



STATEMENT BY MR. NIRUPAM SEN, PERMANENT REPRESENTATIVE, AT THE
10TH EMERGENCY SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON
DECEMBER 15, 2006

Your Excellency, Madame President,

I thank you for reconvening this resumed Emergency Session of the General Assembly, to discuss the establishment of a Register of Damages arising from Israel's construction of a separation wall in the Occupied Palestinian Territory.

Madame President,

The legal issues that underpin this debate are clear, and have been so ever since the International Court of Justice ruled unambiguously in its Advisory Opinion of July 9, 2004, that "the construction of the wall.....[is] contrary to international law". The steps that are to be taken to reverse this illegality are also stated in the same Advisory Opinion, as are our obligations as members of the international community not to recognize the illegal situation arising from this construction. The International Court of Justice then remitted the matter back to the United Nations, "and especially the General Assembly and the Security Council" to consider what further action is required to "bring to an end the illegal situation resulting from the construction of the wall".

However, we lack the same level of precision and clarity regarding the further action that we as the United Nations are required to take to bring to an end this illegal situation. The establishment of a Register of Damages is only one part of the measures that we can consider. What we undertake today must therefore be set against a number of other appropriate legal and political

measures, in consultation with all concerned, as part of a larger vision of establishing a just, comprehensive and lasting peace in the Middle East.

Madame President,

In this context, several opinions have been expressed here today, and we have before us both a report of the Secretary-General and a draft resolution. While the minutiae of the recommendations of the Secretary-General regarding the location of the Office of the Register of Damages, its composition and its privileges need not detain us here, it is the question of the nature of the body, its powers and its mandate that are crucial.

We understand the argument that the Register must be more than a receiving and processing office for complaints. It must be able to establish the credibility of such complaints and, in so doing, it must serve as a symbol for the redressal of grievances. There is merit in calling for the office of the Register of Damages to help raise awareness of the rights of those who have lost property or access to family or means of earning their livelihood, and to help them seek compensation. There is no doubt that Israel is required to compensate those who have lost property through the construction of this wall; indeed, the Advisory Opinion states as much, and the payment of compensation by Israel under its own laws suggests that this point is not contested.

However, there is also merit in carefully considering the complex questions posed as a result of the UN establishing a body, at a not-inconsiderable cost, that would have judicial powers and the power to award damages. Resolving these complex questions will require more than discussions at this forum, it will require a reasoned, balanced and forthright dialogue between those concerned, with the assistance of the international community wherever necessary.

Madame President,

While we are in favour of the resolution that is before us today, as it is a measure that could provide solace to those aggrieved by the loss of property, I should underline that the establishment of the Register of Damages is in itself not a complete solution to the complex problem posed by Israel's construction of the separation wall. These issues should be resolved in tandem with other confidence-building measures as part of an overall effort to achieve a just, lasting and comprehensive peace in the region.

The separation wall divides villages, families, students and patients from schools and hospitals and farmers from fields. The International Court of Justice recognised that the area between the Green Line and the separation fence

means that “the construction of the wall and its associated regime create a *fait accompli* on the ground that could well become permanent, in which case, ... [it] would be tantamount to *de facto* annexation” of Palestinian land. The Israeli anthropologist Jeff Halper is concerned that policies resulting in “reconfiguration of the country from two parallel north-south units -- Israel and the West Bank, the basis of the two-state idea -- into one country, integrated east-west” would make a two-state solution enormously difficult. Therefore, while urging Israel to stop the construction of this wall, which may prejudice the contours of the awaited two-state solution, we urge both sides to the dispute, as well as all relevant parties, to address this long-standing problem, and to redouble efforts to enable a solution to emerge through political dialogue. The absence of any meaningful political dialogue is not, of itself, enough reason to cease persevering with the effort to find a peaceful solution. Since there is no alternative to a meaningful dialogue, we support the call of the Secretary-General upon all sides to consider innovative ways to fully implement the Roadmap which would lead, without delay, to a just, fair, and equitable solution to this conflict, based on relevant UN resolutions, including Security Council resolutions. We also call upon the Quartet and all relevant regional players to work to de-escalate the situation and end the cycle of violence and counter-violence.

I thank you, Madame President.

[BACK TO TABLE OF CONTENTS](#)