



General Assembly GA/PAL/1050

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

AFRICAN MEETING CONSIDERS SITUATION ON GROUND IN OCCUPIED PALESTINIAN TERRITORY

(Received from a UN Information Officer.)

PRETORIA, 9 May – A diverse panel of experts gathered in Pretoria for the United Nations African meeting in support of the inalienable rights of the Palestinian people called today for urgent action to alleviate the suffering of Palestinians living in the Occupied Territory – especially the residents of the Gaza Strip, who faced a deepening humanitarian crisis due to the Israeli authorities' prolonged closure of the Strip's only cargo crossing point.

The panel, which included human rights and legal experts, a columnist from Israel's *Ha'aretz* newspaper, a United Nations official based in Gaza, and the Palestinian Authority's Minister for Public Works, painted a grim picture of the situation in the Occupied Palestinian Territory with its ever-increasing network of checkpoints and frequent border closures. They were particularly troubled by the situation in the Gaza Strip and the West Bank, where limitations imposed on Palestinians' movement prevented their access to about 50 per cent of the area, hampering humanitarian access and preventing any likelihood that the Palestinian economy could grow.

This afternoon's plenary session, part of a two-day United Nations meeting sponsored by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, also touched on imperatives for the Gaza Strip, including the possible deployment of an international protection force, implications for the West Bank, and Israel's accountability under international law.

Basem Khaldi, Political Affairs Officer and Officer-in-Charge, Gaza Office of the United Nations Special Coordinator for the Middle East Peace Process, said two years after the Israeli disengagement from Gaza, 16 months after democratic Palestinian elections, 11 months after the kidnapping of the Israeli soldiers had sparked the crisis in Lebanon, eight months after bloody fighting between Palestinian factions, and two months after the formation of a Palestinian Unity Government, one look at the current situation on the ground in the Occupied Palestinian Territory "would tell you where we stand".

In Gaza there were an estimated 1.4 million Palestinians and approximately 80 per cent of the population lived below the poverty line. The Palestinian gross domestic product (GDP) had collapsed by 23 per cent in the last year. One fourth of the people did not have access to safe water, and employment was at 40 per cent and food insecurity was rampant. The Agreement on Movement and Access had gone largely unimplemented, and "people are lucky if the Rafah crossing is open once or twice a week". Unless those and other issues were urgently addressed, by the Quartet and the wider international community, the situation would pose a grave problem for the region and the world.

Yasmin Sooka, Executive Director, Foundation for Human Rights, Pretoria, touched on the dire humanitarian consequences, especially for women and children, due to the ongoing construction of the separation wall in the Gaza Strip and parts of the West Bank. Some 70 per cent of the population of the West Bank were now separated from their jobs and families, she said, adding that most of the water stations were located in the closed zone. It was not surprising that women and children were bearing the brunt of the deepening humanitarian crisis caused by the restrictions on movement.

She also expressed concern about the desperate situation caused by the ongoing closure of crossing points into the Occupied Territories. "The ongoing settlement activity, the targeted assassinations, the summary executions, all of this speaks to a growing impunity," she said. Pressure must be placed on the Israeli Government to abide by the decision of the International Court of Justice (ICJ) to cease construction of the separation wall and to tear down those parts that were already standing. Palestinians must be free to work and enjoy their lives, and the funds that were being withheld from the Palestinian Authority must be released in order to alleviate the humanitarian crisis.

On questions of accountability and responsibility of occupying Powers, Iain Scobbie, Sir Joseph Hotung Research Professor in Law, Human Rights and Peacebuilding in the Middle East, School of Oriental and African Studies, London, said international humanitarian law encompassed the law of armed conflict and that was a key issue when considering the legal responsibility of an occupying Government or entity.

