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ACTIVISTS OPPOSED TO SEPARATION WALL SPEAK UP DURING UNITED NATIONS

CIVIL SOCIETY MEETING IN SUPPORT OF THE PALESTINIAN PEOPLE

Participants Focus on July 2004 International Court of Justice Opinion

(Received from a UN Information Officer)

VIENNA, 26 March – Representatives of non-governmental organizations, activists and others attending today's United Nations Meeting of Civil Society in Support of the Palestinian People in Vienna reported on actions taken against the wall built by Israel in the Occupied Palestinian Territory, including East Jerusalem and especially around the village of Bil'in, highlighting the importance of the July 2004 advisory opinion issued by the International Court of Justice regarding the wall.

The one-day event followed the conclusion of the United Nations Seminar on Assistance to the Palestinian People, which took place in Vienna on 24 and 25 March. Both events were held under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. With today's meeting, the Committee continued its programme of cooperation with civil society, as mandated by the General Assembly, by providing venues and opportunities for civil society organizations and individuals to exchange views and broaden international networks in support of the Palestinian people.

Zahir Tanin, Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, said in opening remarks that more than 1,000 Palestinian, Israeli and international activists had come together in the Palestinian village of Bil'in last month, to mark five years of popular struggle against the wall despite serious risks. "We are humbled by what members of civil society are sacrificing personally in order to fight against a great injustice."

As the Meeting ended, Riyad Mansour, Permanent Observer of Palestine at the United Nations, said: "I am honoured and humbled to be in the company of fighters in the field who fight on a daily basis against the wall and the occupation." Noting that civil society and the Palestinian Authority complemented each other, and that all actions, big or small, contributed to the struggle of the Palestinian people to end the occupation and establish an independent State with East Jerusalem as its capital, he urged participants to "always concentrate on what unifies us and not what divides us".

Saviour F. Borg (Malta), Rapporteur of the Committee, also made closing remarks.

The Meeting consisted of two panel discussions under the themes "Civil society actions against the Separation Wall in the Occupied West Bank", and "The importance of upholding international law, including with respect to the International Court of Justice's Advisory Opinion regarding the Wall".

In sometimes emotional presentations, panellists provided updates on the situation with regard to the wall's construction; reported on their non-violent actions in protest against the wall; and discussed ways in which civil society could raise public awareness about its impact on the Occupied Palestinian Territory.

Two films were screened: *Walled Horizons*, a documentary prepared by the United Nations in Jerusalem and featuring Roger Waters of the band Pink Floyd; and *Refuse to Die in Silence*, which documents non-violent and creative demonstrations in Bil'in.

One Palestinian panellist, activist and community organizer Lubna Masarwa, could not attend the Meeting because she missed her flight after having been subjected to four hours of humiliating security procedures at the airport in Tel Aviv. "I felt trapped and couldn't handle it any more," she wrote in an e-mail message to the Meeting's organizers:

Opening Remarks

ZAHIR TANIN, Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, welcomed the participants, and said that the

Committee continued to carry out its programme of cooperation with civil society by providing venues and opportunities for organizations and individuals to exchange views and broaden their international networks in support of the Palestinian people. He commended civil society organizations for their efforts to uphold international legitimacy with respect to the question of Palestine through advocacy and by mobilizing public opinion, and for their initiatives aimed at alleviating the plight of the Palestinian people. He encouraged civil society organizations to broaden their base by involving trade unions and other large organizations, and to harmonize their advocacy efforts at the local, national, regional and international levels.

Civil society groups were playing a leading role in highlighting to the world how the separation wall was tearing the fabric of Palestinian life. Last month, more than a thousand Palestinian, Israeli and international activists had come together in the Palestinian village of Bil'in to mark five years of popular struggle against the wall and activists were continuing their protests against the wall despite serious risks. The Committee had been following the arrests and detentions of members of such groups as the Bil'in Popular Committee and the Stop the Wall Campaign. "We are humbled by what members of civil society are sacrificing personally in order to fight against a great injustice," he said.

