

THE 2009 DAG HAMMARSKJÖLD LECTURE

**Rights, Justice and  
United Nations Values**  
Reflections through a  
Palestine Refugee Prism

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*Karen AbuZayd*

Uppsala 2009

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– Reflections through a  
Palestine refugee prism

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# Preface

The issue of refugees and internally displaced persons has been a continuous problem in international relations. Normally, war refugees have been allowed to return to their homes of origin after the end of the war. However, this has not been the practice in some contemporary conflicts. Thus, the international community has had to take up the responsibility of caring for civilians caught in the midst of battles and politics. The 2009 Dag Hammarskjöld lecture addressed one example of this issue.

On 8 December 1949 the United Nations General Assembly decided to establish the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).<sup>1</sup> Just under 60 years later, on 26 November 2009, the incumbent Commissioner-General for UNRWA, Ms. Karen Koning AbuZayd, presented the 11th annual Dag Hammarskjöld Lecture in the Main Auditorium of Uppsala University.

Ms AbuZayd has served as the Commissioner-General since June 2005 and her term of office ends in December 2009. Before joining UNRWA in August 2000 as the Deputy Commissioner-General, Karen AbuZayd had worked for 19 years for the Office of the United Nations High Commissioner for Refugees (UNHCR). Alongside Martti Ahtisaari – who had presented last year’s Dag Hammarskjöld Lecture and was shortly afterwards awarded the Nobel Peace Prize – she was sent to Namibia in 1989–90, the transitional period leading up

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<sup>1</sup> More details on the history and current activities of UNRWA are accessible on its website. Visit [www.unrwa.org](http://www.unrwa.org) and [www.unrwaat60.org](http://www.unrwaat60.org).

to independence, to assist in the coordination of the return of the exiled refugees. Her subsequent missions included postings in Sierra Leone to assist Liberian refugees, in Geneva to coordinate the repatriation of South Africans and operations at the Kenyan–Somali border.

Karen AbuZayd will retire after almost three decades as an international civil servant. During this time she has worked relentlessly to meet humanitarian challenges by offering relief and support to refugees. Her tireless efforts to ease the plight of forcefully displaced human beings in general, and the Palestine community under siege and in exile, have been impressive. These experiences were strong testimonies to her life as an international civil servant. Thus, there were no hesitation about inviting her to present the 2009 Dag Hammarskjöld Lecture. In this way Ms. AbuZayd joins a list of distinguished speakers to have received the individually engraved Dag Hammarskjöld medal from the hands of Uppsala University’s Rector as part of a solemn event.<sup>2</sup>

Commemorating six decades of work this year, a fact sheet published by UNRWA in January 2009 quoted the Commissioner-General as saying: “These anniversaries are occasions for solemn reflection on our respective roles in the epic saga of Palestinian exile. They offer opportune moments to consider what more we can do as international actors – within and beyond the relatively safe sphere of humanitarian assistance – to give meaning to human dignity for Palestine refugees, to bring closer to realization the

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2 Speakers before Martti Ahtisaari last year were, as from 1998: Mary Robinson, Brian Urquhart, Joseph Rotblat, Kofi Annan, Lakhdar Brahimi, Ramphela Mamphele, Noeleen Heyzer, Hans Blix and (jointly) Sture Linnér and Sverker Åström. The Lectures have been published and are also accessible also on the Foundation’s website ([www.dhf.uu.se](http://www.dhf.uu.se)).

elusive goal of justice for Palestinians and a State of their own and to seize opportunities for turning the conflict around.”

In presenting her lecture, Karin AbuZayd lived up to the expectations such a statement creates. After outlining her positive links with the legacy of Dag Hammarskjöld, she went on to describe and explain the role of UNRWA. In a city where thousands of Palestinians have found at least a temporary refuge, the audience of several hundred received her speech warmly.

In her lecture, Karen AbuZayd explicitly commented in the affirmative on the recent Goldstone Report on the events in Gaza in late 2008 and early 2009.<sup>3</sup> She appreciated the report “as a monument to the quest for justice in the Israeli-Palestinian conflict”. As she pointed out, “a large number of the report’s recommendations, 29 out of 43, are addressed to international entities” and thus the report “throws down the gauntlet of responsibility to the community of states, making it clear that while parties to the conflict bear primary responsibility, the importance of the issues at stake demands the involvement of all UN member states”.

