

*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, before the Sixth Committee,
Agenda item 84: The rule of law at the national and international levels, 71st Session of
the United Nations General Assembly, New York, 7 October 2016.**

(Please against delivery)

Distinguished delegates,

My delegation aligns itself with the statement made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM).

Over the last few years, the State of Palestine has extremely developed on the legal front, taking major strides through its accession to around 50 international legal instruments. Palestine's decision to accede to these important international treaties and conventions is rooted in our understanding of the value and significance of the rule of law at the national and international levels. Ensuring equal access to justice for all is essential for translating the principles of the rule of law into effective mechanisms to provide protection, redress and accountability for serious crimes and human rights violations.

This year the State of Palestine further promoted the rule of law at the international level by marking new milestones, contributing to the advancement of international law. On 26 June 2016, the State of Palestine became the 30th State to ratify the Kampala Amendments on the crime of aggression contributing to meeting the threshold required to take the crime of aggression a step closer to activation. On the issue of climate change the State of Palestine acceded to the UN Framework Convention on Climate Change and ratified the Paris Agreement. Our accessions and active participation as a State Party has allowed us to enhance our legal pillar, contribute to the global discussions and further strengthen international law.

Despite the many challenges, first and foremost the Israeli colonial occupation and its grave violations of the individual and collective rights of the Palestinian people, the State of Palestine remains steadfast in its commitment to contribute in upholding international law. The State of Palestine acknowledges internal challenges, including the persistence of intra-Palestinian division which has negatively affected rule of law, and an outdated legislative framework inherited from different historical eras and in inadequacy with the rights and aspirations of the Palestinian people and with Palestine's obligations under international law.

Accession to international treaties offers a unique opportunity and momentum to pursue a more just rule of law, in compliance with international law. Due to Palestine's large volume of accessions of international conventions and treaties in a short amount of time we have gained unique insight into implementing treaties and conventions. Palestine has used its reporting obligations under human rights conventions to launch a national dialogue on respect of human rights in Palestine and achieve a transparent assessment of the human rights situation in the country. The national consultations on the State reports,

with the vibrant Palestinian civil society and organized in collaboration with the Independent Commission for Human Rights, have highlighted the many shortcomings that still need to be addressed notably in terms of legislation and accountability for those responsible of violations. The transparent and open process determined by Palestine to prepare these human rights reports has been characterized by the Office of the High Commissioner for Human rights as a best practice on the regional and international level. Palestine fully understands that reporting must be followed by determined action to address the shortcomings and challenges identified during the reporting process.

The State of Palestine is moving towards this aim. It has, including through cooperation with the Independent Commission for Human Rights, sought to disseminate and promote the rights enshrined in the Conventions the State of Palestine acceded to in ministries, universities and schools. The Ministerial Committee to follow-up on the accession of the State of Palestine to international conventions and treaties was represented in the core national group mandated with drafting the State of Palestine's National Plan which will guide the Governments work and determine its objective for the next six years. Upon its recommendation, the Government of the State of Palestine decided to mainstream its international obligations and the Sustainable Development Goals into the National plan. The objective of harmonizing our policies and laws with international conventions will be enshrined in the plan and will be reflected in sectorial strategies and in the legislative process. This decision taken at the highest level stems from our deep belief that the national rule of law must be in line with international law.

Here, we must express our gratitude to the United Nations, notably the Office of the High Commissioner for Human Rights, for their support and assistance as the State of Palestine implements the legal transitions necessary to comply fully with all legal obligations. The capacity building and technical support shared has provided useful knowledge for the drafting of laws and strengthening civilian governance of the security sector strengthening our legal pillar. In this regard, we express our appreciation for the report of the Secretary-General and commend the many practical measures the UN is taking to facilitate access to justice for all, including for the poorest and most vulnerable.

In this regard, the State of Palestine has found its experience working with civil society organizations to be an imperative asset for furthering efforts to improve access to justice. Some other practical measures we believe should be explored further for facilitating access to justice for all, including the poorest and most vulnerable, are mobile courts for refugee and internally displaced and for returnees. Bearing in mind the current refugee crisis and the protracted Palestine refugee crisis, it would be remiss to overlook this measure. And while it is important to discuss practical measures that can be taken to facilitate access to justice, we must emphasize that there are many ways to seek justice that already exist, and are proven to work, but when not applied equally or at all, they no longer serve their purpose. Furthermore, no matter how practical the measure we choose to implement failure to apply it equally in each circumstance will lead us back at square one.

This has been the regrettable experience for Palestine. As we are approaching 50 years under Israel's brutal foreign military occupation, an occupation that encompasses the killing and injury of civilians, arbitrary arrest and detention without charge or due process of law, home demolitions, land grabs, settlement expansion and illegal and discriminatory policies and practices we have yet to see the international system properly work. There have been too many breaches of international law and UN resolutions to count and the impunity for these breaches has only bred more violations with no end in sight. Justice is not delivered only by stating the law, it requires enforcement. Without accountability, there can be no rule of law. Yet, while the future may seem bleak for Palestine and for the Middle East, we still have hope. We have hope that peace and justice will trump racism, twisted ideologies and voracious colonization. We put our faith in international law and in the international community to ensure

compliance with the law and accountability for its breaches. And most importantly, we believe in humanity. Therefore, we remain hopeful that the Israeli occupation will end and the Palestinian people will, one day, exercise their right to live in freedom and dignity in their independent State of Palestine, with East Jerusalem as its capital.

Thank you.