He said the Committee had denounced the continuing construction of the wall, and noted that more than five years after the International Court of Justice had issued its advisory opinion confirming the illegality of the wall's construction on Palestinian land, that ruling remained unheeded. The opinion provided all international actors, including civil society organizations, with a powerful tool with which to pursue peace efforts at all levels and strengthen the movement in support of a comprehensive, just and lasting solution to the question of Palestine.

Panel Discussion One

The first panel discussion – "Civil society actions against the Separation Wall in the Occupied West Bank" – was moderated by Fritz Edlinger, Secretary-General of the Society for Austro-Arab Relations in Vienna. Sub-themes included an update on the situation with regard to the Wall's construction; the role of civil society in raising public awareness about its effects on the Occupied Palestinian Territory; and current civil society activities.

The discussion opened with a screening of *Walled Horizons*, a documentary prepared to mark five years since the issuance of the advisory opinion. It is narrated by and features Roger Waters – a founding member of Pink Floyd and famous for the song "The Wall" – who donated his services for the documentary and is active in Bil'in's Freedom Theatre, the Meeting heard. The film depicts the damaging impact of the separation wall on both rural and urban Palestinians. It features Palestinians affected by the wall, and interviews with Israeli security officials responsible for planning its route.

RAY DOLPHIN, Humanitarian Affairs Officer and expert on the wall, United Nations Office for the Coordination of Humanitarian Affairs, Jerusalem, said that since its inception the wall had had four official routes. In 2003, the route had incorporated more Palestinian land under Israeli control than the current one, he said, adding that the original plan had also envisaged a wall down the Jordan Valley, which was later dropped. In 2004, the Wall had travelled dramatically into the southern West Bank, and in 2005, it had followed the Green Line in the Hebron area. However, a large area around Jerusalem had been added, cutting the city off from the West Bank.

He said that the current route, approved in 2006, was about 60 per cent completed and 10 per cent under construction. About 9.5 per cent of the West Bank would be effectively annexed to Israel, and although officials claimed that the route was not political, it took in the major settlement blocks in the West Bank, which Israel had said it wished to keep. Communities closely connected to Jerusalem had been physically separated from the city, he said, adding that the six hospitals designated for the West Bank and located in East Jerusalem were now cut off. Muslims and Christians were also cut off from their places of worship in East Jerusalem, he noted.

The wall would isolate most of the agricultural land in Bethlehem, he continued. About 10,000 Palestinians living in closed communities between the wall and the Green Line were required to have permanent residence permits just to live on their own land, he said, adding that they were forced to access the West Bank through checkpoints and were cut off from health and education facilities.

Recalling that the land between the Green Line and the wall had been declared closed military zones, or "seam zones", he said that in order to reach their land, farmers now had to obtain permits in order to pass through gates or checkpoints. Only 20 per cent of the farmers in 52 villages of the northern West Bank, or 3 per cent of the population, were getting permits to access their land, with the result that those communities were no longer agricultural. That had a major impact on livelihoods, he stressed, pointing out that of the 10 checkpoints and 62 gates designated for farmers, only 11 gates were opened on a daily basis. Since access was increasingly denied, farmers were now refusing to apply for permits, he said. Asserting that the wall was one of the Israeli measures to restrict movement, he said it was having a devastating impact on hundreds of thousands of Palestinians, farmers in particular. The wall should be dismantled and reparations paid, he added.

Participants then watched a screening of *Refuse to Die in Silence*, produced by Shai Carmeli Pollak, which includes scenes from another movie, *Bil'in Habibti*. It portrays the creative and non-violent struggle of the people of Bil'in against the construction of the wall, a symbol of resistance in the rest of the Occupied Palestinian Territory. It also shows the reaction of the Israel Defence Forces against demonstrations, with one demonstrator being shot and killed.