The Goldstone Report was discussed at the 12th special session of the UN Human Rights Council on 16 October 2009. The Council endorsed the recommendations of this independent fact-finding mission headed by the former South African judge, Richard Goldstone. Following one of these recommendations, the report was formally submitted for consideration

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<sup>3</sup> Human Rights in Palestine and Other Occupied Arab Territories. Report of the United Nations Fact Finding Mission on the Gaza Conflict. Advanced Edited Version. Distr. General, A/HRC/12/48, 15 September 2009, submitted to the Human Rights Council during its 12th Session and presented to the Council on 29 September 2009 (the document is accessible at: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>).

to the UN General Assembly. In its meeting on 4 November 2009 the Assembly voted on (rather than using its more common method of consensus) and adopted Resolution A/64/L11 calling for investigations into allegations that war crimes were committed during the conflict in December 2008 and January 2009.<sup>4</sup>

By the nature of its subject and focus, the 2009 Dag Hammarskjöld Lecture focused on concrete policy issues demanding a solution, based on what the lecturer identified as UN values. This has certainly been reinforced by the current debate on the Goldstone Report itself. It relates to a conflict which existed at the time that the second Secretary-General came into office. He was convinced that moral integrity and steadfastness had to be core values for holding this office, while at the same time seeking true dialogue with parties involved in a conflict.

Karen AbuZayd ended her lecture by urging us to “rally round the strength of our ideals and convictions” for “securing for Palestinians the rights and justice so long denied them”. She did this on principled grounds, building on human dignity for all. It is a position that Dag Hammarskjöld as Secretary-General would have endorsed.

In his address at Oxford University on 30 May 1961 – not much more than a hundred days before his untimely death – Dag Hammarskjöld stated: “... the international civil servant cannot be accused of lack of neutrality simply for taking a stand on a controversial issue when this is his duty and cannot be avoided. But there remains a serious intellectual and moral problem as we move within an area inside which personal judgment must

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<sup>4</sup> 114 votes were in favor, 18 against, 44 member countries (including Sweden) abstained.

come into play. Finally, we have to deal with the question of integrity or with, if you please, a question of conscience.”<sup>5</sup>

Presenting the annual Dag Hammarskjöld Lecture in 2009, Karen AbuZayd displayed the virtues of an international civil servant in the spirit of Dag Hammarskjöld.

*Henning Melber*

*Executive Director*

*Dag Hammarskjöld Foundation*

*Peter Wallensteen*

*Dag Hammarskjöld Professor*

*Department for Peace and Conflict Research*

*Uppsala University*

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<sup>5</sup> Quoted in Hans Corell, ‘The Need for the Rule of Law in International Affairs’, Lecture delivered at the Dag Hammarskjöld Foundation on the occasion of a commemorative event marking the 48th anniversary of Dag Hammarskjöld’s death. Uppsala, 18 September 2008 (accessible at [www.dhf.uu.se](http://www.dhf.uu.se)).





*Karen AbuZayd delivering her lecture in Uppsala University Main Hall*

# Rights, Justice and United Nations Values

Reflections through a  
Palestine Refugee Prism

*Karen AbuZayd*

Distinguished guests:

In the United Nations and the world of international relations, the name of Dag Hammarskjöld bears a weight and import few others can match. Every institution, early in its history, experiences periods in which its essence is as yet indistinct, waiting to be crystallised by the quality of its leaders and the choices they make.

The United Nations was at such a juncture when, in the spring of 1953, Dag Hammarskjöld was appointed Secretary-General. The Second World War had been followed by the Cold War, with the latter's irreconcilable world views framing the new global battlefield. With each successive international crisis, the fledgling United Nations found itself buffeted by the clash of two world powers, each one increasingly assertive and more unabashed about employing the Security Council as an arena for playing out hostilities or jostling for spheres of influence.

