road Map was simple: freeze all settlement activity. Presenting statistics, she indicated that, since the signing of the Road Map, at least 8,700 new housing units had been constructed and approximately 55,000 new settlers had been added in the West Bank. No illegal outposts that should have been removed had been removed; most had been expanded, and at least seven new outposts had been established.

30. In East Jerusalem, the number had to be much higher, although it was much harder to find data from official governmental sources. At least 3,000 new housing units had been started, people had been added and at least 3,500 new tenders for construction had been issued. She made the distinction between East Jerusalem and the West Bank because she wanted to stress that for the Israeli public, of which Peace Now was a part and which it was trying to influence, Jerusalem was different from the West Bank, because Israel had officially annexed East Jerusalem. Unlike in the West Bank, which was not annexed and where Palestinians had no rights at all, in East Jerusalem Israel gave certain rights to the Palestinians and had announced officially that it was part of Israel. For the Israeli public, it was like a symbol, a myth: Jerusalem was united and had to be kept united, and whoever started to speak against the unification of Jerusalem would be a traitor.

31. Ms. Offan expressed the view that the Road Map had failed totally. The two sides were hanging on to the Road Map as if they were committed to it; however, not even an attempt had been made to implement it. Israel did not annex the West Bank because of all the Palestinians living there; however, it wanted the land, so it had built a lot of settlements and brought in a lot of settlers. The main problem with the Oslo Agreement was that it was an interim agreement. Settlements were to be removed in the endgame, and that was the biggest mistake. For the sake of all of the settlements, the two sides had divided the West Bank into three areas: areas A and B under Palestinian control and area C, the vast majority of the land, under Israeli control. On the map, there were settlements with some enclaves of the Palestinian Authority. As a result, a lot of settlers had come to the West Bank after Oslo, more than had come before. What was currently the biggest settlement in the West Bank, "Modi'in Ilit", was actually established after Oslo. Those facts brought about much despair on the Palestinian side and a lack of faith that Israelis meant to go towards peace. Also, many Israelis had lost faith in the Oslo process, blaming increased Palestinian violent acts and the outbreak of the second intifada.

32. She recalled that Israel had argued that the settlements had to be protected and that it had put up hundreds of roadblocks and checkpoints. She indicated that only 35 checkpoints, out of several hundred, were actually meant to protect Israel. All the rest were meant to control Palestinians and to protect the settlers. Next came the separation barrier, which was meant to protect not only Israel but mainly settlements. It had created huge enclaves that Israel was going to annex. The fence was a huge investment: mountains had been cut for it. Millions of dollars were being invested. Despite the Road Map, there was no real change on the ground in terms of checkpoints and roadblocks. What mattered was freezing settlement activity. The majority of the Israeli public had already given up on the territories. The majority did not want settlement expansion and was not interested in it; however, Israel was still building. She opined that the Road Map had not worked from the outset, and making it the reference point for negotiations in Annapolis had meant the prevention of any progress. The only context in which the Israelis would support evacuation, even unilaterally, as had been demonstrated in Gaza, which the majority of Israelis supported, was not in the context of giving something to the Palestinians in order to stabilize the situation but in the context of a plan to move forward with the final status agreement, maybe along the lines of the Geneva Accord. She concluded by saying that the pressure should be put on the endgame and not on more and more interim measures.

33. Geoffrey Aronson, director of research and publications at the Foundation for Middle East Peace in Washington, D.C., and editor of the Foundation's bimonthly *Report on Israeli settlements in the Occupied Territories*, recalled that when he had first visited the West Bank and the Gaza Strip in 1976, there had been fewer than 10,000 Israeli settlers living in the West Bank and approximately 40,000 to 50,000 Israelis living in the areas of Jerusalem occupied by Israel in June 1967. He described the developments since as a contest over control of land. Settlers and settlements were an instrument in that contest. To the extent that settlements expanded and their needs and requirements expanded, it reflected progressively the extent to which Palestinian everyday life was compromised and the prospects for the creation of a Palestinian national and sovereign existence were compromised.

34. Analysing the historical development of settlements, he stressed that the Jewish communities that had been established before Israel's formal creation in 1948 had been vital in establishing the perimeters of Jewish sovereignty. After the war of 1967, the Israel Defense Forces (IDF) and the security establishment as a whole had believed that the IDF's presence in the territories in June 1967 was vital to the defence of the nation and that Israel could not easily be defended in the absence of an Israeli presence in those occupied territories. Therefore, in the context of the post-1967 period, settlers and settlements had become an instrument of an Israeli security doctrine, which had enabled the IDF to deploy beyond its borders, and deploy in such a way that was politically palatable for the Israeli political system. The creation of settlements had enabled the politicians to say that Israel was not defending occupied territory but the homeland. It had also been very convenient and important that the territory happened to be part of Israel's own historical sense of identity.

35. The Oslo years had been very important for facilitating the expansion of settlements. As the number of settlers had approached half a million, including in areas of annexed Jerusalem, those communities themselves had generated requirements that might be independent and which had required their expansion. The protection of those settlements had become an issue of national security in itself. That had become evident in the route of the separation barrier that snaked east of the Green Line.

36. There were examples, however, of the fact that Israel's own security interests could be modified. They were modified with certain repercussions for Palestinian sovereignty. He referred to events in the West Bank in the context of Israel's disengagement from Gaza in 2004 and 2005. In the West Bank, Israel had withdrawn from and evacuated only four small settlements. The security doctrine had not changed, meaning IDF remained basically exactly where they had been. As a consequence, settlements had been removed and evacuated, but there had been no concomitant increase in the ability of Palestinians to reap advantage from that evacuation because the security doctrine had not changed and the classification of those areas as "Area C" had not changed.

37. Turning to the Gaza Strip, he pointed out that Israel's evacuation of the Gaza Strip had not been first and foremost a decision to evacuate settlements. It had been a decision to reorient Israel's security doctrine. It had been a decision that suggested that Israeli security could be advanced through evacuation and that settlements had no value because there was no rationale for Israel to remain in the occupied territory in Gaza. Years before, a similar decision had been the foundation for Israel's peace treaty with Egypt. It would also be the foundation for its treaty with the Syrian Arab Republic at some point.

