Peace in Occupied Territories Begins with Civilian Protection, Respect for Rights, International Conference on Question of Jerusalem Told

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Meetings Coverage

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JAKARTA, 14 December — The International Conference on the Question of Jerusalem, which opened here this morning, held a plenary session in the afternoon, examining the status of religious sites under local and international law, protection of civilians and the current situation and its genesis.

Shawan Jabarin, General Director of Al-Haq — Law in the Service of Man, from Ramallah, provided an on-the-ground snapshot, with details of the plight of Palestinians living in East Jerusalem. Forced relocations, house demolitions and a deepening occupation of the city were among the daily realities.

Since Israel’s annexation of East Jerusalem in 1967, it had implemented a comprehensive policy to deepen its control over the city by weakening Palestinian presence and ties there. In Jerusalem, a policy of ethnic cleansing was pushing Palestinians out of the city. Since September, the situation had erupted.

Those practices had formed the root of the current problems, he said. But, the Palestinian people would not give up. It was time for States to sever cooperation with Israel, ban settlement products and implement sanctions. Without those and other similar actions, he said, the situation would remain the same or worsen.

Geoffrey Aronson, former Director of Research and Publications at the Foundation for Middle East Peace and former editor of Report on Israeli Settlements in the Occupied Territories, in Washington, D.C., explained how Israeli policies had changed the city map in response to events and challenges since the 1967 war. The separation barrier constructed after the second intifada in 2005 had affected 100,000 Palestinian Jerusalem residents, cutting them off from essential municipal services and erecting obstacles to their movement to the city centre.

Victor Kattan, a senior research fellow at the Middle East Institute of the National University of Singapore, provided a synopsis of the legal status of religious sites, with a particular emphasis on international law. The Haram Al-Sharif had always been recognized as an important holy site to Islam and had been under custodianship of the King of Jordan for almost a century. Indeed, no State had recognized Israeli sovereignty over Jerusalem, neither East nor West, nor its claim to the holy sites.

Makarim Wibisono, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, shared his perspective, saying that amid recent violence, peace had remained a distant goal. “It is a sad fact that the protection afforded by international law has, in the Occupied Palestinian Territory, including East Jerusalem, been largely subjugated to the politics of the conflict,” he said. “The victims are the Palestinian mothers and fathers, sons and daughters for whom there is little or no recourse to justice in the face of ongoing violations. The victims are also all Israelis and Palestinians who are kept in a perpetual state of slow-burning conflict.”

Peace began with respect for human rights, he said. To realize a viable Jerusalem, more must be done now to better protect the human rights of Palestinians and ensure respect for international humanitarian law. Until there was an East Jerusalem standing as the capital of an independent State of Palestine, the international community must continue to insist that Israel abide by human rights and international humanitarian law.

The International Conference will resume at 9 a.m. on Tuesday, 15 December, for a plenary discussion on historical and contemporary models of coexistence.

Plenary I

The plenary featured presentations on the status of Jerusalem by: Shawan Jabarin, General Director of Al-Haq — Law in the Service of Man, Ramallah; Geoffrey Aronson, former Director of Research and Publications at the Foundation for Middle East Peace and former Editor of the bimonthly Report on Israeli Settlements in the Occupied Territories; Victor Kattan, senior research fellow at the Middle East Institute of the National University of Singapore; and Makarim Wibisono, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

Mr. JABARIN, in an overview of the current situation, screened a short film about demolitions in Jerusalem that told the story of a 23-year-old man whose home and workshop had been bulldozed. After the screening, he said that since Israel’s illegal annexation of East Jerusalem following its occupation in 1967, it had implemented a comprehensive policy to deepen its control over the city by weakening Palestinian presence and ties there. In Jerusalem, a policy of ethnic cleansing was pushing Palestinians out of the city. Since September, the situation had erupted into violence.

New policies had also been developed recently, he said. Israeli authorities were now targeting children. In October and November alone, 700 children had been detained without charge. When the situation had erupted, a full generation had exploded, defending their dignity and rights. The Israeli High Court was just rubber stamping illegitimate policies. In Jerusalem, thousands of homes were slated for demolition; Israel had issued very few building permits to Palestinians and had built homes for Israelis. The separation wall was another problem. About 150,000 Palestinians now lived “behind the wall”. The wall was not about security, but how to keep Palestinians out of Jerusalem. Punitive house demolitions were another reality and an example of collective punishment that constituted a war crime.