In this inhospitable, turbulent terrain, without ready precedents to follow, Secretary-General Hammarskjöld forged for all time the United Nations spirit. By the sheer force of his unassailable integrity he infused the provisions of the United Nations Charter with meaning so genuine and profound that his tenure is, indisputably, the touchstone against which his successors will continue to be judged. Secretary-General Hammarskjöld's standards of neutrality, unwavering in the face of the superior material and political power of member states, carved for the United Nations that uniquely independent space, above politics and conflict, which is indispensable to our ability to function to the present day. His clarity of vision and sense of justice energised a tireless, principled approach to conflict-resolution that could be usefully applied to the conflicts in the Middle East today.

Deeply introspective and reflective as he was, Secretary-General Hammarskjöld's remarkable accomplishments were sustained by reserves of spirituality and inner strength. These qualities lent a dignity and gravity to his diplomatic endeavours, while serving as the source of his extraordinary courage.

I am honoured to deliver a lecture bearing the name of one so illustrious. I express my sincere thanks to the Dag Hammarskjöld Foundation for calling on me for this occasion. When I accepted the invitation to speak, I did so with a sense of humility centred on my belief that while humanitarian service is a privilege, rendering assistance and protection to refugees in general – and Palestine refugees in particular – is a special calling. In this, I associate myself with the sentiment expressed by Dag Hammarskjöld himself, when he said in his 1954 'This I believe' radio programme, '...no life [is] more satisfactory than one of selfless service to your country – or humanity'.

The presence of all of you in this gathering recognises the international relevance of the Palestinian and Palestine refugee condition and the interest Palestinian issues command well beyond the Middle East. My own presence here affords me, just over a month before my retirement, one more opportunity to share my views, employing as my lens the refugee prism, familiar to me from 28 years of United Nations service.

Our title presumes an alignment among rights, justice and the values of the United Nations. In the simplest terms, human rights and fundamental freedoms are matters of international law. They consist of liberties and entitlements guaranteed to everyone, without distinction. Justice is synonymous with the realisation of rights, the enjoyment of freedoms and, in the event of breach, with restoration of rights and recompense for those affected.

The ties that bind rights, justice and the United Nations are clear from the meaning of the UN Charter's provisions as expressed in the evolution of United Nations practice. The Charter's preamble '...reaffirms faith in fundamental human rights, in the dignity and worth of the human person, and in the human rights of men and women and of nations large and small', while emphasising the determination of 'the peoples of the United Nations' to 'establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.'

The purposes of the United Nations include the mandate 'to take effective collective measures for the prevention and removal of threats to the peace and to bring about...in conformity with principles of justice and international

law... settlement of international disputes'. Article 55 of the Charter stipulates that the United Nations '...shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction...'

The Charter's provisions are the foundations on which has been erected a matrix of conventions and instruments forming a significant part of modern international law and international relations. Many of these are well-known – the 1948 Universal Declaration of Human Rights; the 1949 Geneva Conventions that restrain the use of armed force and protect civilians; the 1966 International Covenants on civil, political, economic, social and cultural rights; the Conventions to prevent and punish crimes of genocide and torture (1948 and 1984) and to eliminate discrimination. These and other treaties and legal instruments have been reinforced by resolutions of the General Assembly and Security Council on related issues such as the principles of political and economic self-determination.

The United Nations has served as progenitor, catalyst and facilitator for the progressive development of human rights and related principles, thus placing beyond debate the position that individuals and peoples – not only states – are worthy of, and entitled to, protection under international law. Over the years, the UN has nurtured and cemented these precepts through the practice of states and international institutions, imparting the force of international law to the notion that the rights and freedoms of individuals everywhere, regardless of their national or ethnic origin, can, and should, be the responsibility of states and peoples elsewhere.

The UN Charter's framework resonates with the global audience. Equality, non-discrimination and human rights contain powerful messages of

inclusion, protection and the egalitarian embrace of diversity. Palestinians, always keen observers of the international scene, rightly see themselves and the legitimacy of their cause reflected in the principles and purposes of the United Nations and in the instruments of human rights and international justice. These precepts constitute – and are seen as – the international community’s promises to the Palestinian people, which the United Nations bears responsibility for implementing.

The question arising is the extent to which these promises have been fulfilled for the people of Palestine. To what degree has an alignment among rights, justice and UN values been achieved for Palestinians and Palestine refugees? If these questions are answered in the negative, how can we explain or rationalise the disarray in these concepts?