38. Turning to the West Bank, he said that it was very relevant to Israeli strategic security. He called upon Israel to undertake a consequent rethinking of its security interests, or justification, for remaining in the Jordan Valley. He said that, in the current strategic environment in the Middle East, there was no strategic rationale for its deployment in the Jordan Valley, no compelling one that couldn't be addressed in other ways; however, the settlement enterprise in the West Bank and in Jerusalem over the past 40 years had created an interest in and of itself owing to the success of the programme. Those facts on the ground created an environment that wasn't subject to a changed Israeli security doctrine. He would not have an easy answer to that. He acknowledged that settlements were essential for Israel's security doctrine; however, what needed to be addressed was Israel's understanding of its own security interests not only in Israel, not only in the West Bank, but in the region beyond.

39. Alon Ben-Meir, professor of international relations and Middle East studies at New York University and Director of the Middle East desk at the Institute on Global Politics at the New School for Social Research, said that 30 years ago he had advocated for the necessity of a two-State solution and had received threats from both sides. Since Oslo, that solution had gained a lot of currency, but there were contradictions in the support for it. Many Israelis, for example, supported a Palestinian State but did not oppose settlements. Each new construction in settlements was "a nail in the coffin" of the idea of a Palestinian State. At the same time, many Palestinians supported a two-State solution and at the same time supported the right of return for Palestinian refugees, which would immediately obliterate the State of Israel.

40. Seconding the critique of settlements given by the previous speakers, he analysed the impediments to the Road Map. One was the internal political struggle within the Palestinian community, which needed to be addressed without delay. Hamas, as well as extremists in Israel, were not willing to accept the two-State solution, instead either dreaming of recovering the entire Palestine or believing in the notion of Greater Israel. Another problem was that extremists had usurped the agenda to control what was happening on both sides and that moderates on each side were placating them instead of isolating the radicals. Israel could do many things to empower Mahmoud Abbas and other moderates. The United States of America, in addition, could equip and train a serious security force for the Palestinian Authority, even if the Israelis objected.

41. Mr. Ben-Meir indicated that the perpetuation of violence as a political tool by both sides was another big problem. The rocket fire from Gaza and the subsequent military retaliations had destroyed any trust that had existed. He said that violence was the mother of all evils, the number one, two and three issue. The Israelis had to separate negotiations from terrorism and Palestinians had to learn that there was nothing to be gained by violence. Both sides would have to control violence in order to create an atmosphere conducive to negotiations that could lead to a solution.

42. He pointed out that it had also been a mistake to ignore major players in the region, particularly on the part of the Americans, who were a crucial part of any peace process. The American administration, for example, had tried to isolate the Syrian Arab Republic, and that country had reacted by supporting militant groups. In addition, the American Administration had sent out too many emissaries without any criteria for concrete results. The situation was at a crossroads now because there would be a new American Administration soon. That Administration should be tackling the Middle East problem from day one. He advocated contacting the candidates to emphasize the priority of the issue. It was also vital for all stakeholders to embrace the Arab Peace Initiative. That was an Arab Initiative, resonating better on the Arab street throughout the Middle East than any proposals from outside the region. He stressed that the Arab Initiative was comprehensive, did not exclude countries like the Syrian Arab Republic and represented the collective Arab will.

43. In conclusion, he warned that it was most important to prevent Israeli and Palestinian extremists from bringing about another generation of suffering. Sixty years was already too long. Israelis and Palestinians were either doomed or destined to live together, and the only good choice was the establishment of a viable, democratic, free Palestinian State in the West Bank and Gaza, living side by side with the State of Israel.

Plenary II The wall in the Occupied West Bank

44. Thierry Delbreuve, Officer-in-Charge of the Geographical Coordination and Monitoring Section of the Office for the Coordination of Humanitarian Affairs in Geneva, spoke about the wall in the Occupied West Bank, including its structure, route and the problems that it caused, while stressing that Israel had the right, indeed the duty, to protect its citizens against attacks. He said that the construction of the wall had started in June 2002 and comprised two forms: pre-cast concrete slabs, usually 9 m in height in urban areas, especially Jerusalem and Bethlehem, and 80 per cent of it in electronic "fence" form, varying between 30 m and 80 m in width, which included razor wire, trenches, military roads and sand paths to detect footprints. In the northern West Bank, the wall was augmented by a buffer zone with a much wider environmental footprint, particularly in terms of the uprooting of olive trees and the destruction of irrigation systems, as it cut through Palestinian famland. He noted that objections to the barrier were not about its structure but concerned its route, which was declared contrary to international law in the advisory opinion of the International Court of Justice rendered in July 2004. Had the barrier been built along the 320 km Green Line, representing the 1949 ceasefire demarcation, or inside Israel, there would have been no objections from the standpoint of international law, nor would it have had any of the humanitarian consequences. At 720 km, the official route of the barrier approved by the Israeli Knesset was more than double the length of the Green Line, and over 80 per cent went through the West Bank. The wall's most intrusive parts were the two "fingers" in the northern West Bank, one of which went 22 km inside the West Bank. In the area of East Jerusalem, the barrier went 14 km east of the Green Line, isolating East Jerusalem from the rest of the West Bank, which had major implications for humanitarian access and transportation links between the West Bank's northern and southe

45. Mr. Delbreuve indicated that about 60 per cent of the wall had been completed, 10 per cent was under construction and 30 per cent was planned but not yet constructed. He said that, if the barrier were to be built according to its present route, approximately 9.5 per cent of the West Bank would be isolated and physically joined to Israel. Israeli authorities had described the wall as solely a temporary security measure, with no intention to redraw the Green Line or to annex land; however, all major settlement blocks that Israel wanted to retain following a resolution of the conflict were to the west of the barrier and encompassed more than 80 per cent of settlers in the West Bank and East Jerusalem, while 20 per cent would remain on the "Palestinian" side of the barrier. Mr. Delbreuve provided a number of examples and said that the route of the wall had clearly been determined to benefit settlers and not the Palestinian population and that it allowed for the future expansion of settlements at the expense of Palestinian communities. The route of the barrier isolated five Palestinian communities on its "Israeli" side, separating them from the rest of the West Bank. In October 2003, the area between the barrier and the Green Line in the northern West Bank, the so-called "seam zone", had been declared closed by military order, and the people living there required "permanent resident" permits to continue living in their own homes and on their own land. Mr. Delbreuve pointed out that some 50,000 West Bank Palestinians would be located between the barrier and the Green Line. According to the Office for the Coordination of Humanitarian Affairs and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, only about 20 per cent of those who used to work on the land in the closed area before the wall had been built had received "visitor" permits. Farmers were prohibited from staying on their land overnight; they and anyone else needing to cross to the other side of the barrier were subject to a complex regime of gates, with restrictions imposed on vehicles and agricultural equipment and materials crossing through the gates, with the result that "agricultural communities were losing contact with the land on which they depended both for their present livelihood and for their future survival".