MOHAMMED A.M. KHATIB, Coordinator, Bil'in Popular Committee against the Wall, said the present situation was no longer acceptable and the local community had taken the initiative to resist. Each Friday in Bil'in and other places, demonstrators came together because "we cannot wait for the occupation to become stronger". The demonstrations were non-violent, as only non-violent resistance could draw the necessary attention. Israelis and people from other countries had joined them, he said, pointing out that the resistance was, after all, not against the Israelis as a people but against the occupation.

Emphasizing that he had always lived under the occupation, he said he did not know the meaning of life without it, but did not want his own children to live the same way. The struggle had started locally, but was now more organized. A coordination committee for non-violent resistance had been established and was carrying out legal support, media advice and advocacy. Now that the resistance movement had become more effective, Israel was trying to break it through increased violence and arrests, he said.

JONATHAN POLLAK, Media Coordinator, Popular Struggle Coordination Committee, Tel Aviv, noted that civil society under occupation was, as a matter of course, in constant friction with the authorities. In the Occupied Palestinian Territory, that friction was manifested in all walks of life – from the hundreds of military checkpoints to the Israeli-only "apartheid roads". Strategically, significant elements of Palestinian civil society chose daily to tread the path of grassroots resistance in unarmed confrontation with the occupiers, he said, describing the situation as a David versus Goliath picture of civilians struggling against a brutal military occupation. The international media had recently begun referring to the coordinated peace efforts as "the white intifada", he said. However, because the Israel Defence Forces spoke only the language of violence, the white intifada had become stained with the blood of demonstrators.

In recent months, the Israeli authorities had launched a concerted and politically motivated assault on the Palestinian popular movement, with hundreds of arrests and ever increasing violence on the ground, he said. Faced with growing popular dissent, Israel was trying to squash the movement that aimed to overthrow the occupation. The Israel Defense Force regularly attacked demonstrators with lethal violence, which had resulted in 20 deaths so far. He noted that the previous speaker had been arrested in the middle of the night for incitement and rock-throwing, charges based on falsified evidence. Many others had been jailed on the evidence of people who had been intimidated during interrogation, he added, noting that Bil'in had been declared a closed military zone every Friday for half a year.

One of the strengths of the popular struggle was that oppression had a political price, he said, adding that the resistance movement's use of the media was wedded to its strategy on the ground. It wished to make the occupation unmanageable in the media as well, by exposing its lies. For example, when Israeli

soldiers had shot two teenagers last Saturday in Iraq Burin, the Defense Force had automatically claimed in the media that the two had been "lawfully" shot with rubber bullets. Although that story had initially been accepted by the media, the movement had presented X-rays proving the use of live ammunition and exposing the Defence Force's lies in the media. Though the Defense Force relentlessly tried to depict the resistance as violence, its attacks on demonstrators presented it in a violent and ridiculous way. The work on the ground and in the media aimed to expose Israeli violence and oppression, he said, stressing that in order for the Palestinian freedom struggle to bear fruit, the international community must extract the highest price possible for the occupation.

SAID YAQIN DAWOUD, Coordinator, Palestinian National Committee against the Wall and Lecturer at Al-Quds Open University, Jerusalem, paid tribute to an American student who had placed herself in front of a bulldozer to prevent the destruction of a house. There were still many good people who stood up in the face of the occupation and called it ethnic cleansing, he said, welcoming the fact that some Israelis were standing with the demonstrators in Bil'in. He also thanked European and other countries who had protested the ethnic cleansing.

The occupation was one of settlers against indigenous people, he said, noting that the policy of fait accompli started in 1947 was still being implemented. Trying to take parts of Palestine in 1967, the occupation had begun engaging in the crime of destroying villages in a massive campaign of settlement construction aimed at creating a fait accompli and preventing the emergence of an independent Palestinian State.

