



Permanent Mission of
Malaysia
to the United Nations

(As delivered)

STATEMENT BY MR. ZAINOL RAHIM ZAINUDDIN, CHARGE D' AFFAIRES AND DEPUTY PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS, AT THE OPEN DEBATE OF THE SECURITY COUNCIL ON THE SITUATION IN THE MIDDLE EAST INCLUDING THE PALESTINIAN QUESTION, 25 MARCH 2009.

Mr. President,

My delegation wishes to express its appreciation to you for convening this Open Debate. We align ourselves with the statement by Cuba on behalf of NAM. We would have hoped that this meeting could have been held much earlier, closer to when the guns fell silent over Gaza. With our eyes peeled and memories fresh of the devastations wrought in the wake of Israeli Operation Cast Lead, our proceedings would have captured more vividly the vast sense of outrage and disappointments many around the world had expressed for our collective inability to stop the unnecessary killings, injuries and destruction. More so, the prospect for peace in the Middle-East was slipping away very fast.

2. Nonetheless, the convening of this meeting is still timely, albeit two months after the tragedy. It would seem that the world has moved on or has it? Maybe the world has but definitely not the Palestinian question. International efforts are afoot trying to rebuild Gaza. Earlier this month, US 4.5 billion were pledge at a conference in Sham Al-Sheikh to reconstruct Gaza. It is an effort among a few others that we congratulate and applaud since these contributions will help the survivors to pick up the pieces of their lives torn from that war. But it seemed strange however that from the perspective of a layman, why is someone else footing the bill, so to speak, when it is clearly evident who the perpetrator that caused all these damages and destructions is and they get to go scot-free.

3. Definitely questions are raised as who caused the killings, the destruction and maiming the families who lived in their homes. Where are the perpetrators of these crimes? Why aren't they brought to justice? Are there are no recourse to take action on these perpetrators including prosecuting them for war crimes and crimes against humanity. Aren't there enough evidences to bring them to justice? My delegation does no believe so. Recent action by the ICC tells us there is recourse in this direction. Evidence including testimonies and accounts by Israeli soldiers that war crimes were indeed committed are beginning to surface. We await the findings of the Board of Inquiry set up by the Secretary General to look into the incidents involving the attacks by Israel on UN premises and staff, which we are quite confident of what the outcome would be. Indeed we welcome the setting up of the Board of Inquiry but we would have expected it to expand its mandate to include more than just UN premises and staff. There should be no distinction between attacks on UN premises and staff and attacks on Palestinian

civilians and their homes, as they both are clear violations of international law. The Council should consider all these evidence including the Board of Inquiry's report gravely and articulate its position on this issue.

4. We urge the Council not to remain silent on these violations but to act accordingly. We are fearful that inaction on the part of the Council on this matter would signal that it condones these actions and worse still, justify criminality. Malaysia had called for the establishment of a war crimes tribunal to investigate and prosecute those who committed war crimes during the Gaza War. There have been increasing calls towards this end, including by the civil societies.

5. By not taking steps to investigate and prosecute war criminals, we have failed to set the record straight on the events which transpired during Operation Cast Lead. It is our moral obligation to the survivors to at least give them a sense of closure and succor for their plight. Failing which, we risk seeing another generation of Palestinians, who have witnessed at close quarters the death of their loved ones, become even more radicalized. Notwithstanding the adoption of Security Council resolution 1860, we should recall that the ceasefire which hangs over Gaza was one taken unilaterally. There is no guarantee that Israel will not launch another strike, as they have done time and time again such as in Lebanon in 2006. The establishment of a War Crimes Tribunal among others represents a clear preventative measure against the recurrence of such wanton attacks.

6. Some have argued that the violence on Gaza was self-inflicted. They argued that Israel's attack is justified as it is a response to the rockets fired into the towns in Southern Israel. My delegation could agree that the war brought on Gaza is not an isolated event but in fact the siege which at that time had lasted eighteen months. A siege which has choked off Gaza – which is an open prison to begin with – from the outside world. Under this siege, the people in Gaza are forced to cope with the challenges of a humanitarian crisis. Living under these circumstances, for any people for that matter, would necessarily breed a sense of desperation and despondency for the future. This siege is still in place today and has curtailed the flow of humanitarian aid which is even more necessary now to rebuild Gaza.

7. In no way do my delegation condone violence but if some, even among the Council members can find it in themselves to justify the right of Israel for self-defense, could not also the Palestinians evoke this same right - since it is they which who borne the brunt of more than forty years of the Occupation?

Mr. President,

8. We should continue to focus on the question of the Occupation and about abolishing it, through which the Council can contribute to building real security for the region. We should recall that it is the Security Council that adopted resolutions 242 (1967) and 338 (1973) which lay out the framework for the realization of peace in the Middle East. Israel must cease its policy of annexation of Palestinian land and further appropriation of these lands. There must also be a just solution to the Palestinian refugee problem. In this regard, we should also recognize that the Arab countries through the Arab Peace Initiative 2002 had offered peace

and normalize relations with Israel along the same terms struck in these resolutions. However, my delegation fears that this offer may not be on the table indefinitely, if there is no sincere overture from Israel to achieve peace on equal terms with its neighbors.

9. Indeed the actions by the Israelis are in no way moving towards finding a peaceful settlement. On the contrary, it is hurting the Middle-East peace process by making it even harder to realize the vision of a two-state solution – of a viable, territorial-contiguous, sovereign and independent Palestinian state with East Jerusalem as its capital, living side by side in peace and security with Israel. The construction of the Separation Wall continues to snake through the West Bank. Its construction complements the intricate system of roadblocks, checkpoints and other barriers which hinder Palestinian movement and prevent them from engaging in normal economic activities. Illegal settlements continue to be built and expanded in the West Bank and East Jerusalem. To make way for these settlements, Palestinians are legally forced to abandon their homes by several means including through so-called legal means. Palestinians are subjected to heavy fines by the Israeli authorities if they fail to comply, which gives rise to reports of Palestinians being forced to tear down their own houses with their own hands. These illegal settlements also form the locus from which so much violence and aggression are launched upon Palestinians at the hands of settlers. The construction and expansion of illegal settlements, which are in clear contravention of Security Council resolutions and in violation particularly of the recent understanding reached with the intermediary of the US at the Annapolis Peace Conference in November 2007, is a major cause for the failure of the Mid-East peace process. Israel must put a stop to these illegal settlement and return these land to the rightful Palestinian owner.

Mr. President,

10. The task for the Council is nothing less than formidable. It is to rebuild the hope destroyed for peace among Palestinians, Israelis and the wider Middle East, which would have reverberations for the state of international peace and security. A task which is even more difficult considering the present situation in Israel and Palestine. To prod the Middle-East peace process forward, the Security Council has no choice but to force Israel to comply fully with the Council's resolutions. My delegation also hopes that intra-Palestinian talks will find a successful conclusion in which we can see a common people come to unity.

Thank you.