46. The Director-General of the Applied Research Institute – Jerusalem, **Jad Isaac**, said that his organization was monitoring Israeli settlements as part of a project that was supported by the European Union and the Swiss Agency for Development and Cooperation. In 2002 Israel had begun implementing a unilateral segregation plan in the West Bank, but the route had changed a great deal since then, with the area isolated from the rest of the West Bank getting larger each time. A total of 138 villages would be affected, with 29 of them totally isolated inside the seam zone. He called the blocks thus created "reservations" that would contain 309,000 Palestinians, including the 258,000 residents of East Jerusalem. The segregated areas also included 28 wells and 31 springs in the western zone, as well as 121 wells and 31 springs isolated in the eastern zone. Up to 28 per cent of West Bank agricultural areas would be isolated in both zones. Bethlehem and Jerusalem had been separated for the first time in history, and Nablus was an envelope surrounded by checkpoints. He deplored that that was all happening with the acquiescence of the international community despite the ruling of ICJ.

47. He pointed out that the wall had nothing to do with security but was instead a grab for land and water to accommodate the settlements, segregate Jerusalem from the West Bank, delineate unilaterally the boundaries between Israel and a Palestinian State and convert that future entity into Bantustans or cantons. Separate roads assured the retention of Jerusalem and the persistence of an apartheid system. He quoted Israeli leaders repeatedly vowing that settlement blocks would never be returned. If a Palestinian State was created based on the facts that had been created on the ground, it could only consist of isolated cantonments linked by

tunnels. The international community had a moral responsibility to stop those violations of international law.

48. Mr. Isaac emphasized that the segregation plan was being unilaterally implemented at an accelerated pace, in defiance of international legitimacy. The plan was intended to squeeze as many Palestinians as possible onto as little land as possible and establish an apartheid system that denied Palestinians their basic human rights. The pretext of security had been used as an excuse to grab Palestinian land and water. The real driver behind the plan was the accommodation of settlements and the creation of a mediocre Palestinian entity that would not be sustainable. He opined that a new declaration of principles, or shelved agreements, or frameworks for final status negotiations were a waste of time, and so were public relations meetings and conferences. The international community had a moral responsibility to stop Israel's continued defiance of United Nations resolutions, including the ICJ ruling. Marginalizing the role of the United Nations should be reversed. What was needed was strong third-party intervention that would ensure arrival at a final status agreement not only on the Palestinian issue but also with the Syrian Arab Republic and Lebanon, within a well-defined implementation time frame.

49. Clare Short, Member of the British Parliament, pointed out that, when the whole complex issue of the barrier and the settlements was considered, it was clear that Israel had no intention of allowing the creation of a viable, independent Palestinian State in accordance with international law. That had been the policy of successive Israeli Governments, whatever the leader or party in power. She recalled Israel's 14 reservations to the Road Map, in particular the fifth reservation stating that "the provisional Palestinian state would have provisional borders and certain aspects of sovereignty. It would be fully demilitarized, without the authority to undertake defence alliances or military cooperation. Israel would control the entry and exit of all persons and cargo, as well as its airspace and electromagnetic space." She emphasized that, although Israel had insisted on the Palestine Liberation Organization recognizing the right of Israel to exist before entering the Oslo process, and Israel and the international community had insisted that Hamas had to do so, too, successive Israeli Governments had not recognized the right of the Palestinians to a sovereign State.

50. She said that, from looking at the map, it became clear that Israel intended to confine the Palestinian population to a series of cantons or enclaves, which were to perform the same function as did the Bantustans under the South African apartheid system. Israel sought to control the whole of Palestine, from the Mediterranean to the Jordan River, and, because of demographic realities, confine the Palestinians to the minimum land possible. The route of the wall supported that conclusion. As a result, Palestinians were hemmed in and humiliated whenever they wished to travel. Their economy was shrinking and unemployment and poverty were on the rise. The reality on the ground destroyed the prospect of a realistic two-State solution. Years of suffering and bloodshed would be the consequence.

51. She emphasized that such behaviour was a complete breach of international law. Israel was incorporating territory taken by force, in breach of a fundamental principle of the Charter of the United Nations. Its settlements, collective punishments, failure to provide decent conditions for civilians in the Occupied Territories and its treatment of prisoners were grave breaches of the Geneva Convention, and no country or High Contracting Party did anything about it. The same was true with the ICJ ruling on the wall. Although the advisory opinion declared the route of the wall illegal and had spelled out the obligations of the international community, neither the United States nor the European Union nor Russia did anything to enforce that judgement. She strongly criticized the guarantees given by US President Bush in a letter to Israeli Prime Minister Sharon prejudging the outcome of a number of permanent status issues, such as the fate of the refugees and settlements. Those guarantees had been supported by overwhelming votes in both houses of the US Congress. She was certain that they would constrain any incoming new Administration. She also criticized the European Union for not upholding international law in its relations with Israel by not insisting on human rights conditionalities that were part of its treaty system.

52. She concluded that, in redress of that situation through this Committee, or through civil society or groups of countries, every effort should be made to reunify the Palestinians. Civil society worldwide should insist that international law be enforced, and Europeans must pressure the Union and national Governments to uphold the human rights provisions of their trade law. In addition, the United Nations should withdraw from the Quartet, because the role of the United Nations was to uphold international law, not collude in it being profoundly undermined. European Union countries, together with big nations from the South, should form a new "coalition of the willing" and work for Palestinian unity and the enforcement of international law.

