

The PRESIDENT: Je remercie le professeur Pellet. I now give the floor to His Excellency Mr Riyad Mansour. You have the floor, Excellency.

Mr MANSOUR:

7. CLOSING STATEMENT

1. Mr President, honourable Members of the Court, I think you have in your folders the full text or the original text of my speech but, in light of the lateness of the hour, I shortened it further. As we gather here in this Great Hall of Justice, in the Peace Palace, we are reminded of these simple words: peace through justice, peace through law.

2. The General Assembly brought the question of Palestine before the Court because our people, the law and peace are in jeopardy.

3. The clarity of the law as it pertains to this question is only matched by the evidence of its continued breach by Israel.

4. As we address you today, this breach has reached its most inhumane levels. More than two million Palestinians in Gaza are being pushed all the way to the border, to the very brink, Palestinian children, women and men consumed by disease, despair, destruction and death, which are spreading like wildfire.

5. In the rest of occupied Palestine, settlers rampage and terrorize, no village, town or city, no community, no sanctity spared. Israeli leaders no longer feel the need to hide their intentions. They speak openly of getting rid of the Palestinian people, one way or another.

6. They defy the law, and the law is barely fighting back. For Palestine, the law continues to be only a measure of the severity of breaches, rather than a catalyst for action and accountability.

7. What does international law mean for Palestinian children in Gaza today? It has protected neither them, nor their childhood. It has not protected their families or communities. It has not protected their lives or limbs, their hopes or homes.

8. We are a proud and resilient people that has endured more than its share of agony. It is so painful to be Palestinian today. How could we be just subjected to such loss and injustice, such lawlessness and humiliation, time and time again?

9. What does international law mean for a nation bestowed with inherent rights, but enjoying none?

10. It took 75 years for the United Nations to commemorate the Nakba, our violent dispossession, displacement from our land and denial of our rights and existence. And we are seeing it happen all over again. Massacres, millions forcibly driven towards the unknown, tents, starvation, deprivation and dehumanization enabling one people to impose all of this on another.

11. Palestinians — under occupation, in Israel, as refugees and in the diaspora — all they ask for are their rights, and to live in freedom and dignity in their ancestral land.

12. For 75 years, the Palestinian people have faced attempts to push them out of geography and, indeed, out of history. And it goes on. And it will go on forever, unless and until international law is upheld. Unless and until the unlawful occupation of Palestine ends.

13. Mr President, Members of the Court, our right to self-determination was recognized in the context of a mandate 100 years ago, yet simultaneously negated by the actions of the mandatory power.

14. The question of Palestine was passed on to the United Nations at the time of its inception and has remained on its agenda ever since.

15. In the aftermath of the Nakba, the United Nations admitted Israel to membership while emphasizing the need for it to respect resolutions 181 (II) and 194 (III) concerning the Palestinian State and the territory allotted to it, the international status of Jerusalem and the right of return of Palestinian refugees. Israel recognized these resolutions to secure its admission only to renege on them as soon as it was admitted.

16. Ever since, Israel became convinced that the new realities imposed by the use of force would override the obligations arising from the rule of international law, without any consequences.

17. In 1967, the Security Council “[*e*]mphasiz[ed] the inadmissibility of the acquisition of territory by war” and called for the “withdrawal of Israel armed forces from territories occupied in the recent conflict”.

18. Instead, Israel started to colonize the land.

19. The General Assembly, in resolution 3005 (XXVII) called upon Israel “to desist from, (*a*) [t]he annexation of any part of the occupied territories; [and] (*b*) [t]he establishment of Israeli

settlements in those territories and the transfer of parts of an alien population into the occupied territories”²³⁵.

20. Instead, Israel formalized its annexation of Jerusalem and other parts of the West Bank and poured hundreds of thousands of settlers into our territory.

21. In 1974, 50 years ago, the General Assembly reaffirmed

“the inalienable rights of the Palestinian people in Palestine, including: (a) The right to self-determination without external interference; (b) The right to national independence and sovereignty”, as well as “the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and call[ed] for their return”²³⁶.