It is beyond question that harmony between rights and justice can be, and has been, achieved with UN involvement, for many nations and peoples. It is not lost on Palestinians that the United Nations facilitated from the 1940s to the 1960s the creation of scores of newly-independent nations (including the state of Israel), helping to liberate many from occupation, colonisation and other forms of foreign domination. Palestinians are also aware that as these freshly liberated states were proudly taking their places at the General Assembly, their own territory remained embroiled in tensions and conflict, leading in 1967 to an occupation that remains in place today – the antithesis of self-determination. They are fully aware of contemporary advances in realising rights and justice under the UN rubric and the examples in which the international community has successfully placed its weight behind efforts to resolve conflicts around the world.

Distinguished colleagues, it would be an understatement to describe the situation facing Palestinians and Palestine refugees as one in which rights, justice and UN values are in discord or disorder. This might imply that the Palestinians benefit from rights and justice, even if these are not realised to the full extent. That would suggest that the denial of Palestinian rights or the withholding of justice is caused by inadvertent omission.

From my years of living and working in Gaza and following the Palestinian issue from the vantage point of leading the largest humanitarian and human development agency in the Middle East, it seems to me that a striking feature of the present situation is the element of deliberate, purposeful method in imposing and maintaining the conditions that Palestinians endure.

The current conditions Palestinians face are not the result of incidental omission. This is no chaotic, ad hoc, temporary situation in which Palestinians may or may not be adversely affected. Circumstances in the West Bank and Gaza bear the hallmarks of meticulous planning, rigorously implemented. This is a regime of well-coordinated, integrated policies, measures and mechanisms that subjugate and constrain the Palestinian population under occupation, while imposing dire consequences, many of them irreversible, on Palestinian lives, land and livelihoods.

I shall illustrate the point by outlining some of the conditions Palestinians and Palestine refugees face in the West Bank and Gaza.

In the West Bank, the picture is one of segregation and confinement. Palestinians are compelled to live in an encroaching maze of physical impediments, security restrictions and permit regimes. Their lives are confined

by intrusive restraints that deny, to the overwhelming majority, freedom of movement, commerce and normal social interaction. The West Bank is fractured by a multiplicity of obstacles and demarcations, raising grave questions about the viability of this land as a national economic resource for a future Palestinian state.

From the latest count by the UN Office for the Coordination of Humanitarian Affairs, there are some 592 physical obstacles impeding the movement of Palestinian people and goods. The most visible are the illegal separation barrier, presently stretching over 400 kilometers, and checkpoints and roadblocks, both fixed and mobile. Israeli settlements expropriate large tracts of Palestinian land, not only for settler housing, but also for settler farms, security areas, buffer zones, access roads and bypass roads which Palestinians are prohibited from using.

As freedom of movement is a prerequisite for sustainable livelihoods and for normal social, cultural and economic interaction, its denial generates violations of other equally fundamental human rights.

The demolition of Palestinian homes and the forced eviction of Palestinians have emerged as a prominent feature in the West Bank. In East Jerusalem, in particular, the practice has been pursued over recent years with grim regularity. Families are forcibly displaced, often in a manner designed to maximise their fear and humiliation. Evictions often take place at night or in the very early morning, with little warning, the victims still in their night clothes, with large deployments of police and security forces in attendance. As many of the affected families are already impoverished, their socio-economic vulnerability is aggravated.



The West Bank appears on its surface to enjoy the trappings of normality, with recent reports suggesting the emergence of economic recovery. In reality, however, the Israeli occupation is incompatible with the realisation of rights or justice for Palestinians, or with substantive economic growth. In effect, the differences between the West Bank and Gaza lie not in the substance of the occupation's stultifying impact, but in the form and method of its intrusions.

I turn now to the situation in Gaza.

The blockade of Gaza is in its 29th month following the Hamas seizure of de facto control in June 2007. Strictly speaking, however, a progressively tightening sanctions regime has been applied against Gaza since February 2006, after Hamas won legislative elections (regarded by international observers as free and fair). Since then, over a million and half a million Palestinians, some 70 per cent of whom are refugees, have endured the pitiless effects of sealed borders.