53. Nasrat Dakwar, lawyer for the Association for Civil Rights in Israel, emphasized that the separation barrier rendered illegal settlements in the West Bank a fait accompli and severely violated the fundamental rights of Palestinians, separating children from schools, workers from their workplaces, farmers from their land and the sick from medical treatment. He pointed out that the daily lives of almost 850,000 Palestinians had been negatively affected, disrupted and changed beyond recognition owing to the barrier, underlined that ICJ had recognized that its planning and construction had been accomplished with blatant disregard for and in absolute violation of international humanitarian law. He said that the defence of the citizens of Israel needed to be carried out in accordance with international law. Not every measure was legitimate, and the flagrant disregard for the rights of the Palestinians could not be allowed. All measures taken had to conform with international law and not be legitimized under the pretext of military necessity, national security or maintaining order.

54. Mr. Dakwar described the Association for Civil Rights in Israel as a leading human rights organization in Israel and the only one that addressed the full spectrum of rights and liberties. It had played a central role in the legal struggle against the lawfulness of the construction of the barrier. He highlighted that the legal struggle waged by the Association and other organizations in dozens of petitions to the High Court of Justice challenging the route of the barrier had succeeded in some cases in changing its route. That had significantly eased the violation of rights of the Palestinians and had also resulted in the return of some of their lands that had been slated for expropriation. The Association had also submitted to the Court an in-depth analysis of the ICJ advisory opinion and had challenged the route of the barrier as contrary to the principles of international law, emphasizing the illegality of the route of the barrier and of the annexation of territory to the occupying Power in breach of international law and stressing the fact that the route was determined by political considerations and not security. The analysis argued that the route of the barrier had been determined by the desire to create territorial contiguity between the settlements and underscored the importance of ICJ's advisory opinion as an "interpretation of international law... done by the highest judicial body in international law" and stated that it should "be given the full appropriate weight". Nonetheless, the High Court had granted its de facto approval to the construction of the barrier for the purpose of protecting the settlements and including them on the Israel iside. It had become clear that the route of the barrier to the unexation of East Jerusalem, the Court had approved the barrier in the area, which had clearly been determined by Israel's desire to preserve the municipal boundary and make Israel's annexation of East Jerusalem permanent.

55. He added that Israel had trapped hundreds of thousands of Palestinians and excluded many more by declaring a military zone between the barrier and the Green Line and imposing a permit regime that the Israeli High Court had called "labyrinthine, complex and burdensome". Labelling the resulting migration of residents out of that area a forced transfer of Palestinians, he said the Association had submitted a petition challenging the situation, which had been left pending despite the fact that life in the area had become unbearable. The Association, along with other human rights organizations and private attorneys, had almost exhausted the options of redress through the Israeli legal system, as the courts would not address the key issues. That was why, he maintained, the international community must be mobilized to exert pressure on Israel to implement the ICJ opinion and fulfil its obligations under international conventions and international humanitarian and human rights law.

56. Pieter Bekker, former staff lawyer of the International Court of Justice, senior counsel to Palestine in the ICJ advisory proceedings and lecturer-in-law at the Columbia University law school, confirmed that Israel had the right, and indeed the duty, to respond to deadly acts of violence against its civilian population in order to protect the life of its citizens. ICJ, however, had emphasized at the same time that any measures taken were nonetheless required to remain in conformity with applicable international law. Israel had said that it did not need to abide by ICJ's wall opinion because ICJ advisory opinions were non-binding under the Court's statute. That, however, ignored the fact that the legal reasoning embodied in them reflected the Court's authoritative views on important issues of international law. In arriving at those views, ICJ had followed essentially the same rules and procedures governing its binding judgements issued in contentious cases between

sovereign States.

57. He presented a number of reasons why all States should abide by the Court's statements in the wall opinion. It differed from other non-binding rulings in that it included key findings on the highest-ranking norms of international law. ICJ had concluded that the obligations violated by Israel's construction of the Wall were obligations in whose protection all States had a legal interest and which constituted non-transgressible principles of customary international law. That included the Palestinian people's right to self-determination and fundamental principles of international humanitarian law, such as the prohibition against the deportation or transfer of the civilian population or the settling of parts of an occupying Power's population in occupied territory captured by force. Those were imperative rules of international law of which no derogation was permitted. He recalled that the General Assembly had acknowledged the advisory opinion in its resolution ES-10/15 of 20 July 2004. Significantly, the Assembly had demanded not that Israel and all Member States comply with the non-binding ruling of ICJ but that they comply with the legal obligations as mentioned in the advisory opinion. The General Assembly had endorsed the opinion it had requested; as a result, the decision was sanctioned by international law. The wall opinion, in conjunction with Assembly resolution ES-10/15, thus represented the will of the international community. As a United Nations Member State, Israel had to obey that law, and the same applied to all other Member States.

58. He further emphasized that, in the Court's view, other States had an active duty to see impediments to Palestinians' rights caused by the wall come to an end. The wall opinion included a clear finding that the Israeli settlements in the Occupied Palestinian Territory had been established in breach of international law. In accordance with Security Council resolution 465 of 1 March 1980, which called upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories, any State assisting Israel with the settlements exposed itself to international responsibility. He concluded that, in the light of the wall opinion, Palestinians should not have to negotiate with Israel over what had been declared illegal. Contrary to Israel's claims, the wall was outside the Road Map and must not be allowed to be used as a bargaining tool in that process or in connection with any other aspect of resolving the question of Palestine. The time had come for all States professing to observe the rule of international law to come to action and to see to it that the wall was removed from the West Bank, including East Jerusalem, in compliance with the legal obligations of Israel and other States as mentioned in the ICJ ruling.

Plenary III Jerusalem: Looking forward to a capital of two States

59. The Director of the Maps Department at the Arab Studies Society in Jerusalem, **Khalil Toufakji**, using graphic slides, illustrated what had happened in Jerusalem since 1967. He said that the first ethnic cleansing inside East Jerusalem had happened on 10 June 1967, with the demolition by Israel of the Moroccan Quarter. After having occupied East Jerusalem, Israel had devised a new policy for East Jerusalem, arriving at control of land through the use of numerous laws. The first of those laws had involved the confiscation of land for public purposes, the second planning and zoning; the third was the Absentee Property Law. He recalled that in 1967 there had been no Israelis living in East Jerusalem. Today 191,000 Israelis were living in East Jerusalem. In terms of housing units, in 1967 there had been no housing units for Jews in East Jerusalem. Today, there were some 62,000 housing units, and Israel wanted to build 20,000 more.