Looking at Israel and the Occupied Palestinian Territory, he said, one of the principal issues was whether the country was still responsible for the situation in Gaza after its disengagement two years ago. The answer was clearly yes, since Israel controlled a significant portion of Gaza's tax revenues, its airspace, its offshore territory, and, importantly, ingress and egress from the area. Israel had argued that because it was not subject to sovereignty in the Occupied Territory, it was under no obligation to abide by or ensure the implementation of international human rights treaties in those

areas. Israel and the United States also argued that once the rules of armed conflict were in force, they effectively “replaced” human rights law in particular situations.

Samih Al-Abed, Minister for Public Works, Palestinian Authority, Ramallah, said the current situation of the Palestinian people had been 40 years in the making. While there had been a disengagement from Gaza, Israel still controlled the entire infrastructure, and had vowed to defy international law and continue its construction of the wall. What could be done about that?

All levels of Palestinian society were under siege, and after Hamas had won a democratic election that the major Powers had called for, the situation had grown worse as the international community had turned its back on the new Government. The major Powers were punishing Palestinians for exercising democracy. They were destroying the institutions that they had helped to build. They were paying the price of the occupation. Did the international community want the territories held in trusteeship?

In a poignant address Gideon Levy, columnist for *Ha'aretz*, Tel Aviv, said it was very unpleasant to sit and hear accusations against one's country, but it was much more unpleasant to sit and listen to such accusations knowing that they were justified. He had dedicated the last 20 years trying to tell Israelis the stories they did not want to hear, trying to give them the real story of the occupation, the real story that was going on right in their backyard, but to which they were too blind, or too brainwashed, to see and recognize.

He said the only thing worse than the ongoing bloodshed was the way in which the occupation had broken the will of the Palestinian people. “When I walk in the Territories or in the Jenin refugee camp, I see ‘dead men walking,’” he said. Another problem, for both Israelis and Palestinians, was that, until about 10 years ago, at least there had been some civil interaction between the two sides. Children were growing up today knowing only violence: Israeli children seeing only “the terrorists” and Palestinian children seeing only “the brutal occupiers”. Sadly, there seemed no hope on the horizon.

Statements

Before hearing from a panel of experts on the current situation in the Occupied Territory, the meeting concluded its list of speakers from the opening session this morning.

SAMIR B.S. DIAB, Assistant Secretary-General, Director General and Coordinator for Palestine, speaking on behalf of the Organization of the Islamic Conference (OIC) said that, as the meeting was being held, the situation in the Occupied Palestinian Territory was “at its most critical point” as Israel had ratcheted up its aggression against the Palestinian people, increased the number of checkpoints and continued the construction of its “apartheid wall”. Israel's continued excavation beneath a mosque of historic and cultural significance to all religions had seriously escalated tensions inside the Territory. The international community must act in a just manner and spare no effort to ensure that Israel abided by United Nations resolutions and worked towards a just solution to the question of Palestine.

ALI GOUTALI, Ambassador of Tunisia to South Africa, said his Government considered the Palestinian issue to be the core of the conflict in the Middle East. Tunisia had supported all efforts and initiatives to find a just solution to the Palestinian-Israeli issue, particularly the Arab Peace Initiative and the Quartet-backed Road Map. While welcoming the support of the European Union for the Arab Peace Initiative and the commitment of European countries to work with the Palestinian Unity Government, Tunisia would call on the Union and the wider international community to lift financial and resource embargoes on the new Government, in order to alleviate the dire humanitarian situation in the Occupied Territory and to make progress towards relaunching peace negotiations.

MAJID KHODUR, Head of Mission, Syrian Embassy to South Africa, said the meeting was being held while Israel continued its unprecedented campaign of destruction inside the Occupied Palestinian Territory. Israel's barbaric practices, particularly its abduction, ongoing detention and even targeted killing of democratically elected officials, were now extended to Gaza and the West Bank, which had been turned into virtual prisons. He called on the international community to seriously endeavour to stop Israel's policies of killing and destruction. The horrors of Israel's actions, and its continued occupation of Syrian and Lebanese territories, were exacerbated by the support it received from major super-Powers, including on the Security Council. Such Powers continued to stymie the efforts of the international community to protect the peace-loving Palestinian people from the “Israeli arsenal” and perpetuated Israel's belligerent, discriminatory and irresponsible policies.

