

International Progress Organization



Organisation Internationale pour le Progrès

Special meeting in observance of the
International Day of Solidarity with the Palestinian People
held by the
Committee on the Exercise of the Inalienable Rights of the Palestinian People

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Statement on behalf of civil society

Mister Chairman,
Excellencies,
Ladies and Gentlemen!

What is commonly referred to as “the Middle East peace process” has in actual fact become a history of broken promises and imposed solutions. 20 years of negotiations on a settlement of the territorial dispute in Palestine have brought profound disillusionment on all sides, with the Palestinian people paying the price for the games of regional and international power politics. The United Nations Organization that – more than six decades ago – provided the blueprint for the creation of two states in historical Palestine, has nevertheless been unable to guarantee the legal rights of the Palestinian people. In the face of continued occupation, confiscation and expropriation of their land, the talk of peace has become virtually meaningless. As the occupying power, the State of Israel – during two decades of intermittent negotiations – has continued to build, and has systematically expanded Jewish settlements on Arab land, ignoring international public opinion and stubbornly rejecting resolutions of the United Nations and calls from concerned UN member states.

During my first visit to the region in the spring of 1974, on a fact-finding trip for the International Progress Organization, I had been confronted in the Palestinian refugee camps with the reality of forced migration, expulsion and dispossession; I also became aware of the “legacy of disinformation” that characterized the reporting on the Arab-Israeli conflict in the decades after 1948 and that, for many years, prevented international civil society (particularly in the Western world) from taking a more active stand.

Much has changed in the meantime, and the world public is now more conscious of the suffering of the Palestinian people – notwithstanding the political stalemate within the United Nations and in the negotiations between the two conflicting parties.

A new actor has emerged in the year 2011: Arab civil society. We are indeed witnessing a tectonic shift in the regional political landscape. Although the eventual outcome of these momentous developments cannot seriously be predicted at this stage, it can be safely said today that the events triggered by the “Arab Spring” amount to the most serious challenge of the regional status quo since the end of the bipolar order of the Cold War. In the new spirit of self-confidence which people have displayed vis-à-vis the traditional order, Arab citizens, including the Palestinians, are not anymore prepared to accept regional solutions that are imposed upon them from outside.

In the course of 2011, two new developments have in fact determined the Palestinian issue: Apart from the changing political constellation in the region, with a new role played by an emerging civil society, it is the membership bid of the State of Palestine that has initiated a new phase at the United Nations – in the face of the collapse of negotiations that were conducted under the euphemistic formula of an ever more elusive “peace process.” The vote in the General Conference of UNESCO, the United Nations Educational, Scientific and Cultural Organization, has documented the political reality at the *global* level, namely strong and broad support among the international community for an independent Palestinian state. This decision has demonstrated what could be achieved at the United Nations Organization without the obstructive effect of the (undemocratic) veto in the Security Council, which the most powerful member state threatens to use should a majority of Council members vote in favor of recommending the admission of Palestine to the General Assembly (Art. 4[2] UN Charter).

However, in view of extremely negative reactions to UNESCO’s bold and principled decision on the part of some of the key players of the so-called “peace process,” first and foremost the United States, a fresh look at their strategy and at the process itself, insofar as it has been shaped by those actors, appears appropriate. It is clear, by now, that the US, because of the domestic political situation, rejects the recognition of Palestinian statehood “outside of an agreement” negotiated between the two parties. Resolution 185 of the United States Senate, adopted on 16 May 2011, threatening “restrictions on aid to the Palestinian Authority,” has again demonstrated this position.

Furthermore: halting payments, which the country is obliged to contribute as a member of UNESCO, because of that organization’s recognition of Palestinian sovereignty, is an act of retaliation for a legitimate political stand of that organization. The withholding of tax and customs revenues, which the occupying power in Palestine collects on behalf of the Palestinian National Authority, would be an even more serious act of revenge or political blackmail that targets the Palestinians’ exercise of their inalienable right to self-determination. The same holds true for the announcement by the occupying power to intensify Jewish settlement activity and issue tenders for about 2,000 housing units on occupied land.

The outright rejection, declared in advance, by the United States of the membership bid in the Security Council has made it obvious to the entire world that the most influential veto-wielding country is not yet prepared to accept a “peace process” in the sense of negotiations between equals, namely between the sovereign states of Palestine and Israel. The

lobbying of non-permanent member states not to vote for the admission of the State of Palestine is another sign of that country's apparent bias and lack of credibility as a "mediator." What we witness here is indeed a vicious circle of political obstruction: Recognition of Palestinian sovereignty is portrayed as an obstacle to any further negotiations while, in actual fact and in the view of the large majority of UN member states, it is an element of, even a guarantee for, meaningful negotiations.

