



Remarks  
by

H.E. Mr. Hussein Haniff  
Vice-President

On behalf of

H.E. Mr. John W. Ashe  
President of the 68<sup>th</sup> Session of the United Nations  
General Assembly

Committee on the Exercise of the  
Inalienable Rights of the Palestinian People  
Special Meeting to Commemorate the 10<sup>th</sup> Anniversary of the Rendering of the Advisory  
Opinion of the International Court of Justice on the Legal Consequences of the  
Construction of a Wall in the Occupied Palestinian Territory

New York  
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*Please check against delivery*

Excellencies,

Mr. Wolfgang Grieger, Director for the Division for Palestine Rights

Minister Shawqi Issa, State of Palestine

Ambassador Abdon Salam Diallo, Chair

Mr. Steven Siqueira, Secretary for the Division of Palestine Rights

Mr. Oscar Fernandez Taranco, ASG for Political Affairs

Ambassador Bernard Mifsud, Rapporteur

Ladies and Gentlemen,

I thank the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian people for extending to me an invitation to address this body on the occasion of the holding of this Special Meeting to commemorate the tenth anniversary of the rendering of the Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

As I rise to deliver this statement on behalf of the President of the General Assembly, H.E. John W. Ashe, I express appreciation to Ambassador Salam Diallo for his dedication in discharging the duties of this quite challenging mandate given to this Committee.

We are gathered here to mark the tenth anniversary of the delivery by the International Court of Justice of its Advisory Opinion in response to the question as to what are the legal consequences of the construction of the Wall being built by Israel in the occupied Palestinian Territory.

The Court, a body created by us, Member States, found that the construction of the Wall, and its associated regime, was contrary to international law. At the same time, it underscored Israel's obligations under international law including, as it stated at that time, "to cease forthwith the works of construction of the wall being built ...". The General Assembly, by an overwhelming majority, took note of the Court's response, and demanded Israel's compliance with its legal obligation as mentioned in the Advisory Opinion.

It is a sign of the challenging nature of the whole complex of issues known as the Middle East question, that a decision delivered by a body created by Member States is being commemorated for the number of years that have passed without its implementation.

The United Nations can have no more faithful friends or more vigorous defenders than ourselves, Member States who see from the inside the need for fulfilment of the obligations of the Charter, and the importance of respect for decisions adopted by one instance or another. And where A/RES//ES-10/15 is concerned, there is an obligation on both sides to respect international law.

Non-implementation of our resolutions always has a price. That price is obviously higher in some cases than in others. For example, when beyond the simple fact of no action having been taken, we see instead, actions being taken which make implementation more difficult, the inevitable effect is that grievous harm is done to the fabric of the rule of law which the Charter seeks to put in place, to say nothing of the harm done to the people on the ground who are affected by those actions.

Sadly, the Middle East offers numerous examples of how destructive can be the effects of non-implementation of resolutions. One of them is seen in the case of the resolution in question, and others related to it. In this case, the effects on the population of the Occupied Territory are manifest. Those effects are not a matter of conjecture or interpretation. They are not a narrative created by the Palestine Rights Committee, or by the General Assembly. As a result of technological developments in modern communication, they are exposed to the eyes of the entire planet, and can be visited by any man, woman or child who has access to a computer.

Of course, in the decade since the delivery of the Advisory Opinion, the relations between the peoples of the Occupied Palestinian Territory and Israel have become infinitely more complex. And that complexity is the result, not only of changing dynamics between the two of them, but is also borne of factors and variables beyond their bilateral relations.

We need to keep this fact in mind, as we seek to build on the various efforts attempted by the two sides themselves, or by states in the region as well as beyond it, including by the United

Nations, to create the conditions which would enable the two sides to sit together at the same table and negotiate a solution to their differences.

However daunting may be the panorama, and recent developments notwithstanding, we must not abandon hope. And in my view it is not enough to recall and lament that ten years have passed without the resolution being implemented, however real and disheartening might be that consideration. But we might also wish to see what lessons there are to be learned from those ten years of non-implementation. Among them is that as between the two sides, security has to be mutual. The security of one side cannot be gained at the expense of that of the other. Nor is there any hierarchy between the security needs of one side and those of the other.

The Member States of an Organization created from the ashes of a conflagration which has caused human suffering on a scale never before seen, need to be steadfast in their resolve to reduce and eliminate human suffering. If this commemoration can serve to engrave those lessons in our hearts and to stimulate a re-commitment to respecting the Charter of the Organization through fulfilling its decisions, this exercise can be more than it was planned to be.

Of course, I am aware that there are some who would point to previous experience and argue that we have been there before but have ended up going around in a circle. This brings me to another lesson – which is that no great achievement is ever made by surrendering to cynicism or despair.

I thank you.

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