HABIB DEFOUAD, Head of Mission, Moroccan Embassy to South Africa, said his delegation shared the solidarity with the Palestinian people expressed by other people. Morocco was also committed to supporting recent regional and international efforts to relaunch the peace process. It also supported all Arab initiatives for peace, particularly for their realism. As Chair of the Al-Quds al Sharif Committee, Morocco would call on Israel to abide by all Security Council resolutions on Al-Quds. He said his statement would be incomplete without making reference to Algeria's earlier allusion to the Western Sahara. Was it really necessary to bring that up? It was a bilateral issue that had no place in this forum. The situation in the Western Sahara needed to be solved through diplomatic means, he added.

ABDALLA ALZUBEIDI, Ambassador of Libya, said the Palestinian struggle was not terrorism; it was the 40-year occupation that was terrorism. The status quo that Israel had created, with its land-grabbing, construction of the wall and other illegal activities had severely undermined efforts to seek a two-State solution. The international community should also be concerned about Israel's weapons of mass destruction.

Plenary I: The situation in the Occupied Palestinian Territory, including East Jerusalem

An overview of the situation on the ground; imperatives for the Gaza Strip, including the possible deployment of an international protection force; implications for the West Bank; accountability and responsibility of the occupying Power under international law.

Statements

GIDEON LEVY, Columnist for *Ha'aretz*, Tel Aviv, said it was very unpleasant to sit and hear accusations against one's country, but it was much more unpleasant to sit and listen to such accusations knowing that they were justified. He had dedicated the last 20 years to trying to tell Israelis the stories that they did not want to hear. He had been trying to give them the real story of the occupation, the real story that was going on right in their backyard but which they were too blind, or too brainwashed to see and recognize.

He said he had begun his journey by going to the homes of the victims, spending hours at checkpoints, daring to look at the situation as no Israeli had ever been allowed. The dehumanization and demonization of the Palestinian population was the tool of the occupiers, he said, describing the recent killing of a young girl in the Jenin refugee camp that had gone unreported by Israeli newspapers.

He said the similarities between the occupation and apartheid, as well as the differences, should rightly be on the table at the meeting. In that regard,

"roads" in the Occupied Territory were not really roads because they were impassable. Israel's legal system meted out different punishments to different people. There were different rules for Palestinians and different rules for Israelis. The only thing worse than the ongoing bloodshed was the way in which the occupation had broken the will of the Palestinian people. "When I walk in the territories or in Jenin camp, I see 'dead men walking,'" he said.

Another problem, for both Israelis and Palestinians, he said, was that, until about 10 years ago, at least there had been some civil interaction between the two sides. Children today were growing up knowing only violence: Israeli children seeing only "the terrorists" and Palestinian children seeing only "the brutal occupiers". Sadly, he saw no hope on the horizon, and even though there was a big political push under way, Israel's response had not been forthcoming.

BASEM KHALDI, Political Affairs Officer, Officer-in-Charge, Gaza Office, United Nations Special Coordinator for the Middle East Peace Process, said that years after the Madrid Conference, two years after the Israeli disengagement from Gaza, 16 months after democratic Palestinian elections, 11 months after the kidnapping of the Israeli soldiers that sparked last year's crisis in Lebanon, eight months after bloody fighting between Palestinian factions, and two months after the formation of a Palestinian Unity Government, one look at the current situation in the Occupied Palestinian Territory "would tell you where we stand". One fourth of the people did not have access to safe water, GDP in Gaza had fallen by 10 per cent, employment was at 40 per cent and food insecurity was rampant.