Only a minimum of basic food commodities, health supplies and humanitarian goods is allowed into Gaza. The importation of petrol, diesel and 'non-essential' food items is forbidden and a total ban on exports is in place. No aspect of life is spared, because the prohibited items cover a broad range of what most would consider essential to normal life.

The blockade of Gaza is the bluntest and blindest of weapons, indiscriminately penalising the hundreds of thousands, including children and the elderly, who have no affiliation with militant or political entities. As could be foreseen, malnutrition and deep poverty have steadily risen since Gaza's borders were closed. Eighty per cent of the population

lives under the poverty line and the latest poverty surveys conducted by UNRWA's social services department show that the number of abject poor has tripled in recent months to reach 300,000 out of 1.1 million refugees. Gaza's economy lies prostrate. With commerce and industry moribund, the principal economic activity is the trafficking of goods through a maze of underground tunnels linking Gaza to Egypt.

Over 80 per cent the population is food aid dependent; 94 per cent of 120,000 private sector workers are unemployed; 60 per cent of Gazans have only irregular access to water, while another 10,000 entirely lack running water. In the absence of the necessary chemicals and equipment, over 80 million cubic litres of untreated and partially treated sewage flows into Gaza's coastal waters each day.

The importation of construction materials is prohibited. This means that UNRWA and other aid agencies are prevented from implementing plans to help rebuild the 60,000 homes damaged during last winter's conflict. The authorities are likewise unable to repair the schools, hospitals and public infrastructure devastated during the conflict. At the same time, Qassam rockets are still being launched from Gaza into Israel, although their frequency is drastically reduced. Israeli military incursions and strikes remain a regular occurrence.

Mention of armed conflict affords an opening to take a look at the Report of the UN Fact-Finding Mission on the Gaza Conflict – referred to as the Goldstone Report after Judge Goldstone who led the mission. This report documents with authority the prima facie evidence of violations of international humanitarian law in the conduct of the war in Gaza nearly a

year ago. The Report casts light on the impact of the war on civilians in Gaza and Israel, and the resulting questions of accountability under international law – areas which for too long have been overshadowed by the geo-politics of the Middle East.

The recommendations of the report cover a broad range of subject areas within the mission's mandate. They call for an end to the blockade of Gaza, freedom of movement for Palestinians, the release of Palestinians in Israeli prisons in connection with the occupation and a halt to Israeli interference with the political processes in the occupied territory. The Security Council is requested to refer the report to the International Criminal Court if the parties fail to conduct their own investigations to international standards.

The Goldstone Report is relevant to our discussions because it stands as a monument to the quest for justice in the Israeli-Palestinian conflict. As an integral part of international law, human rights and fundamental freedoms were never intended to be merely inspirational, insubstantial ideals to be pursued only through exhortation and moral suasion. Their status as legal obligations binding on states and other combatants means that the ultimate test of their efficacy rests on the enforcement of legal consequences – penal implications for the perpetrators and recompense for those affected by the breach – once infringements are proven.

The report marks a potentially significant step in this direction. It initiates a sequence of accountability which could eventually result in enforcing the rule of international law in the Israeli-Palestinian milieu. It demonstrates the universal and equal application of legal principles and rules to

all – states and non-state entities alike, thus exemplifying the ascendancy of humanitarian principles and setting the stage for protecting individuals on par with considerations of state security and military policy.

It is significant that a large number of the report's recommendations, 29 out of 43, are addressed to international entities – the Human Rights Council, the Security Council, the General Assembly, the states parties to the 1949 Geneva Convention, the High Commissioner for Human Rights and the international community, more broadly speaking. Thus, it throws down the gauntlet of responsibility to the community of states, making it clear that while parties to the conflict bear primary responsibility, the importance of the issues at stake demand the involvement of all UN member states.

The Goldstone Report gifts the international community with a rare opportunity to rescue the course of the Israeli-Palestinian conflict from the eddies of politics and the absence of principle, and to anchor concerted international action on the rule of international law and the protection of civilians. In the frame of our topic, the report offers an opportunity for the international community to give concrete meaning to rights and justice in the Israeli-Palestinian context. It is my hope that this opportunity will be grasped.