He said the separation wall was an apartheid wall and should be described as such, pointing out that the wall had arisen from the Israeli policy of establishing a purely Jewish State free of Arabs. More than 500 Palestinian villages had been destroyed in 1948, and the modern equivalent of that was the present destruction of farms in the West Bank. Area C – which produced food and absorbed 70 per cent of the work force – was now behind the wall, he said, describing that as "a strategic death for the West Bank and the future Palestinian State". The wall was the last link in a new Holocaust, he declared.

Panel Discussion Two

The second panel discussion had as its theme "The importance of upholding international law, including with respect to the International Court of Justice's Advisory Opinion regarding the Wall", and was moderated by Hans Koechler, President of the International Progress Organization in Vienna. Its sub-themes included "Political and legislative advocacy – reaching decision-makers and politicians", and "Participation in international campaigns against the wall".

Mr. KOECHLER said the big problem, as far as international law was concerned, was the gap between legal norms and the situation on the ground. The norms were clear, as confirmed by the advisory opinion of the International Court of Justice. The basic elements of that opinion were that: the construction of the wall was contrary to international law; Israel was under obligation to terminate that construction, dismantle it and repeal all legislative acts relating to it; Israel was under obligation to pay reparations for all damage caused by the wall; all States were under obligation not to recognize any consequences of the wall's construction, and not to aid such construction; and the United Nations should consider what further action was required to end the construction. It was therefore appropriate for the United Nations to organize meetings such as the present one, he said.

Implementation of the law was, unfortunately, left to international politics because international law was not self-enforcing, he continued. Only two avenues were open in terms of enforcement: compulsory measures under Chapter VII of the United Nations Charter, which were impossible to use as long as one permanent member of the Security Council cast a negative vote; and imposing economic and other measures against Israel by those States that had ratified the Geneva Conventions. He said the realistic action was to exercise political pressure, which was the predicament in which the United Nations and the international community found themselves. It was therefore appropriate for civil society to step in, especially in countries that were permanent members of the Security Council, he said.

WESAMAHMAD, Advocacy Officer, Al-Haq—Law in the Service of Man, Ramallah, said the Fayyad Plan would encounter many obstacles because of the occupation. Meanwhile, a long-standing Israeli plan was being implemented and the wall was part of it. Already in 1967, Israeli officials had urged the emigration of Arabs and worked towards increasing the Jewish population in East Jerusalem.

To countering the claim that the wall was being built for security reasons, he showed video of Palestinians easily climbing over the barrier, and stressed that the wall's true purpose was the annexation of territory, transfer of the Palestinian population and demographic manipulation. In three videos, he showed how the wall impacted the daily life of one family, one village and East Jerusalem as a whole, describing them as examples of passive forcible transfer – creating a situation that forced people to leave, which was prohibited under the Fourth Geneva Convention and the Rome Statute of the International Criminal Court.

Emphasizing that Palestinians must ensure that their rights were not subject to negotiation, he noted that they did not turn to the Israeli judicial system as they saw it as one of the pillars of the occupation. Another avenue of action was to challenge third States and private corporations over their relations with Israel. Counterproductive actions, on the other hand, included permitting Israel to join the Organisation for Economic Co-operation and Development (OECD) or holding a Union of European Football Association (UEFA) meeting in Tel Aviv. Those recent actions suggested to the Israeli people that life was normal.

PHIL SHINER, Supervisor, Public Interest Lawyers, United Kingdom, said the advisory opinion was "extremely helpful" as it identified three different pre-empting norms that Israel had breached. Peremptory or *jus cogens* norms were actions recognized in international law that no State was ever permitted to commit, such as genocide, slavery and denial of the right to self-determination. The advisory opinion was crystal clear that Israel was in breach of international law and set out the obligations of third States.

Customary international law was part of the United Kingdom's common law and the jurisdiction of other European States, he said, noting that he had unsuccessfully brought two cases in which the United Kingdom had been in violation of international law by permitting the sale of arms to Israel, which had then used them in the Gaza offensive. Civil society should identify European Union States in which legal actions could be brought in respect of those actions, he said.

