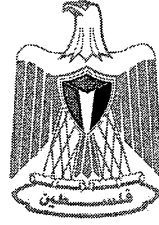


*Permanent Observer Mission
of the State of Palestine
to the United Nations*



البعثة المراقبة الدائمة
لدولة فلسطين
لدى الأمم المتحدة

Statement by Mr. Majed Bamya, First Counsellor, Permanent Observer Mission of the State of Palestine to the UN, before the Sixth Committee of the UN General Assembly in its 72nd session, on "The rule of law at the national and international levels" [item 84], 6 October 2017

Mr. Chair,

The State of Palestine aligns itself with the statement delivered by Iran on behalf of the Non-Aligned Movement.

There is an advantage to being the last State to speak; it gives us the possibility to align ourselves with ideas presented here beyond regional and political groups we may belong to. The distinguished representative of Brazil stated: "No single country, no matter how powerful, is exempt from rigorous compliance with its legal obligations", adding that "claims of exceptionalism are intrinsically incompatible with a law-based multilateral system". The EU, our main partner in the field of rule of law and beyond, stated: "Respect for the rule of law is an essential condition and enabler for peace, stability and development". And South Africa evoked how decolonization was a critical element of the foundations of an emerging and more humane international law. Palestine fully subscribes to these statements.

Mr Chair,

We welcome the Secretary General's report on Strengthening and coordinating United Nations rule of law activities, especially as a beneficiary of the UN activities and initiatives for capacity-building and technical assistance.

We also thank the Deputy Secretary General for underscoring the cross-cutting contribution of rule of law to achieving the SDGs, as well as for highlighting in her statement to this Committee the progress achieved by the State of Palestine in its efforts to strengthen capable and accountable justice and security institutions, while being fully conscious of the long way that still lies ahead.

Palestine supports the inclusion on the provisional agenda of the 73rd session of the General Assembly of an item on "implementation of the rule of law elements of the 2030 agenda and sharing of best practices".

We seize this opportunity to express our appreciation to the United Nations, including OHCHR, which has been of tremendous support, especially following our accession to human rights treaties, as well as to UNDP, UNRWA, the Division for Palestinian Rights, UN Women,

UNICEF, ILO, UNODA and others. They are our partners in advancing the rule of law for all in Palestine.

Mr. Chair,

We are often asked: “How would Palestine act once it is member of the UN”. While we are not a member yet, the actions we have taken after the adoption by an overwhelming majority of UNGA resolution 67/19 granting us observer State status are indicative of our values and our objectives. One of the first decisions the State of Palestine took was to join core human rights conventions with no reservations, as well as the IHL Conventions. We further acceded to conventions in the fields of disarmament, environment, law of the sea, diplomatic and consular relations and others.

While a lot of work still needs to be done to improve our national accountability mechanisms, we have declared our support for international accountability mechanisms and acted accordingly by entrusting them with assessing violations and crimes in Palestine without restrictions. We pursued the establishment of fact-finding and inquiry commissions by the Human Rights Council and joined the ICC, contributing to its indispensable universality. In all these efforts, our message was clear: We seek justice not vengeance.

The State of Palestine was among the 15 States that first ratified the Paris Agreement on climate change. It was the 30th state to ratify the Kampala amendments on the crime of aggression, the worst form of illegal use of force, thus fulfilling one of the two requirements to allow for activation of the Court’s exercise of its jurisdiction over this crime. More recently, Palestine participated in the Conference to elaborate a treaty to prohibit nuclear weapons after a decision was taken by consensus by the participants to allow it to participate with equal rights with Member States, including the right to vote. Allow us to seize this opportunity to thank all these States for their support. The State of Palestine was proud to contribute to elaborating this treaty, to vote for its adoption and to be among the countries that signed the treaty on the first day it was open for signature.

The State of Palestine established a Ministerial Committee to ensure respect for the international instruments we had acceded to. Our national institution for Human rights, one of the most respected in the region and the world, is an observer in this Committee and chairs national consultations over the State’s reports to treaty bodies on implementation of human rights conventions. Civil society organizations are fully associated with the work of the Committee. The Office of the High Commissioner for Human Rights characterized this institutional set up as a best practice at regional and international levels.

Palestine has also established a subcommittee to review legislation and ensure its compatibility with international obligations, in order to enhance Palestine’s efforts to replace a fragmented, often outdated legislative reality inherited from several historical eras, with legislation compatible with our Declaration of Independence and international law.

The State of Palestine decided also to set up a National Committee for IHL with the participation of official institutions, the Red Crescent, civil society organizations and academics, in full

cooperation with the ICRC, to foster respect for the Geneva conventions, their additional protocols, and all other relevant IHL instruments by the occupying Power but also domestically.

Palestine also established its first Department for International Law and International Treaties within the Ministry of Foreign Affairs following these accessions to coordinate national efforts and international cooperation in this regard.

The State of Palestine disseminated the texts of these Conventions and the rights they provide in official and non-official institutions, to the public, as well as a simplified version of the Universal Declaration of Human Rights to every single school in Palestine. We understand however that true dissemination is not one of texts, but one of spirit, with the aim to empower people to know, claim and defend the rights they are entitled to, and to ensure that the legislative, executive and judiciary branches are committed to these rights and to ensuring accountability for their breach.

The State of Palestine is still under military and colonial occupation, but we have taken the bold decision not to wait for independence to take our responsibilities towards our people and to uphold our international obligations.

We are not yet a member of the UN but we are an integral member of the community of nations. As such, we are committed to the advancement of humankind, inspired in that effort by those tragedies we have and continue to endure and by our hope to achieve freedom and dignity on our land and freedom and dignity for all. We may sit all the way in the back here in these halls but we are present and active. We may speak last, but we speak loudly and clearly. We may not have the right to vote in the General Assembly and its Committees, but we have a strong voice to defend our principles and we will continue contributing and mobilizing to help bend the arc of history towards justice.

Thank you Mr. Chair.