Distinguished colleagues, we started out with a simple sketch of the ideal associations between rights, justice and the principles of the United Nations. When we set this against the situation in the occupied Palestinian territory, the emerging image is bleak and uncomfortable, a scenario of rights violated, opportunities foregone and justice yet to materialise. I would be remiss if I were to leave this image untouched by reference to additional considerations that exert a significant influence on the lives of

Palestinians. We must weigh these in the balance if our appreciation of the Palestinian condition is to be complete.

One such element is the fortitude Palestinians have demonstrated in the course of their decades of travail. I refer to the indomitable Palestinian spirit of resistance, the unshakeable desire for survival that draws its identity and strength from a national consciousness – a sense of being – that is grounded in antiquity. In his poem, *Identity Card*, Mahmoud Darwish, the venerated poet with an unrivalled ability to distil the Palestinian experience, declared:

I am an Arab  
I have a name without a title  
Patient in a country  
Where people are enraged  
My roots  
Were entrenched before the birth of time  
And before the opening of the eras  
Before the pines, and the olive trees  
And before the grass grew.

In these lines, suffering and anger are blended with a profound articulation of rootedness – a shared psyche of steadfast belonging that adversity shall never overcome. ‘We have been here a long, long time’, the poet seems to say. ‘We will not go away.’

From my observations and personal interactions, I can testify that the legendary Palestinian resilience is no myth. In the aftermath of last winter’s war, I toured Gaza, meeting Gazans and listening to their reactions. Eve-

ryone I met was awash with trauma and grief. There were expressions of rage against the attackers for the indiscriminate death and destruction they had wrought. There was also resentment against the international community for having allowed first the siege, and then the war, to go on for so long. However, the ordinary Gazans also evinced stoicism and strength in their determination to overcome the anguish of their harrowing experiences and in their belief in the possibility of rebuilding their lives.

From UNRWA's experience of delivering human development services for six decades, we can point to other qualities that have enabled Palestinians to embrace and take advantage of the opportunities offered by our programmes, notably in primary education, primary health care and microfinance. In spite of the immensity of the challenges affecting them, Palestinians' desire for acquiring knowledge for self-improvement and self-reliance remains undiminished. The literacy rate for Palestinians in the occupied territory is 92.4 per cent, compared to 67 per cent for the Middle-East region. Communicable diseases have been eradicated. Palestinians' capacity for industry and enterprise has remained intact and the richness of their cultural heritage survives. All these qualities are an integral aspect of the Palestinian condition. More importantly, we must recognise the immense human potential that lies in the Palestinian and Palestine refugee community, and fashion strategies to allow it to flourish.

This is an opportune juncture to reflect briefly on the contribution of UNRWA and other United Nations agencies serving Palestinians in the occupied territory and across the Middle East. The realisation of rights and justice is not the exclusive domain of UN agencies entrusted with political mandates. On the contrary, the non-political space occupied by humani-

tarian and human development agencies is a fertile arena for advancing a measure of human rights and social justice.

By striving – and often succeeding – to make a positive difference in Palestinian lives, enhancing knowledge and skills, promoting self-reliance, offering avenues for more healthy lives, broadening life choices and creating opportunities for more decent standards of living, we directly furnish the means towards the realisation of a number of human rights, notably those addressing education, health and standards of living.

There is more. Humanitarian and human development activities are potent vehicles for demonstrating, in tangible ways, the compassion and humanity that underpin human rights concepts. These are much more than mere sentiments as they have important operational implications. An approach grounded in compassion conveys to the Palestine refugees, as well as the communities and countries offering them refuge, that the United Nations – and therefore the international community – remains concerned about their plight and will continue to be engaged in the task of helping to attend to their needs. Moreover, our work in all areas is underpinned by the values which we as United Nations organisations embody: impartiality, tolerance for diversity, peaceful co-existence and respect for the human dignity of everyone. The humanitarian and human development work of the United Nations helps to cultivate these values, thus creating an enabling environment for stability.

Ideally, there should be mutually reinforcing complementarity between the roles of UN entities with political mandates and those in the humanitarian and human development field. Both are essential to ensure cohe-

sive international action and maximum impact for Palestinians in whose name the interventions are made. The reality in the occupied territory is that the absence of progress on the political plane hampers the ability of UN agencies to effect sustainable change in living conditions. If the optimal relationship between the political, humanitarian and developmental is to be achieved, much more must be done by organisations functioning in the political sphere.