60. He recalled that, during the Ottoman period, Jerusalem had been one square kilometer, the Old City, comprising the holy places for Muslims, Christians and Jews. When the British Mandate Government had started to draw the map of Jerusalem, most of the Palestinian and Arab villages had been outside, but most of the Israeli neighbourhoods or settlements had been inside, because at that time they were playing with demography. After 1948, Jerusalem had been divided into two, West Jerusalem under Israeli control, and East Jerusalem under Jordanian control. East Jerusalem was 6.5 square kilometers under Jordanian control and West Jerusalem around 20 square kilometers under Israeli control. After the 1967 war, the borders of Jerusalem had been redrawn in such a way that the city had expanded from

6.5 kilometers to 72 square kilometers.

61. He then described the use of planning and zoning by the Israeli authorities. Around 52 per cent of East Jerusalem had been declared a "green area". For Israel, when an area was declared "green", Palestinians were forbidden to use it. If Israelis wanted to settle, the area was changed from "green" to "residential", as illustrated by Har Homa, or Jabal Abu Ghneim, which was once a "green area" but today had about 6,500 housing units. Another example was Rehat Shuafat in the north-east of Jerusalem, which had been declared a "green area" in 1970 but today was a big settlement for Orthodox Jews. He pointed out that the construction of new roads, tunnels and bridges had also contributed to the irreversible annexation of East Jerusalem. They were intended to separate Arab neighbourhoods while building continuity between the settlements. The same was true for the wall. He said that the main goal of its construction in and around East Jerusalem had been to change the demographics of the city. He recalled that in 1973 the Cabinet of Prime Minister Golda Meir had taken the decision that Palestinians would make up 22 per cent of the total population inside Jerusalem, but the Palestinian population had grown from 70,000 in 1967 to between 255,000 and 260,000 today. New research published by the Jerusalem Institute for Israeli Studies said that in 2040 Palestinians would make up 55 per cent of the total population. Now, there were 125,000 Palestinians behind the wall, without any negative fallout from the international community. The Cabinet of Prime Minister Omert continued to unite Jerusalem under Israeli control. The aim was to reduce the number of Palestinians to 12 per cent of the total population, he land outside Jerusalem where a large number of settlers were now living would be annexed to Jerusalem. He concluded by saying that Jerusalem did not belong to Jews or Arabs but to the whole word. The future Jerusalem should be shared between the two peoples, and everyone who loved Jerusalem would be able to enter it e

62. Danny Seidemann, legal counsel for the Ir Amim organization in Jerusalem, gave credit to the organizers of the Meeting for the frank discussion that had been able to take place. Participants had demonstrated that it was possible to be critical of Israel without being hostile. His voice would be one of a critical Israeli. He deplored that representatives of the United States and Great Britain, with their clout in the international community, were not attending the Meeting. It was a reflection of the neo-conservatism that held sway in Washington, D.C. The Committee should nevertheless try to engage those representatives, as they were important.

63. Mr. Seidemann then demonstrated with slides various schemes, from an Israeli perspective, that Israel had been offering over the past few years in negotiations with the Palestinians. He said that, until Camp David, it had been unthinkable for Israelis to have Jerusalem divided, but there Prime Minister Ehud Barak had indicated on a map his willingness to divide Jerusalem, and Israelis had gotten used to the thought. Of course, the offer was not enough for the Palestinians, because it kept all the settlement blocks within the future Israeli borders and the Palestinian State would be dismembered not only between Gaza and the West Bank but also between the northern and southern cantons of the West Bank. In the months between Camp David and Taba, the Israeli vision of where the two-State solution was had retracted further, but then came the intifada and Prime Minister Ariel Sharon. During the years 2002-2004, there had been permanent border negotiations going on but without the Palestinians! Those negotiations took place between President Bush and Prime Minister Sharon and their staffs. Under Prime Minister Olmert, the borders shown on the maps had retracted further, so that they were almost reminiscent of the Geneva initiative. He underlined that Israeli public opinion showed that Israelis knew what it took to make peace. The leadership, however, was not able to translate that into political will for putting a programme into place.

64. He expressed alarm at the pace of settlement construction in East Jerusalem. Since the Annapolis conference alone, there had been tenders for 1,600 units released, far more than in previous years. He warned that continued settlement expansion would mean the end of the two-State solution, which would be the end of a Palestinian State, but also the end of the Israeli State. He was particularly concerned about the situation in the Old City, where a war was under way. The settlers had taken over the public domain in Greater Jerusalem, the national parks, the archaeological sites and the religious institutions. Their agenda was aimed at displacing the Palestinians and turning it into an exclusively Jewish area, realizing messianic aspirations on the Temple Mount and destroying any political process. The facts on the ground, currently being created, would make a final status agreement much more difficult, if not impossible. The situation in Jerusalem, in particular in the village of Silwan, contained the seeds of transforming a bitter political conflict into a holy war, involving the whole region and beyond. Despite its reputation, Jerusalem was

the counter-paradigm of the clash of civilizations, when handled responsibly, but, when turned over to exclusionary fundamentalists, by capping the political aspirations of the Palestinians, it could become the embodiment of the clash of civilizations. The challenge of the years to come was to realign the relationship between western Christianity and the Islamic world, including the Arab world. Jerusalem was the place to start.

65. Hanna Siniora, member of the Palestinian National Council, Co-Chairman of the Israel/Palestine Center for Research and Information, publisher of the *Jerusalem Times*, East Jerusalem, pointed out that Jerusalemites still suffered from the United Nations partition plan and the way the British Government had deserted its responsibility in the area. The United Nations, in General Assembly resolution 181 (II), had partitioned Palestine into two States, Israel and Palestine, and created, in metropolitan Jerusalem, a separate entity, the *corpus separatum*, that included all of Jerusalem, including Bethlehem. As a result of the war of 1948, Israel had expanded its territory to 78 per cent of historical Palestine, including the western part of Jerusalem, and Jordan had incorporated the West Bank and East Jerusalem. Since that period, few countries had accepted either side's claim to Jerusalem. Under Jordan, only Pakistan and the United Kingdom had accepted Jordanian claims to Jerusalem, and since 1967 two countries had had their embassies in Jerusalem under Israel, Costa Rica and El Salvador. For the last few years, no foreign embassy had been located in Jerusalem. Even the United States, despite a Congressional resolution, had taken the position that only after negotiations between the Palestinians and Israel would the fate of Jerusalem be decided. Legally, Jerusalem was an international entity that had been occupied by Israel since June 1967, and that included both East and West Jerusalem. That was why, according to international legitimacy and United Nations resolutions, all Israeli declarations on Jerusalem were null and void.