22. Instead, Israel denied the existence of the Palestinian people.

23. The United Nations has consistently reiterated these calls, yet Israel has consistently rejected them, entrenching its violations rather than ending them.

24. So here we are, though the law is absolutely clear, it is being trampled.

25. Without accountability there is no justice, and without justice there can be no peace. Israel must be made to bear the consequences of its illegal conduct rather than reap the benefits.

26. After 75 years, justice can no longer wait for the day Israel has an epiphany and suddenly decides to reverse course, and commit to the law and United Nations resolutions. Our journey in the search for justice has brought us before you, before the International Court of Justice, following the General Assembly’s decision to seek your guidance.

27. We call on you to confirm that Israel’s presence in the Occupied Palestinian Territory is illegal, that the presence of its occupation forces and settlers is illegal, and that its occupation must thus come to *an immediate, complete and unconditional end*. This occupation has served as cover for Israel’s colonial designs: the acquisition of Palestinian territory by force.

28. In 1980, the Security Council reaffirmed “the overriding necessity to end the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem”. *If the occupation was deemed prolonged in 1980, how should it be characterized today, nearly 45 years later? And if it was an overriding necessity to end it then, what exactly is it now? — I ask you.*

²³⁵ General Assembly, resolution 3005 (XXVII), 15 Dec. 1972, para. 2.

²³⁶ General Assembly, resolution 3236 (XXIX), 22 Nov. 1974.

29. Mr President, Members of the Court, the United Nations admitted Israel in 1949. Seventy-five years later, Palestine is yet to be admitted as a full member of the United Nations. I sat in the General Assembly next to representatives of liberation movements. Next to the ANC and SWAPO. We stood side by side with them as they achieved their independence and took their rightful places among the community of nations. They cannot accept that the Palestinian people are left behind any longer, indefinitely denied their innate rights. That is why many of those States will appear before this Court in the coming days.

30. Mr President, Members of the Court, based on the United Nations record, you should have no difficulty arriving at the conclusion that the occupation is prolonged, that Palestinian territory has been annexed, that our self-determination has been denied, and that the people of Palestine have been subjected to systematic racial discrimination.

31. The occupation itself cannot be distinguished from these breaches; they are not merely the result of the occupation but are rather the foundation upon which the occupation rests. Rooted in the singular unlawful goal of maintaining permanent Israeli dominion over the Occupied Palestinian Territory and relegating the Palestinians it has not been able to displace to inferior status in their own land, in perpetuity, deprived of their inalienable rights.

32. A finding from this distinguished Court that the occupation is illegal and drawing the legal consequences from this determination would contribute to bringing it to an immediate end, paving the way to a just and lasting peace.

33. In closing, honourable judges, the State of Palestine appeals to this Court: to guide the international community in upholding international law, ending injustice and achieving a just and lasting peace.

34. To guide us towards a future in which Palestinian children are treated as children, not as a demographic threat. In which the identity of the group to which we belong does not diminish the human rights to which we are all entitled.

35. A future in which no Palestinian and no Israeli is killed. A future in which two States live side by side in peace and security. The Palestinian people only demand respect for their rights. They ask for nothing more; they cannot accept nothing less and nothing else.

36. The future of freedom, justice and peace can begin here and now. It is within your power to give the clearest statement possible on what the law is, what it requires and what it means in practice, for all Members of the United Nations. We trust in your wisdom, your fairness and your dedication to justice and the rule of law and I thank you very much Mr President.

The PRESIDENT: I thank His Excellency Mr Mansour. This concludes the oral statement of the State of Palestine. Your statement brings to an end this morning's session. The Court will meet again tomorrow, at 10 a.m., to hear South Africa, Algeria, Saudi Arabia, the Kingdom of the Netherlands, Bangladesh and Belgium. The sitting is adjourned.

The Court rose at 1.20 p.m.
