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TO THE UNITED NATIONS

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STATEMENT
BY

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AT THE
RESUMED TENTH EMERGENCY SPECIAL SESSION

UNITED NATIONS GENERAL ASSEMBLY
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Madame President,

My delegation wishes to associate itself and support the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement.

Madame President,

Over two years ago, after a request from this Assembly for an advisory opinion, the International Court of Justice (ICJ), declared that the construction of the wall being built by Israel, is contrary to international law and that Israel is under an obligation to cease construction of the wall and to make reparation for all damage caused by the construction of the wall. Paragraph 152 of the Courts decision stipulated that "reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed". The Court further declared, in paragraph 153, that "Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction."

Convening after the decision of the ICJ, the General Assembly, in its resolution ES-10/15 of 2 August 2004 acknowledged the Court's advisory opinion. The General Assembly demanded Israel comply with its legal obligations as mentioned in the advisory opinion and mandated the Secretary-General to set up a register of damages brought about by the construction of the wall.

Member States were guided in these actions by our recognition that the United Nations has a permanent responsibility towards the question of Palestine until it is resolved in its entirety on the basis of the Charter and relevant resolutions of the United Nations, international law and international humanitarian law.

Madame President,

In pursuant to the mandate of this Assembly, the Secretary-General has presented to us a report on the Register of Damage. We welcome the SG's report and urge the Assembly to adopt the draft resolution before us endorsing its recommendations. The Register of Damage will serve as clear evidence of the loss suffered by innocent civilians caused by the construction of the wall.

The Register of Damage should be the comprehensive documentation, in the form, of registration, verification and assessment, of all the damage that has been and continues to be caused by the construction of the wall. Through a comprehensive register of the nature proposed, will we be able to ascertain damage caused and reparations required.

My delegation believes that for the Register to be objective it would be necessary for the Board be selected on the basis of independence, objectivity, impartiality and due regard should be paid to the geographical diversity of the member's nationalities. Furthermore we support the contention that the Board should be selected by the General Assembly based on the candidates nominated by the Secretary-General.

Madame President,

Since the decision of the International Court of Justice, Israel has pressed ahead with the construction of the wall and settlements, in clear contravention of international law. We are particularly concerned at the action of the Israeli government to predetermine final status issues such as that of the future of Jerusalem. In his report to the General Assembly on 19 October 2006, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1997, Professor John Dugard, noted that Israel continues its policy of the "de-Palestinization of Jerusalem". The Wall is constructed in such a way as to place about a quarter of East Jerusalem's Palestinian population of 230,000 in the West Bank. Professor Dugard reports that this action of the Israeli Government is designed to ensure that Jerusalem assumes a predominantly Jewish character, which will undermine Palestinian claims to Jerusalem as the capital of an independent Palestinian State.

Madame President,

The inaction by the international community and the United Nations on the separation wall and settlements over the past year has had the effect of allowing Israel to solidify its occupation of East Jerusalem and the rest of the West Bank, further altering the demographic facts on the ground. The construction of settlements, the wall and its associated regime has gravely impacted on the economic and social conditions of the Palestinian people, resulting in the violation of their most basic human rights and exacerbating the humanitarian crisis. Already the wall has resulted in the confiscation and destruction of homes, the restrictions on freedom of movement and impeded access to basic necessities such as access to water.

The international community's failure to provide the Palestinian Authority with adequate assistance to enable it to exert its authority and to establish law and order in the occupied territories has only strengthened the hand of extremists who feed off the anger of a people living under military occupation.

Madame President,

South Africa reiterates the call for strict compliance with the ICJ's Advisory Opinion and for the immediate and full implementation of the Secretary-General's mandate to establish a registry of damages caused by construction of the wall.

The United Nations cannot allow the current situation - where one party enjoys more basic rights and freedoms than the other - to continue. There should be equality and protection before the law and the parties should also respect resolutions of the United Nations and honour their commitments under international agreements. In particular, both sides have a duty to bring an end to all senseless acts of terrorism and violence directed against civilians and to work towards reconciliation and peace.

I thank you, Madame President.