The 2020 plan had aimed at making the majority of the municipal population Jewish, he said. Further, the Israeli courts had not provided any type of protection for Palestinians from home demolitions and other violations. Even though the Israeli High Court had stated that home demolitions were a breach of fundamental rights, it had stipulated that military commanders could “exercise their authority”. The long-term plan centred on ridding the city of Palestinians, he said. Israeli police now shot to kill and had full authority to search anyone at any time. The current situation amounted to persecution.

Citing a recent example, he said a Palestinian man named Fadi had been trying to escape from violent settlers and asked police officers to help him. Instead, the police shot him and he died. After the family tried to request an autopsy, the authorities had refused. Perhaps the Israeli authorities had refused in order to attempt to hide a crime or to prevent the discovery of the types of weapons police officers were using, he said.

All of those practices were the root of the current problems. But, the Palestinian people would not give up, he said. It was time to sever cooperation with Israel, ban settlement products and implement sanctions. Without those and other similar actions, the situation will remain the same.

Mr. ARONSON, also providing a summary of events affecting Jerusalem, said the “temporary” occupation had now lasted half a century, with Israeli policies evolving to respond to events and challenges. Reflecting on those decades through the lens of three distinct phases, he said the first period had begun in 1967, when a new border was drawn in Jerusalem, with settlements expanded.

The second intifada marked the second phase, which altered the 1967 borders through the construction of a separation barrier. That structure had separated neighbourhoods and communities and was inconsistent with the 1967 borders, creating an anomaly whereby Palestinians who were legal city residents had remained outside the new barrier. Maintaining their residency and rights, the 100,000 Palestinians who lived behind the barrier suddenly had faced obstacles to accessing the city at checkpoints, which amounted to borders.

A Palestinian researcher had defined the location as “area X”. Residents living in those areas could not depend on authorities for city services, such as garbage collection and police presence. As a result, since 2005, residents had lived in “a real wild west” with criminal elements asserting themselves. Recalling a recent visit, he said he had stayed in an area outside the barrier where about 30,000 people lived in multi-story buildings constructed without any planning, along roads built to accommodate a small village population. There was also a declining quality of life. An administrative fiat was in effect excluding Palestinians from the city itself and the services it offered.

The third phase had occurred over the past few months. Some parts of the city were in revolt against the status quo. The Israeli authorities had thus reduced access and ease of travel to parts of East Jerusalem of those who lived within the barrier. Silwan, for instance, was one area within the city inside the separation barrier where residents might begin to suffer the kinds of access obstructions on a practical basis that had been experienced by residents in “area X”. He said he doubted that those actions were part of a master plan and were, instead, driven by short-term responses.

Recalling a trip he had taken before the second intifada, he said no checkpoints had existed from Jerusalem to Ramallah. The checkpoint erected outside that city after 2005 had eventually developed into what it is today — a cement-walled border. At the current stage in the situation of Jerusalem, decisions were being made and a door had been opened for a similar dynamic to unfold.

Mr. KATTAN gave a presentation on the status of religious sites under local and international law, providing an overview, from the end of the caliphate to the history of the British mandates and events leading up to the present. The Haram Al-Sharif had always been recognized as an important holy site to Islam. When Israel annexed Jerusalem, the Knesset passed a law preventing the prohibition of worshippers’ access to holy sites, he said. Despite the holy places law, violations continued to occur. A standing agreement since 1921 had affirmed the King of Jordan as Custodian of Muslim holy sites. Since then, Jordan had spent more than $1 billion on maintaining those areas. In 2013, an agreement had been signed between Jordan and the State of Palestine to protect Al-Aqsa Mosque and Haram Al-Sharif. Indeed, no State recognized Israeli sovereignty over Jerusalem, neither East nor West, nor its claim to the holy sites.

Mr. WIBISONO, speaking on the protection of civilians, said the question of Jerusalem was central to the continuing conflict, with the current unrest having been sparked in the highly charged atmosphere surrounding the Al-Aqsa Mosque compound and Israeli access restrictions imposed on Palestinians. In that context, he underlined that peace started with respect for human rights.

Recent news reports reflected a glaring reality that there was a long way to go towards peace, he said. Stories of killings and violence provided a snapshot of existing policies and practices related to settlements, discriminatory planning and zoning, demolition of Palestinian homes and the excessive use of force by Israeli security forces alongside other measures, such as withholding the Palestinian bodies from their families for burial.