66. He stressed that Israel's policy since 1967 had been to Judaize the city and prevent the Palestinian people from establishing in East Jerusalem the capital of a Palestinian State. Despite the illegality of the action and the international protest by the world community, Israel had created new facts on the ground. The infamous E-1 project was dividing the West Bank into two areas, north and south, that could only be connected by tunnels. He said that East Jerusalem used to be the transportation centre for all of the West Bank and that now, with the separation wall around East Jerusalem, the Arab Palestinian side of the city was totally separated and isolated from the rest of the West Bank. Also, the Shufat and Kalandia refugee camps were gerrymandered outside East Jerusalem, thus excluding more than 100,000 Palestinians from Jerusalem. He emphasized that Israeli policies from 1967 until the present had prevented the possibility of reaching a final status agreement on Jerusalem and had demonstrated a clear Israeli intention to turn the annexation of East Jerusalem into a concrete fact.

67. Mr. Siniora pointed out that, despite the Annapolis peace process, Israel continued to create new facts in East Jerusalem. In addition to settlement expansion, it had closed the Orient House, the Jerusalem Arab Chamber of Commerce and many other Palestinian institutions that had served the interests of the Palestinians culturally and professionally in East Jerusalem. More land was continually being expropriated in East Jerusalem. Also, house demolitions in East Jerusalem were a continuous process that had prevented Palestinians from building on their own land. Every year 150 to 200 homes were demolished by Israel using the legal excuse that the Palestinians were building without valid licences. He predicted that the Annapolis process was doomed to failure. The most urgent issue for the Palestinians was internal reconciliation. It was imperative that the two major movements, Fatah and Hamas, agreed to work together to end the occupation. Otherwise, even with new leaders and new initiatives, internal Palestinian differences would be used to prolong the occupation and the continued Judaization of East Jerusalem.

68. Joharah Baker, writer with MIFTAH, The Palestinian Initiative for Global Dialogue and Democracy, and former editor of the *Palestine Report*, Jerusalem, said that at the crux of all the failed bilateral agreements signed between Palestinians and Israelis was the issue of Jerusalem. The city, with its religious, national and political significance to Palestinians and Israelis alike, had been one of the sharpest bones of contention at the negotiating table. It remained a fact that, if no real and lasting solution to Jerusalem were reached, there would be no resolution to the entire Palestinian-Israeli conflict. She recounted that in July 1980 the Israeli Knesset had passed the Jerusalem Law that had declared the city the "complete and united" capital of Israel. Around the same time, the Israeli Government had coined the term "Greater Jerusalem", which encompassed not only Israel's unilaterally declared boundaries of Jerusalem but also 10 per cent of the West Bank land surrounding it. On that occupied Palestinian land, the majority of Israel's illegal settlements had been built. Israel had made a bid to grab as much land as possible, particularly in the Jerusalem area, with as few Palestinians as possible. The result had been huge settlement blocks encircling East Jerusalem, severing any geographical contiguity between Palestinian areas and making it virtually impossible for any unified viable Palestinian State to be established with East Jerusalem as its capital.

69. She then described how Israel's discriminatory policies were working against there being any Palestinian residents of the city, threatening many with the loss of their residency rights. She emphasized that Israel's laws in Jerusalem could only be considered arbitrary and discriminatory and that they worked towards the goal of emptying Jerusalem of its Palestinian inhabitants as much as possible. She deplored the fact that Israel held itself above international law, which had been one of the main reasons that a solution to Jerusalem and to the Palestinian conflict as a whole had never been found. The international community seemed to have acquiesced to Israel's policies towards the Palestinians, allowing it to shun international resolutions and charters with impunity. She said that tangible facts on the ground, facts that were grossly prejudiced in Israel's favour, had already preempted any solution that might be reached. The eastern sector of the city was actually diminishing in area, owing to Israel's settlement polices and the wall being built not along the Green Line but cutting into the West Bank, severing Jerusalem from its Palestinian surroundings.

70. She pointed out that a resolution to the issue of Jerusalem must be one that did justice to the plight of Palestinians in the city. The key to a lasting solution was fundamentally about a change in the mindset of Israel's leaders. As long as Israel proposed truncated solutions on the premise that Jerusalem was its eternal capital, there could never be a comprehensive or lasting settlement. Israel must acknowledge the inherent rights of Palestinians to Jerusalem, and the international community had a moral duty to push that goal forward. A divided city, although not the ideal option, seemed to be the only one at present, but one which must divide the city fairly and justly, not on the basis of religious and ideological superiority. In conclusion, she said that Jerusalem epitomized the entire conflict, combining all of the sticking points between Palestinians and Israelis into one small but extremely charged city. She called upon the international community to step up to the plate and enforce the laws and resolutions it had created and to which it held others so firmly. Israel's presence in East Jerusalem was one of an illegal occupying Power, an occupation that had been allowed to exist for far too long and one which must completely end before a just and lasting solution could be found.

IV. Closing session

71. The Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, **Saviour Borg**, presented the final document of the Meeting (see annex I).

72. Michael Frendo, Chairman of the Foreign and European Affairs Committee of the House of Representatives of Malta and representative of the Host Government, noted that Malta had been very active in the Palestinian Rights Committee from the very beginning. He said that it was a source of both concern and sorrow that the Committee had had to remain in existence for so long. The international community had had ample time to bring closure to that problem. He emphasized that the international community should not ignore that it had a tremendous responsibility to bring a just closure to the question of Palestine if there was to be any faith in the rule of international law worldwide. It needed to be resolved in order to turn a fresh page in international relations. He pointed out that the Committee certainly had a record of and a commitment to keeping the international community focused on that issue. There was a growing concern that, without the resolution of the Israeli-Palestinian conflict, the world would not be able to turn a fresh page on international relations which were so important for peace and stability.