He said the World Food Programme was now providing food to some 600,000 persons. Health workers had effected their second strike in recent months because they had not been paid in nearly a year. The Agreement on Movement and Access had gone largely unimplemented. People were lucky if the Rafah crossing was open once or twice a week. The separation wall in the West Bank was still under construction and settlements were still being expanded. Unless those and other issues were urgently addressed, by the Quartet and the wider international community, the situation would pose a grave problem for the region and the world.

YASMIN SOOKA, Executive Director, Foundation for Human Rights, Pretoria, said the situation of the Palestinian people had a huge resonance with South Africans, for those who had lived under apartheid had believed that the Israeli-Palestinian conflict would have been solved long before the back of apartheid had been broken. But she had hope, particularly since the world had witnessed "old enemies" in Great Britain and Ireland sitting down at the same table after so many years of tension. The solution to the question of Palestine should be based on the search for justice.

Noting that the root of most wrongdoing was impunity, she went on to describe the current situation on the ground, noting particularly the dire humanitarian consequences, especially for women and children, due to the ongoing construction of the separation wall in the Gaza Strip and parts of the West Bank. Some 70 per cent of the population of the West Bank were now separated from their jobs and families, and most of the water stations were located in the closed zone. It was not surprising that women and children were bearing the brunt of the deepening humanitarian crisis caused by the restrictions on movement.

She also expressed concern about the desperate situation caused by the ongoing closure of crossing points into the Occupied Territory. "The ongoing settlement activity, the targeted assassinations, the summary executions, all of this speaks to a growing impunity," she said. Pressure must be placed on the Israeli Government to abide by the decision of the International Court of Justice to cease construction of the separation wall and to tear down those parts that were already standing. Palestinians must be free to work and enjoy their lives, and the funds that were being withheld from the Palestinian Authority must be released in order to alleviate the humanitarian crisis. A true peace could only be built on justice. South Africa condemned rocket attacks, but it also condemned military incursions and road closures that would not even let ambulances enter areas to care for those injured in such military actions, she said.

IAIN SCOBIE, Sir Joseph Hotung Research Professor in Law, Human Rights and Peace-Building in the Middle East, School of Oriental and African Studies, London, said international humanitarian law encompassed the law of armed conflict, a key issue when considering the legal responsibility of an occupying Government or entity. The basic principles were clear: international responsibility could only be ascribed to entities possessing international character or personality; and an entity with international personality could only be held accountable for its actions under international law when a breach had occurred. Moreover, international law held that a State operating in occupied territory acted as the government of that territory.

Looking at Israel and the Occupied Palestinian Territory, he said one of the principal issues was whether Israel was still responsible for the situation in Gaza after its disengagement two years ago. The answer was clearly yes, since Israel controlled a significant portion of Gaza's tax revenues, its airspace, its offshore territory, and, importantly, ingress and egress from the area. Israel had argued that, because it was not subject to sovereignty in the Occupied Territory, it was under no obligation to abide by or ensure the implementation of international human rights treaties in those areas. Israel and the United States also argued that once the rules of armed conflict were in force, they effectively "replaced" human rights law in particular situations.

On whether there was a difference between "accountability" and "responsibility" under international law, he said accountability was not a legal term, but one applied by some non-governmental organizations and a number of human rights activists to assign liability.

SAMIH AL-ABED, Minister for Public Works, Palestinian Authority, Ramallah, said the current situation of the Palestinian people had been 40 years in the making. When it came to the Palestinians, apparently no United Nations resolution would be implemented and action at the world body on their behalf would be stymied by the use of the United States veto power. Israel did not want a peaceful settlement.

He said that, while there had been disengagement from Gaza, Israel still controlled the entire infrastructure and Israel had vowed to defy international law and continue its construction of the wall. What could be done about that? All levels of Palestinian society were under siege, and after Hamas had won a democratic election, which the major Powers had called for, the situation had grown worse as the international community had turned its back on the new Government. The major Powers were punishing Palestinians for exercising democracy. They were destroying the institutions that they had helped to build. They were paying the price of the occupation. Did the international community want the territories held in trusteeship?