There are several other areas where the efforts of states and political entities of the United Nations could be significantly strengthened. From a refugee perspective, I refer to the issues of consistency in human rights issues, the approach to conflict resolution and the place of the refugee issue in the negotiation process.

The absence of a principled, consistent approach to human rights is one I have already mentioned in connection with the blockade of Gaza and the Goldstone Report. From the UN Charter and the instruments to which it has given rise, the promotion of human rights, including the aspiration to combat poverty and the right of everyone to a standard of living adequate for health and well-being, is a defining paradigm of the international community. The first of the Millennium Development Goals is the eradication of extreme poverty and hunger, with the specific goal of halving, by the year 2015, the number of people living on less than a dollar a day. In the Millennium Declaration, heads of state and government solemnly pledged to ‘...spare no effort to free our fellow men, women and children from the abject and dehumanising conditions of extreme poverty...’.



These universal commitments to promote the human rights of all, and to eradicate poverty, cannot be reconciled with the systematic human rights abuses perpetrated against Palestinians.

Dispute resolution is another area in which a re-evaluation of current assumptions and approaches is called for. That the UN Charter ascribes great importance to the peaceful resolution of disputes is clear in the statement of its purposes and in provisions relating to collective security, shared restraint in the use of armed force and joint action to address threats to international peace and security.

These stipulations, and the Charter's clear repugnance to war, underscore the need for the negotiation process to be given the highest priority, particularly considering the regional and international security implications of every outbreak of violence in the occupied territory. The optimum dispute resolution approach should be one that leaves no stone unturned and is resolute in the drive to achieve peace by peaceful means. It should be an approach that takes an inclusive stance on the question of which parties must be at the table, taking as its yardstick the principal constituencies with the highest stakes in the conflict. It should also be an approach that favours a comprehensive attitude to formulating the agenda for negotiation.

The argument for a more inclusive approach to Israeli-Palestinian peace-making is supported by past international practice. We would do well to reflect on the lessons of examples where protracted armed conflicts have been successfully resolved by international mediation. In such examples, the international community acted as one in involving all protagonists in the negotiation process. There was a clear understanding that the disputes

in question were essentially political in nature, and thus impossible to resolve through force of arms, and of the benefits of a negotiated settlement outweighing the human, material and political costs of allowing the conflict to continue unchecked.

The successful examples have also involved dispassionate and balanced assessments of the parties' conduct, to determine the extent to which they could be entrusted with the responsibilities of negotiating partners, including their ability to exercise good faith during the negotiation process and to adhere to the outcomes. These are some of the ingredients contributing to effective conflict resolution. Success has been elusive in instances where the process is selectively exclusive, expressly ostracising, on political or other grounds, parties with a significant constituency.

The Israeli-Palestinian peace process to date has been driven by a selective, approach, patently at odds with the lessons of successful negotiations elsewhere. The process and its mediators have also suffered from a permanent crisis of credibility in the eyes of the Palestinian and Arab polity, one that stems from a variety of complex causes, including the international community's failure to take principled stances on the upholding of Palestinian rights.

The application of lessons from successful negotiations in other contexts would be beneficial to the search for a negotiated solution to the Israeli-Palestinian conflict. There is a case to be made that the elements justifying an inclusive, all-embracing negotiation approach are present in the Israeli-Palestinian context, or could be established relatively quickly. Given the long history of efforts at a solution, both sides have well-resourced

negotiation personnel and structures. Even in times of open conflict, Israel and the major Palestinian parties have maintained channels of communication, and been known to hammer out and respect informal ceasefires and other serious arrangements, many of which have held for significant periods of time.

An international community that is properly attuned to its obligation to ensure a negotiated settlement to this conflict would ensure that these positive elements are cultivated. It would as well be more sensitive to – and therefore make efforts in good faith to address – the fact that the Hamas–Fatah divide poses an existential risk to the prospects for a negotiated peace, and, in parallel, also potentially threatens the feasibility of a Palestinian state.

I shall mention a further aspect of the Israeli–Palestinian discourse in which there is room to reconsider the current approach. I refer to the question of Palestine refugees, an issue on which UNRWA, by virtue of its mandate responsibilities, has a duty to pronounce.