73. Mr. Frendo reiterated the importance of the role of the United Nations regarding the question of Palestine. That was the reason why Malta had continued to be very active in the Committee, why it had retained its place in the Committee, why it kept on doing the work of Rapporteur and why it had steadfastly maintained that the United Nations had a role to play in the solution of that problem. Among the strategic objectives of Malta's foreign policy was the strong belief in the rule of

international law. There was also an element of realpolitik in trying to seek solutions to the problem. The experience of the European Union was an experience that should always be borne in mind, as it was a living example of how countries that had been previously at war, countries that had been occupying powers to their neighbours, had put that past behind them, had come together and were now unable to move forward without each other.

74. Mr. Frendo said that he believed that, if there were political will and if all the forces that were in favour of peace could be brought together, a solution to the conflict could be found. That solution would be of tremendous benefit to both sides, to both peoples, and could usher in a new dawn for both of them.

75. The Permanent Observer of Palestine to the United Nations and Representative of Palestine, **Riyad Mansour**, expressed gratitude to the people and Government of Malta for hosting the Meeting and for the principled positions they had shown. He also thanked participants for sharing their ideas and efforts; no one had a monopoly on ideas for bringing to a conclusion such a complicated problem. Agreements entered into by Palestinians should be respected, however. If Palestinians agreed on a two-State solution, it should be supported by their friends. He pointed out that, in that connection, Palestinians had a large task before them in putting their own house in order. Showing concrete results from the peace process would be the best way to help them in that context. Developments such as a freeze of settlements, a large release of prisoners, a removal of hundreds of checkpoints and a break in the siege of Gaza – all those would go a long way to strengthening the Palestinian political dialogue.

76. He suggested that, for the sake of progress, the greatest number of people as possible should be exposed to the final status issues, and as many experts as possible should be allowed to comment on them. The process must be democratized and worked on by everyone, because, if a reasonable solution were not found soon, seeds would be planted for new extremism in the region, leading to a massive amount of additional suffering. Final status issues must be based on internationally agreed norms, and negotiators must come with an open mind and without preconditions. Europe had a responsibility as a member of the Quartet and should not allow it to be marginalized. Business as usual was unacceptable. Europeans must help to change Israel's behaviour with regard to settlements and all of its other obligations under the Road Map. Europeans should not improve and enhance their relationship with Israel without conditions. That was why the current meeting was taking place in Europe, in Malta in particular, because it was a Mediterranean European country. Europe's help was needed now to exploit the current opportunity, before it was lost and Palestinians were pushed to the brink.

77. The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, **Paul Badji**, said that the Meeting had reminded participants that there were still large obstacles lying ahead in the peace process. Crucial provisions of international law and United Nations resolutions were not being upheld. The international community was aware of what needed to be done to bring peace, as articulately described in the concluding document. Some of the issues were extremely sensitive, politically and emotionally, but none of them could be neglected and excluded from the permanent status negotiations if a lasting peace was to be achieved.

78. He emphasized that the international community had a legal and moral responsibility to restore long-lost justice. The Committee reiterated that the root cause of the conflict was the occupation by Israel of the Palestinian Territory, which had lasted for more than four decades. Palestinians had suffered for far too long. Years of occupation had also affected the lives of Israelis. That unacceptable situation had to be urgently redressed to allow both Israelis and Palestinians to live in peace and security. The Committee, for its part, would continue to raise awareness of all aspects of the question of Palestine, in accordance with the mandate given to it by the United Nations General Assembly, until the occupation was brought to an end and the Israeli-Palestinian conflict was resolved in all its aspects.

Annex I

Final Document

1. The United Nations International Meeting on the Question of Palestine was convened by the Committee on the Exercise of the Inalienable Rights of the Palestinian People in Qawra, Malta, on 3 and 4 June 2008. The Meeting was held in accordance with General Assembly resolutions 62/80 and 62/81 of 10 December 2007.

2. The objective of the Meeting was to foster greater support by the international community for the creation of a climate conducive to the advancement of the permanent status negotiations between Israelis and Palestinians. Participants in the Meeting discussed the impact of the settlement construction on the current political process and the need for the parties to meet Road Map commitments. They also examined the effects of the construction of the wall in the Occupied West Bank, and the importance of finding a solution to the question of Jerusalem.

3. The participants concurred that the political momentum provided at the Annapolis Conference must not be lost, and that all efforts towards the goal of achieving a final status agreement by the end of 2008 should be supported. For this, the current Israeli-Palestinian negotiations must be sustained by producing tangible results on the ground. Most importantly, obligations under phase I of the Road Map must be implemented by the parties without delay. In this regard, the participants expressed serious concern over Israel's ongoing settlement activity, with the Government continuing to issue thousands of tenders for new housing units in settlements in the West Bank. The participants also reiterated that the presence of settlements in the Occupied Palestinian Territory, including East Jerusalem, was illegal under international law and called on Israel to immediately cease settlement activity, including construction related to "natural growth", and dismantle settlement outposts. Of particular concern was the expansion and consolidation of large settlement blocks in and around East Jerusalem, especially in the so-called "E-1" area. It was observed that the presence of settlements in that area had resulted in severing Jerusalem from the rest of the West Bank, cutting the West Bank into two parts and prejudging the outcome of the final status negotiations.

4. The participants welcomed steps taken by the Palestinian Authority to reform its security forces and their deployment in Nablus and Jenin in conformity with their obligations under the Road Map. Participants called for the restoration of the situation in the Gaza Strip to that which existed prior to the events of June 2007 to allow for regaining the unity of the Palestinian people as an essential condition for achieving a viable resolution of the question of Palestine. The participants noted that all efforts to achieve a ceasefire should be supported and lead to an immediate cessation of violence. Violence by either side was damaging to the current political dialogue. Negotiations should not be held hostage to the agenda of extremists. At the same time, President Abbas should be given all possible support to continue his quest for a viable two-State solution. The participants deplored the loss of many civilian lives, on both sides but overwhelmingly Palestinian, as a result of routine military operations or targeted assassinations carried out during Israeli incursions in the Occupied Palestinian Territory. They recalled that Israel, the occupying Power, was obliged under the Fourth Geneva Convention to protect the Palestinian civilian population under its occupation and to act within the ambit of international law.