Discussion

When the floor was opened for discussion, a representative of the South African Trade Unions said it was time for the Meeting and others like it to "stop running in place" and going over the same ground again and again. The meeting should take concrete action, including pressing the international community to ensure that Israel stopped its illegal activities. The gathering should also call on the United Nations and other intergovernmental organizations to raise awareness about the daily reality faced by the Palestinian people. The meeting should also call for the media to raise their voices against the inhuman conditions in the Occupied Palestinian Territory.

The representative of Algeria said he had been "amused" by the "laborious argument" that there were different types of occupation, some "good" and some "bad". Did anyone believe it would be possible for the Israeli public to sway the Government to accept the principle of land for peace to end the conflict? Another speaker asked Mr. Levy about the collective mood in Israel regarding the occupation. Two representatives of civil society organizations also wanted to know if more could be done at the United Nations to end the occupation. Another speaker wondered if it was time to move

away from the idea of a two-State solution and focus on creating a unified but secular Palestine.

In response, Mr. LEVY said he believed Israeli society had fallen into a comatose state in 2000 – the year in which the Camp David talks had failed. Ehud Barak had then “spread the lie” that there was no “partner for peace” on the Palestinian side, and the Intifada had been called. After the violence had begun, very little had been left of the Israeli peace movement. Even though the war in Lebanon had rallied some resistance, the real peace movement was barely noticeable.

At the same time, he said, a few small courageous groups in the margins were protesting the situation in the Occupied Territory, especially the wall. “But ‘peace’ is not a word that’s even on the table anymore,” he said, adding that most Israeli people believed that peace with the Syrians would cause such societal trauma, that it would take a decade to even consider peace with the Palestinians. Sadly, it did not seem that a solution would come from the grass roots.

Mr. SCOBIE said some of the occupation of the West Bank was now becoming more of an annexation, particularly areas cut off by the construction of the wall. The idea that human rights conventions were applicable in such situations was relatively new and it would be interesting to see if it could gain traction. He looked forward to pioneering international lawyers in studying the situation more closely.

Also responding to questions, Mr. AL-ABED said the Palestinian people were asking the United Nations to ensure implementation of resolutions that had been adopted. President Abbas was a man of “courage, peace and vision” who had brought Palestinian factions together in a unity Government, which had given him all authority to negotiate with Israel. He was ready and willing to do that.

Mr. KHALDI said he could continue to quote figures on the situation in the Occupied Territory, but nobody could feel the humiliation and depression of the people unless they lived there. The situation was getting worse, but the clock was ticking. The moderates within Palestinian society were losing out to the extremists. The current situation provided an opportunity that everyone in the international community should seize.

Ms. SOOKA reiterated that the situation posed a serious question about how the international community dealt with impunity.

Today’s plenary was one of three such sessions, forming the core of the meeting’s work. Tomorrow morning’s plenary will focus on international efforts aimed at achieving a viable Israeli-Palestinian peace. In the afternoon, delegations will consider African solidarity with the Palestinian people’s aspirations for independent statehood.

The meeting aims to bolster African solidarity with the Palestinian people and build on recent international and regional momentum to bring the Israeli and Palestinian sides back to the negotiating table. It will also feature, on Friday, a United Nations Public Forum in Support of Israeli-Palestinian Peace, which will be held at the University of Pretoria.

The meeting’s afternoon session also concluded its list of speakers from the morning, hearing brief statements from the Assistant Secretary-General, Director General and Coordinator for Palestine (on behalf of the Organization of the Islamic Conference (OIC)), the Ambassador of Tunisia to South Africa, the Head of Mission, Syrian Embassy to South Africa, the Head of Mission, Moroccan Embassy to South Africa and Libya.

* * * *

For information media • not an official record