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*Statement by Mr. Yousef N. Zeidan, Legal Adviser, before the Sixth Committee,
Agenda item 85: the rule of law at the national and international levels,
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Mr. Chairman,

At the outset, I wish to extend warmest congratulations to you and through you to the distinguished bureau on your election for this session. I would also like to assure you that my delegation stands ready to cooperate with you in order to succeed in our collective work.

The State of Palestine aligns itself with the statement made by Iran on behalf of the NAM.

Mr. Chairman,

The rule of law is essential for governing and maintaining law and order in any State and peace and security in the international arena. At the national level, the State of Palestine has continuously worked with development partners to bolster our judicial processes and capacity and to promote the rule of law domestically. Just this August, the Government of the State of Palestine and the United Nations concluded a Development Assistance Framework for the years 2014-2016, with one of the six pillars of the agreement being: governance, rule of law, justice and human rights. With the support of the UN, we strive to achieve improved access to more efficient, accountable and participatory governance, enhanced justice and security, and greater protection of human rights for the Palestinian people.

Mr. Chairman,

On the international level, the rule of law ensures the peaceful and stable conduct of relations among States. The rule of law also ensures protection for peoples living in situations of armed conflict, including foreign occupation. International humanitarian law, in particular the Fourth Geneva Convention and Additional Protocol I, are fundamental in this regard, these customary norms are applicable to all High Contracting Parties and include obligations *ergo omnes*.

Regrettably, Israel, the occupying Power, has continued to trample the law, in every aspect, gravely breaching international humanitarian law, in every aspect, exacerbating conditions faced by the Palestinian people and further destabilizing the situation on the ground. In total disregard for the law, Israel has persisted with its colonization the Occupied Palestinian Territory, including East Jerusalem, the territory constituting the State of Palestine. In its Advisory Opinion of 9 July 2004 on the *Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory* (A/ES-10/273) the International Court of Justice, the principal judicial body of the UN, reaffirmed, in paragraph 120, the international community's position that,

“As regards these settlements, the Court notes that Article 49, paragraph 6, of the Fourth Geneva Convention provides: ‘The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.’ That provision prohibits not only deportations or forced transfers of population such as those carried out during the Second World War, but

also any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory. In this respect, the information provided to the Court shows that, since 1977, Israel has conducted a policy and developed practices involving the establishment of settlements in the Occupied Palestinian Territory, contrary to the terms of Article 49, paragraph 6, just cited.”

Mr. Chairman,

The requisite for the rule of law, in particular international humanitarian law that governs armed conflict, including foreign occupation, was established by the international community to avoid the horrors witnessed in previous armed conflicts, from the Battle of Solferino of 1859 to the Second World War, which necessitated in particular the codification of the Fourth Geneva Convention in 1949.

My delegation takes the opportunity to further remind the Committee that Israel’s transfer of parts of its own population into the Occupied Palestinian Territory, including East Jerusalem, is also defined as a War Crime in Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court, codified in 1998.

Mr. Chairman,

The international community is unequivocal in establishing that Israel’s occupation and colonization of Palestinian and other Arab lands is illegal, not only as per the treaties and customary norms detailed above, but, *inter alia*, in accordance the relevant resolutions of the General Assembly, Security Council, ECOSOC, and the Human Rights Council. Yet Israel persists with its illegal campaign, even while its representatives talk about peace, entrenching their subjugation and control over the land and people of Palestine. The current hopes that comprehensive peace could be secured on all final status issues that would end all claims between Palestine and Israel within six to nine months are undermined by the continued demolition of Palestinian homes and razing of Palestinian lands to make way for more illegal settlements in the Occupied Palestinian Territory, including East Jerusalem, further eroding the viability of the two-State solution on the basis of the pre-1967 borders and further impairing the prospects of a future where the rule of law and thus justice, peace and stability prevail. In this connection, the State of Palestine condemns in the strongest terms recent settlement announcements by the occupying Power and all terrorist attacks by its settlers against Palestinian civilians, including their schools, churches and mosques.

Mr. Chairman,

The High Contracting Parties have a duty to respect and ensure respect for international humanitarian law, as expressed in Common Article 1 of the Geneva Conventions. Time is of the essence for the international community to act to prevent Israel’s settlement enterprise from destroying the viability of the State of Palestine, and the prospects for a negotiated two-State solution. We urge all States to take concerted, collective action to disassociate their economies and institutions from Israel’s illegal practices, specifically settlements, and to insist on the respect for the rule of law, as enshrined in the Charter, international covenants and conventions and UN resolutions. In this regard, we welcome initiatives by the European Union and other States to deny any funding to Israeli entities in the occupied Arab territories, and those States, such as South Africa, that have begun labeling Israeli settlement products as such and we encourage others to follow with the hope of salvaging the prospects for a just and peaceful two-State solution. Thank You.