The European Union-Israel Association Agreement was also in breach of the *jus cogens* norms, since it stipulated that relations between parties must be based on respect for human rights and democratic principles, he continued. That clause required that parties respect customary international law and the principles of the United Nations Charter, which prohibits the forcible acquisition of territory.

JAMAL ZAKOUT, Special Adviser to the Prime Minister of the Palestinian Authority and Head of the Civil Society and Media Unit in the Office of the Prime Minister, said third States had a responsibility under the advisory opinion, and civil society organizations should follow any cases brought to court. However, the international community and the United Nations had lost credibility in the eyes of ordinary Palestinian citizens, who saw that despite all international efforts to end the occupation, they were still denied access to their lands and livelihoods. Despite all efforts, there was still an Israeli blockade on Gaza, he added. The credibility of the international community and international law must be restored, he said, noting that the Palestinians were otherwise unable to hold Israel accountable. The Palestinian Authority would use any possible means to prevent further deterioration and to provide the minimum assistance to its people, he said, adding that the Association Agreement should not be continued.

At the domestic level, different parties had special responsibilities, he said, recalling that Palestinian groups defending their land had come together two years ago to discuss how to hold on to their lands. The Palestinian Authority had held discussions with civil society organizations, during which some 200 projects had been suggested. In addition to asking third parties, the Palestinians must do everything they could by themselves in order to design a programme of resistance, he said. The act of building a house was a form of resistance, just like boycotting products from settlements. The international community and civil society could play a role in creating a situation whereby the Security Council could take action, he said, adding that the Palestinian Authority was committed to civil resistance.

RABAB KHAIRY, Coordinator for the Middle East and North Africa, Centre national de coopération au développement, Belgium, said that the purpose of the Russell Tribunal on Palestine initiative, set up some five years after the issuance of the advisory opinion, was to show the international community's complicity in perpetuating the violations of Palestinian human rights. The Tribunal acted as the court of the people, a Tribunal of conscience aimed at mobilizing society, she said. It consisted of eminent persons, including former United Nations Secretary-General Boutros Boutros-Ghali, and would hold a number of international sessions. The first, which had already taken place in Barcelona, had examined the relationship between Israel and European Union member States.

Reporting on the Tribunal's findings, she said the European Union and its member States had been found to be in breach of several provisions of international law regarding their cooperation with Israel, including active assistance in exporting weapons used in the Gaza offensive. If the European Union and its member States failed to impose the necessary actions against Israel, the Tribunal would count on European Union citizens to bring the necessary pressure, she said.

Closing

RIYAD MANSOUR, Permanent Observer of Palestine at the United Nations, said: "I am honoured and humbled to be in the company of fighters in the field who fight on a daily basis against the Wall and the occupation." Civil society and the Palestinian Authority complemented each other, he continued, stressing that ending the occupation was a collective endeavour requiring the necessary actions from each and every one. There was a need to find ways to convince the 25 European countries that had not yet done so to recognize the State of Palestine, he stressed.

He invited participants to do their part by researching the many issues contained in the advisory opinion, noting that help was needed to handle some 60,000 claims for damage caused by the construction of the wall. All actions, small or big, contributed to the Palestinian struggle, he said, adding that some activists were being killed and others sent to prison, while still others were advancing the ruling in the diplomatic area. It all added collectively to the struggle so that one day the Palestinian people could start building their society. "Always concentrate on what unifies us and not what divides us," he emphasized.

SAMOUR F. BORG (Malta), Rapporteur of the Committee, said: "We've learned about your tireless advocacy work, your relentless protests, and your invocations of international law." The messages heard today would be presented to Committee members and, through them, to the wider United Nations membership. He assured participants that the Committee stood behind their efforts and encouraged them to keep working towards a just and lasting peace. "The Palestinian people have suffered too much and for too long. All of us in every capacity -- Governments, the United Nations and civil society -- must each play our own role to bring justice back to the Palestinian people," he stressed.

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