Under international humanitarian law, the occupied people were the protected population and yet, in East Jerusalem, overall, Palestinians enjoyed little effective protection, he said. To realize a viable Jerusalem, more must be done now to better protect the human rights of Palestinians and to ensure respect for international humanitarian law. Illegal settlements and related settler violence must stop, as should other factors pushing Palestinians out of East Jerusalem, including the revocation by Israel of Palestinian residency rights, punitive demolitions and restrictions on freedom of movement and on access to Al-Aqsa Mosque.

The international community played an important role in pressing Israel to stop those and other occupation policies and practices, and promote respect for international law. In response to the 1980 law to treat the whole of Jerusalem as part of Israel, the United Nations Security Council, in resolutions 476 (1980) and 478 (1980), had reaffirmed that the acquisition of territory by force was inadmissible and that Israel’s measures to alter the geographic, demographic and historical character and status of the Holy City of Jerusalem were “null and void and must be rescinded”.

More than 30 years later, those and many related resolutions had gone unimplemented, he said, adding that the political stalemate had enabled the situation to persist for almost five decades. “It is a sad fact that the protection afforded by international law has, in the Occupied Palestinian Territory, including East Jerusalem, been largely subjugated to the politics of the conflict,” he said. “The victims are the Palestinian mothers and fathers, sons and daughters for whom there is little or no recourse to justice in the face of ongoing violations. The victims are also all Israelis and Palestinians who are kept in a perpetual state of slow-burning conflict.”

Discussion

TRIAS KUNCAHYONO, Jakarta-based journalist at Kompas newspaper and author of several books on the Middle East, led the discussion, asking whether peace between Israel and Palestine was even possible. It was clear that the Palestinian goal of East Jerusalem as their capital ran counter to Israel’s position and that the city would have to be shared by both sides. One of the world’s oldest cities and the centre of three major religions, Jerusalem was at the heart of the Israeli-Palestinian conflict, he said. United Nations resolutions had worked towards resolving conflict in the city, with more than 65 resolutions tabled over the last five decades. However, many remained unimplemented. The time had come for compromises and to move forward in the peace process.

The season of peace would only arrive if all States pushed Israel to respect United Nations resolutions, he said. The one country that could force Israelis into action was the United States.

When the floor was opened, Jordan’s delegate said his country was concerned that Israel was using new tools, such as shoot-to-kill orders for police officers, punitive demolitions and withholding the bodies of killed Palestinians.

Speakers from civil society groups expressed similar concerns. A speaker from the Palestinian Cultural Organization of Malaysia said he was concerned that Israel would eventually divide Al-Aqsa Mosque. Having grown up in Hebron, 30 miles from Jerusalem, he said that his father was not allowed to pray at Al-Aqsa Mosque for 15 years. The Islamic State in Iraq and the Levant/Sham (ISIL/ISIS) eliminated their opposition brutally and Israel was doing the same in a more subtle manner, he declared.

The representative from the United National Organization for Human Rights in Egypt said Israel was expressing hatred and Islamophobia. Strong recommendations should come from the Conference and protection must be provided at the holy sites.

In a similar vein, the representative of the Palestinian Return Centre from London said robust action was needed by the international community to right current wrongs. A researcher on Palestinian refugee issues said that most discriminatory policies had been taken with a view to depopulating the city.

Experts then addressed questions and made closing statements.

Mr. JABARIN, responding to the question on residency rights, said revocations were part of a long-term plan. A total of 120,000 Palestinians had lost their permission to return to the West Bank from 1967 to 1989. Thousands of people in Jerusalem also lost their residency cards.

Turning to other points raised throughout the afternoon, he said more compromises were not needed as Palestinians had compromised enough. The occupation was proactive and not reactive and bulldozers were demolishing houses. The occupation should be temporary, but Israel was acting as a sovereign authority and their economy was enjoying $6 billion from the occupied territories. Responding to a question on the effectiveness of boycotts, he said banning products had a more serious impact, as did sanctions. He suggested that the Organization for Islamic Cooperation (OIC) issue a resolution guiding laws on tendering business contracts to ensure that vendors were “clean” from settlement or occupation businesses. Indonesia, Jordan, Saudi Arabia and others could pass such domestic laws. In addition, States should cooperate with the International Criminal Court.

Mr. ARONSON, in response to a question about policies and whether or not there was an overall plan with regard to Jerusalem, said he was most concerned about actual developments on the ground.

Mr. WIBISONO said he was looking forward to the increasing role of the Indonesian diplomacy in the peacemaking and peacebuilding process. Palestinians had limited or no protection for their rights and should be provided with assistance to regain their rights.