What is at stake is the very essence, and integrity, of the peace process. How can one negotiate in good faith if one party persistently creates *faits accomplis* ("facts on the ground" in diplomatic newspeak) that prejudice, even preclude, a negotiated outcome? A two-state solution – which implies the recognition of the sovereignty of both parties – is rendered meaningless if, in the course of the negotiating process, "state 1" confiscates territory of what is to become "state 2." Negotiations about a permanent status are utterly meaningless in the face of a "settler colonialism" that is diametrically opposed to the sovereign status of the territory in question.

What is also at stake is the credibility of those states that have introduced themselves as chief facilitators, and mediators, in the Israeli-Palestinian negotiations. How, for instance, can a state be an honest broker if, because of a discriminatory law, its government is obliged to "punish" any organization that dares to admit Palestine as a member state? How can such a country be taken seriously by both parties if the President, as has actually happened, revokes his erstwhile principled rejection of a resumption of negotiations as long as the building of illegal settlements continues? Barack Hussein Obama's celebrated speech at Cairo University seems to be a distant memory. On 4 June 2009, he evoked "the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own" and said that "[t]he only resolution is for the aspirations of both sides to be met through two states, where Israelis and Palestinians each live in peace and security." These "Remarks by the President on a new beginning," as they were advertised by the White House at the time, appear to be an empty promise in the light of recent developments, which have made the US bias against a sovereign Palestinian state as negotiating partner painfully obvious. This state of affairs has been highlighted in a recent article in *Time Magazine* (9 November 2011) according to which "Israel's overwhelming advantage in domestic political support effectively precludes even-handedness." A mediator, in order to have a chance of success, must be perceived as impartial. Lack of such perception also seems to be the handicap of the Middle East Quartet collectively, which, unfortunately, has not been able to play an effective role so far.

It is said that the establishment of the State of Palestine, to be followed by its international recognition, including admission to the United Nations as a full member, should be the *end result* of negotiations, and not a condition for their resumption or continuation. This sounds reasonable, at first glance. However, the establishment of the State of Israel in 1948, followed by its admission to the United Nations, the expulsion of Palestinians from their homeland, and the occupation, confiscation and annexation of Palestinian land etc., were not the result of a negotiating process, but of the use of armed force.

In all the years since the occupation and annexation of Palestinian land has taken hold, the world has witnessed a total lack of accountability for violations of international humanitarian law. Not only is the establishment of settlements on occupied land a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, a position which the Security Council stated long ago, namely in resolution 465(1980) of 1 March 1980; the siege imposed on the population of Gaza constitutes a grave violation of fundamental human rights and a most serious breach of Israel's obligations as occupying power. This blockade should be lifted immediately.

As long as the question of recognition of Palestinian statehood before the International Criminal Court (ICC) is still pending* and Palestine has not (yet) been able to accede to the Rome Statute of the ICC, there also exists a vacuum in terms of international criminal law since Israel is not a State Party of the court and the Security Council, because of the pro-Israeli position of at least one veto-wielding member, will not refer the situation in Gaza (where international crimes appear having been committed) to the ICC on the basis of Article 13(b) of its Statute. I would like to refer here to the appeal of the Committee under whose auspices we are meeting today, namely that “[t]he Security Council and the High Contracting Parties to the Fourth Geneva Convention should act urgently and decisively to guarantee the protection of civilians in all situations and ensure accountability for violations of international law,” and I would like to recall the Committee's stated support “to global campaigns to challenge Israeli impunity and promote the concept of Israeli accountability for its actions towards the Palestinian people.”**

I am afraid that the hopes and expectations that accompanied the Madrid Conference and the Oslo negotiations of the 1990s have given way to profound disillusionment. In the face of the ongoing serious violations of international humanitarian law in occupied Palestine,

* Re. *Declaration recognizing the Jurisdiction of the International Criminal Court*, signed at The Hague, The Netherlands, 21 January 2009, for the Government of Palestine by the Minister of Justice Ali Khashan.

** *Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People* to the General Assembly, General Assembly Doc. A/66/35, 7 November 2011, Paragraphs 79 and 81 respectively.

and in view of the effective collapse of a “peace process” that has only brought upon the Palestinian people more misery and the continued expropriation of their ancestral land, it is certainly not too much to expect a little bit of honesty on the part of the major global players. Admittedly, international politics has traditionally been considered an area free of morality, a space almost exclusively shaped by the “national interests” of sovereign states. The world, so the most influential global actors say, has now nevertheless proceeded to a higher state of moral awareness, including the development of a doctrine on the “Responsibility to Protect” (R2P) – but what about the fundamental and inalienable rights, not to speak of the legitimate national interests, of the Palestinian people?

Thank you, Mister Chairman.
