

UNITED NATIONS INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE

United Nations Office at Geneva, 8 and 9 March 2005

*Theme: Implementing the ICJ Advisory Opinion on the Legal Consequences
of the Construction of a Wall in the Occupied Palestinian Territory –
The role of Governments, intergovernmental organizations and civil society*

FINAL DOCUMENT

1. The United Nations International Meeting on the Question of Palestine was held on 8 and 9 March 2005, at the United Nations Office at Geneva, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The theme of the Meeting was “Implementing the ICJ Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory – The role of Governments, intergovernmental organizations and civil society.” Participants in the Meeting included eminent personalities, internationally renowned legal experts, including Israelis and Palestinians, representatives of the United Nations, Members and Observers, parliamentarians, representatives of the United Nations system and other intergovernmental organizations, the academic community, representatives of civil society organizations, as well as the media.
2. The Meeting took place against the backdrop of a series of promising developments, including the election of Palestinian Authority President Mahmoud Abbas on 9 January 2005, followed by the Sharm el-Sheikh Summit on 8 February 2005, where President Abbas and Israeli Prime Minister Ariel Sharon had reaffirmed their commitment to the Road Map and reached a number of understandings, including a mutual declaration to end violence. A set of concrete trust-building measures on the ground initiated by both sides signaled the emergence of a new spirit of goodwill. The participants expressed strong support for the new positive momentum and urged the speedy implementation of those understandings in order to pave the way for the resumption of the peace process.
3. The participants welcomed the London Meeting on Supporting the Palestinian Authority, hosted by the British Government on 1 March 2005, and noted that the Meeting had supported and encouraged steps outlined by the Palestinian Authority and agreed steps for international support to be taken in the areas of governance, security and economic development. They also welcomed the commitment reaffirmed by the London Meeting participants to achieving a resolution of the conflict through direct negotiations leading to the goal of two States – a safe and secure Israel and a sovereign, independent, viable, democratic and territorially contiguous Palestine, living side by side in peace and security.
4. While welcoming Israel’s intention to withdraw from the Gaza Strip and parts of the West Bank as an initial step to the implementation of the Road Map the participants underscored the importance of coordinating this process closely with the Palestinian Authority, and implementing it within the framework of the Road Map. The participants, however, expressed serious concern at the continued settlement activities in the West Bank including in and around East Jerusalem, and cautioned against any transfer of Israeli settlers from the Gaza Strip to the West Bank.
5. Furthermore, the participants also expressed serious concern at the Israeli Government’s continuation of the construction of the wall in defiance of the Advisory Opinion of the International Court of Justice and in violation of the Fourth Geneva Convention and United Nations resolutions. They considered that the construction of the wall, if not reversed, might be viewed by Israel as a permanent political boundary thus predetermining final status negotiations.
6. The participants were also greatly dismayed that the continued construction of the wall further exacerbated the already deteriorating socio-economic situation of the Palestinians. Since the construction began, hundreds of thousands of Palestinians have lost their land, property, as well as access to their work, family, educational and medical institutions. The closures regime associated with the construction of the wall caused untold suffering particularly for the Palestinians along the route of the wall. More than 60 per cent of households have lost more than half of their income and over half a million are now completely dependent on food aid. The participants stressed that urgent attention by donor countries and the international community was needed to redress this dismal and unacceptable situation.
7. In view of the gravity of these developments, the participants expressed their appreciation to the Committee for convening this timely Meeting. Welcoming the Advisory Opinion of the International Court of Justice of 9 July 2004, the participants called it a historic development, noting that it was the first time the highest judicial body of the United Nations addressed a substantive issue related to the question of Palestine. They supported the Court’s position that the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, were contrary to international law.
8. The participants welcomed also the adoption by the General Assembly of resolution ES-10/15 of 20 July 2004, highlighting its demand that Israel comply with its legal obligation to cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem; to dismantle segments of the wall already built; to repeal all legislative and regulatory acts adopted in view of the construction of the wall;

and to make reparation for the damage arising from its unlawful conduct. The participants stressed the importance of the steps taken by the United Nations Secretary-General to establish a register of damage caused to all natural or legal persons concerned. They welcomed the ongoing work for the establishment of the register and looked forward to its early completion. The participants drew attention to the General Assembly's request to all States Members of the United Nations to comply with their legal obligations, as mentioned in the Advisory Opinion. Moreover, they urged Member States to prohibit individuals or entities under their jurisdiction from assisting in the construction of the wall.

9. The participants called on the international community to adopt measures that would persuade the Government of Israel to comply with international law and the ruling of the International Court of Justice.

10. The participants also supported the continued engagement of the Quartet in efforts to resolve the conflict. In this regard, they welcomed the statement issued by the Quartet in London, emphasizing the need to ensure that a new Palestinian State was truly viable, including with contiguous territory, and stressing that a State of scattered territories will not work. Participants stressed that the Palestinian State should be territorially contiguous along the 1967 borders which include the West Bank, East Jerusalem and the Gaza Strip. Reiterating the central role of the Quartet in the peace process, the participants called on the members of the Quartet to redouble their efforts at this critical stage and continue to work closely with the parties together with other international and regional actors to implement the Road Map in order to achieve a comprehensive, just and lasting settlement of the conflict based on relevant United Nations resolutions, including Security Council resolutions 242, 338, 1397 and 1515.

11. The participants reaffirmed the permanent responsibility of the United Nations with respect to all the aspects of the question of Palestine, until it is resolved in conformity with relevant United Nations resolutions and norms of international law, and until the inalienable rights of the Palestinian people were fully realized.

12. The participants noted with appreciation the deliberations in some national parliaments intended to highlight the Advisory Opinion and to encourage their respective Governments to adhere to the ruling. They were also apprised of the various initiatives of civil society organizations in support of the Advisory Opinion and encouraged civil society to continue their efforts in educating public opinion on the issues and promote a solution of the conflict on the basis of international law.

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

*9 March 2005
United Nations Office at Geneva*