Statement by Mr. Aizaz Ahmad Chaudhry, Charge d’Affaires a.i. Permanent Mission of Pakistan to the United Nations, at the Resumed Tenth Emergency Special Session of the General Assembly on “Illegal Israeli Actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory” on 16 July 2004

Mr. President,

We have returned to this Chamber to reflect upon the Advisory Opinion of the International Court of Justice on one grave aspect of the unfortunate and disturbing situation in the Middle East.

The Court has confirmed what the international community has widely believed about the conduct of Israel in the occupied territories, particularly with reference to its uninhibited construction of the Separation Wall.

The Advisory Opinion of the International Court of Justice finds the construction of the Separation Wall contrary to international law. It emphasizes the obligation of all states not to recognize illegal situation created by the construction of the Wall. The Court has ruled that Israel is under an obligation to “cease forthwith” the construction of the Wall and to “dismantle” the structures therein. The Opinion also determines the obligation of Israel to make reparation for the damage caused to affected persons by the construction so far. The Opinion states that the United Nations, especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the Wall.

The Advisory Opinion further confirms Israel’s persistent violations of the Fourth Geneva Convention -- under which the Palestinian people are “Protected Persons”. Israel’s policy of settlement building in the occupied territories is a glaring example of its defiance of the Convention.

The Advisory Opinion of the ICJ clearly shows that Israel, and indeed all other states which are in occupation of foreign territories and peoples, have no legal or moral ground to construct such walls and fences in territories under their occupation.

Besides being illegal, the Separation Wall in the Occupied Palestinian territories will entail enormous humanitarian suffering for the affected Palestinian people. In his report of September 2003, the Special Rapporteur of the Commission on Human Rights calculated that at least “210,000 Palestinians will be affected by the Wall.” According to him, “Palestinians living between the Wall and the Green Line will be effectively cut off from their farm land and work places, schools, health clinics and other social services. This is likely to lead to a new generation of refugees or internally displaced persons.” The number of internally displaced Palestinians is already adding due to Israeli campaign of house demolition in the occupied territories.

Mr. President,

The real issue here is that for over three decades, Israel has remained in illegal occupation of Palestinian territories and has suppressed the legitimate right of the Palestinian people to self-determination. History bears witness that the use of force or separation walls or wire fences have never been able to crush the legitimate aspirations of the people under
occupation. Permanent security can only be established by respecting these aspirations and not by repressive tactics, assassinations, economic blockades and collective punishments.

The construction of the Wall will impede the realization of the Roadmap designed to bring permanent peace and security in the Middle East. The Secretary General has described the Separation Wall and the settlements as “serious obstacles to the achievement of the two-state solution.” The Secretary General has further remarked that the Wall, “threatens the future establishment of a viable and independent Palestinian State.”

A viable Palestinian state envisaged in the Quartet’s Road Map cannot be established in the Bantustans that will be created by the Separation Wall. The occupation powers should not be allowed to create fait accompli on the ground and seek a settlement of territorial disputes on their basis.

Mr. President,

Israel has a real opportunity to demonstrate its commitment to long-term peace in the Middle East by accepting the Advisory Opinion and implementing the obligations arising from it in good faith. This would go a long way in building confidence in an environment marked by deep distrust. This would also enhance the prospects of the revival of the peace process.

For its part, the international community has the opportunity to uphold the principles of justice and the rule of law. The international community should ask the Government of Israel to comply with its legal obligations as determined in the Advisory Opinion. Our clear opposition to persistent violation of international law is essential for rescuing the peace process and bringing the parties back to full and faithful implementation of their commitments under the Roadmap which should lead to the realization of the vision of two states, Israel and Palestine, living side by side in peace and security within recognized borders.

I thank you, Mr. President