

*Permanent Observer Mission
of the State of Palestine
to the United Nations*



البعثة المراقبة الدائمة
لدولة فلسطين
لدى الأمم المتحدة

Statement by Ms. Reem Julia Mansour, Esq., Legal Adviser, Permanent Observer Mission of the State of Palestine to the United Nations before the Sixth Committee, agenda item 81: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, 71st h Session of the United Nations General Assembly, New York, 7 October 2016:
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Distinguished Delegates,

My delegation aligns itself with the statement made by Tunisia on behalf of the Arab Group.

We are discussing this issue at a critical moment as we witness the immense suffering of millions of civilians in conflicts around the world, particularly in the Middle East, where civilians are bearing the highest toll of armed conflict in all forms, including foreign occupation. This toll has compelled the largest movement of refugees since World War II with grave humanitarian, social, economic, psychological and security consequences for the children, women and men whose fate it is to become a refugee, as well as consequences for the countries in conflict, receiving countries and the international community as a whole.

The Palestinian people know too well the pain and tragedy of such turmoil and dislocation as they continue to suffer the injustices of the 1948 Nakba, including 5.5 million Palestine refugees constituting the most protracted refugee crisis in the world, and to endure the brutality of Israel's illegal, belligerent occupation for nearly a half century. Their suffering persists due to the failure to achieve a just solution to the conflict, despite countless UN resolutions, but also due to the international community's failure to uphold international humanitarian law (IHL) in the face of grave breaches and to ensure the protection of civilians until such a solution has been realized.

The intent of the drafters of the Geneva Conventions and Additional Protocols was clear: to ensure protection to civilians in situations of armed conflict and minimize their vulnerability and suffering. Yet, the tragedy of civilians in armed conflict persists due to the lack of respect for IHL in too many circumstances and the failure to hold accountable the perpetrators of violations and grave breaches, including Israel, the occupying Power, which continues to cause harm and suffering to the Palestinian people with absolute impunity. The Geneva Conventions and Additional Protocols provide a necessary and fundamental framework for parties in armed conflict, including in situations of foreign occupation, by providing protections to civilians and imposing restraints on military conduct. The State of Palestine is deeply committed to ensuring respect for and adherence to international humanitarian law (IHL). Yet, more efforts must be focused on ensuring better compliance with the law so that civilians affected by armed conflict are protected and their suffering minimized to the extent possible. Efforts must also be made to ensure that the restraints provided for by the law are in fact obeyed by militaries. The State of Palestine believes that the international community must continue to work together to promote greater compliance with international humanitarian law so that civilians are afforded the utmost protection in times of war.

We have repeatedly appealed for protection for the Palestinian people, not just in the recent period but over the decades as our people have endured immeasurable oppression and cruelty under Israel's occupation, including killing and injury of civilians in military raids, airstrikes and bombardments and terror attacks across the Occupied Palestinian Territory, including East Jerusalem, detention, imprisonment, abuse and torture, forced displacement and transfer, an illegal blockade and other severe measures of collective punishment. This

deplorable situation is corroborated by numerous UN reports, including the Secretary-General's annual reports on Children and Armed Conflict, which document the devastating impact of the Israeli occupation on Palestinian children and their extreme vulnerability. Yet over the decades and despite the calls for protection, Palestinian civilians have been deprived of effective protection from such systematic violations and crimes.

The international community has clear responsibilities, particularly the High Contracting Parties to the 4th Geneva Convention, which must be upheld. Protection should not be viewed as unreasonable or unimaginable by any party that respects the law and human rights and seeks peace. Civilians – children, women and men – must not be used as cannon fodder and all efforts must be made to spare them the atrocities of war and protect their lives. As a State Party to the Geneva Conventions and the Additional Protocols, the State of Palestine requests the Government of Switzerland, in its capacity as the Depositary of the Geneva Conventions, to convene a meeting of the High Contracting Parties to consider further measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, including measures to provide protection to the Palestinian people due to the grave breaches of the provisions of the Conventions being committed by Israel, the occupying Power, and to assess and evaluate the implementation of the Declaration adopted by the Conference of the High Contracting Parties to the 4th Geneva Convention of 17 December 2014.

Moreover, the State of Palestine reiterates its call on the international community to consider providing the Palestinian people with protection in Occupied Palestine, including East Jerusalem, until the end of occupation and the independence of the State of Palestine. In this connection, we also highlight the essential role that can be played by humanitarian organizations, as well as civil society, in providing a protective civilian presence.

For the Palestinian people, this call is more urgent than ever in an unsustainable and dangerous situation still requiring sustained international attention and action. We implore the international community to rise to the challenge and act to protect civilians and uphold human rights in Palestine and everywhere else in the world where innocent civilians are suffering in conflicts and to restore credibility to IHL and strengthen it for the benefit of the international community as a whole.

Thank you.