5. The participants were updated on the various aspects of the construction of the wall in the Occupied Palestinian Territory and its effects on Palestinian communities. The participants recalled the 2004 advisory opinion of the International Court of Justice, which clearly stated that the construction of the wall was

illegal under international law and insisted on its removal. Furthermore, they called for the removal of the many barriers and checkpoints in the Occupied Palestinian Territory and the restoration of the situation before September 2000. They emphasized the need for a more serious action by the international community challenging the presence of the wall in the Occupied Palestinian Territory. The participants noted that the mandate of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory should be given full support and be implemented without delay.

6. The participants agreed that a negotiated solution to the issue of Jerusalem, based on international law, was absolutely critical for resolving the Israeli-Palestinian conflict and fundamental for a lasting peace in the whole region. The participants expressed serious concern that the Israeli policies and actions in East Jerusalem included the issuance of demolition orders against Palestinian properties, the forcing out of Palestinian Jerusalemites from the city and the severing of the city from the rest of the West Bank through the expansion of settlements and the construction of the separation wall. In this connection, the participants stated that the status of Jerusalem could only be resolved through negotiations and in full accordance with relevant United Nations resolutions. The participants recalled Security Council resolution 252 (1968), which stated that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tended to change the legal status of Jerusalem were invalid and could not change that status.

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 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 and Security Council and the International Court of Justice. The participants reiterated that a comprehensive, just and lasting solution of the Israeli-Palestinian conflict could only be found in accordance with international law and based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) and all other relevant United Nations resolutions. The continued support of the international community, namely a consistent and sustainable effort by the Quartet and the regional partners with both parties, was crucial for advancing the negotiations. The Arab Peace Initiative remained an important element for advancing peace in the region and should be seized upon.

8. The participants of the Meeting, hosted by Malta, a European Union member State, appreciated the absolutely critical role played by the European Union and other European States in support of the Palestinian people. They encouraged the policymaking organs of the European Union to play a more active role in various aspects of the political process, in addition to the European Commission's substantial economic assistance.

9. The participants were of the view that national parliaments and interparliamentary organizations had a special role to play in advancing the Israeli-Palestinian political process. Such organizations as the Parliamentary Assembly of the Mediterranean, the Euro-Mediterranean Parliamentary Assembly of the Barcelona Process, the European Parliament, the Inter-Parliamentary Union and the Arab Inter-Parliamentary Union worked towards upholding international law and promoting an effective political dialogue aimed at resolving all permanent status issues.

10. The participants commended Malta for its proactive and constructive role in the Committee on the Exercise of the Inalienable Rights of the Palestinian People and encouraged its continuation. They learned with appreciation that the delegation of the Committee to the Meeting had met with the President and the Deputy Prime Minister and Minister for Foreign Affairs of Malta and discussed how Malta and the Committee, respectively, were contributing to efforts at resolving the Israeli-Palestinian conflict. The participants expressed gratitude to the Government of Malta for hosting the Meeting and the generous hospitality extended to them.

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Annex II

LIST OF PARTICIPANTS

Speakers

Geoffrey Aronson Director of research and publications, Foundation for Middle East Peace Editor of the Foundation's bimonthly *Report on Israeli settlements in the Occupied Territories* Washington, D.C.

Joharah Baker Writer with MIFTAH, The Palestinian Initiative for Global Dialogue and Democracy; former editor of the *Palestine Report* Jerusalem

Pieter Bekker Former staff lawyer of the International Court of Justice (ICJ) Senior Counsel to Palestine in the ICJ advisory proceedings Lecturer-in-law, Columbia University Law School New York

Alon Ben-Meir Professor of international relations and Middle East studies New York University New York

Nasrat Dakwar Lawyer, Association for Civil Rights in Israel Jerusalem

Guido de Marco President Emeritus of Malta

Thierry Delbreuve Officer-in-Charge, Geographical Coordination and Monitoring Section United Nations Office for the Coordination of Humanitarian Affairs Geneva

Jad Isaac Director-General, Applied Research Institute Jerusalem

Hagit Ofran Director, Settlement Watch Project, Peace Now Jerusalem

Clare Short Member of the British Parliament London

Danny Seidemann Legal counsel, Ir Amim Jerusalem

Hanna Siniora Member, Palestinian National Council Co-Chairman, Israel/Palestine Center for Research and Information Publisher of the *Jerusalem Times* East Jerusalem

Khalil Toufakji Director, Maps Department, Arab Studies Society Jerusalem

> Delegation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

Paul Badji Permanent Representative of Senegal to the United Nations Chairman of the Committee

Saviour F. Borg Permanent Representative of Malta to the United Nations Rapporteur of the Committee

Habib Mansour Permanent Representative of Tunisia to the United Nations Member

Riyad Mansour Permanent Observer of Palestine to the United Nations Member

Representative of the Secretary-General of the United Nations

Maxwell Gaylard Deputy United Nations Special Coordinator for the Middle East Peace Process; United Nations Coordinator for Humanitarian and Development Activities in the Occupied Palestinian Territory

Governments

Austria, Belarus, Brunei Darussalam, Jordan, China, Cuba, Egypt, France, Germany, Greece, Libyan Arab Jamahiriya, Madagascar, Malaysia, Malta, Nigeria, Pakistan, Philippines, Portugal, Qatar, Saudi Arabia, Spain, Malta, Tunisia, Turkey

Non-member States having received a standing invitation to participate as observers in the sessions and the work of the General Assembly and maintaining permanent observer mission at Headquarters

Holy See

Entities having received a standing invitation to participate as observers in the sessions and the work of the General Assembly and maintaining permanent observer missions at Headquarters

Palestine

Intergovernmental organizations

Council of the European Union Organization of the Islamic Conference Parliamentary Assembly of the Mediterranean

United Nations organs, agencies and bodies

Office for the Coordination of Humanitarian Affairs Office of the United Nations High Commissioner for Refugees United Nations Development Fund for Women United Nations Human Settlements Programme

Civil society organizations

Fondation de Malte Mediterranean Academy of Diplomatic Studies, University of Malta World Council of Churches World Islamic Call Society

Special guest

Malta Labour Party

Media

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