The refugee issue, alongside questions of Jerusalem, borders and water resources, has been designated a ‘final status’ issue to be excluded from the negotiation process until an undefined later stage. This approach has served only to shunt the refugee question to one side, holding it in abeyance while the situation on the ground evolves in directions which, with the passage of time, thrust a just solution further and further beyond reach.

The rationales for reversing the prevailing approach revolve around the size of the refugee constituency and the linkages between the refugee issue

and other substantive issues in dispute. If taken into account, these considerations would warrant the initiation of an open dialogue on the refugee issue, including, in particular, with refugees themselves

The Palestine refugee community registered with UNRWA is now 4.7 million strong. This figure does not account for Palestinians in the diaspora, said to number between four and six million. Given this numerical strength, which continues to grow each year, the refugee constituency is capable of bringing substantial influence to bear on the issues that touch its interests.

This suggests that an early process of ascertaining refugee interests and concerns would be prudent. Such a process should be arranged in accordance with established protection standards. Its components would include genuine representation arrangements for the refugee voice to be heard in the substantive negotiation process, and protocols to ensure that the informed choices refugees freely make are channelled into the process and respected. While early involvement of refugees would pose substantial challenges, not the least of which would be logistical, it would also pay handsome dividends in generating greater confidence in the negotiation process and the sustainability of its outcomes.

Distinguished colleagues, the Israeli-Palestinian question is proving to be one of the greatest tests of the modern age. From its inception, it has borne the hallmarks of a conflict with classic international dimensions. Its history and genesis is replete with the involvement of leading members of the Security Council. It is centred in a region of strategic, geopolitical and religious sensitivity, one in which the industrialised world, and indeed the entire world, holds an economic stake, and, therefore, can ill-afford the

cycles of conflict and upheaval with which it is rife. For 61 years, this conflict has resisted resolution. As it persists, waxing and waning from periods of intense violence to intervals of calm, Palestinians and Palestine refugees continue their anguished wait for an ever-elusive solution.

I again turn to Secretary-General Hammarskjöld for concluding thoughts. The scene was the Security Council, meeting in 1956 in the throes of the Suez crisis. In circumstances which suggested that states were giving short shrift to their obligations under the UN Charter, the Secretary-General declared:

The principles of the Charter are, by far, greater than the Organization in which they are embodied, and the aims which they are to safeguard are holier than the policies of any single nation or people.

This pronouncement encapsulates the spirit of the United Nations. All who desire an end to the misery of Palestinians would do well to heed and apply its message. The Israeli-Palestinian conflict and the issues it raises touch the founding concepts of the United Nations Charter. The conflict and its questions of rights and justice cannot be regarded simply as local or regional, because they transcend the interests of the parties and partake of an intrinsically international character. Therefore, it is by adherence to and enforcement of the highest of ideals – ideals that are more sacrosanct than the interests or policies of any single nation – that the international community, acting in concert in a truly multilateral spirit, must address the Israeli-Palestinian conflict.

To date, our approach has deviated from the principled posture conveyed in the words of the second Secretary-General. Rather than emphasising

the overarching international interest, precedence has been given to particular state concerns. Instead of investing the issues with the quality of international legal obligations, state security and foreign policy paradigms of particular states have been the preferred frames of reference. We have, in a word, spurned the high calling that our professed allegiance to the United Nations Charter demands of us.

As a result, we have turned our backs on Palestinians and Palestine refugees. With every passing year, our deficit of compassion grows. Though we hear their cry and see their suffering, our response falls short of the promises we have made – promises of rights, freedoms, human dignity and justice which we pursue with vigour for others, and yet cannot seem to realise for the people of Palestine.

The constraints of the present must not, however, obscure our view of the possibilities that remain within our grasp, if only we would rally round the strength of our ideals and convictions. In spite of all that Palestinians endure, there remains a robust impulse for peace and a burning desire to lead normal, secure lives, free from war and want. Our focus must be fixed on realising that potential, building on the strength of the Palestinian spirit, and on rising to the challenge of securing for Palestinians the rights and justice so long denied them.

Distinguished guests, I conclude with a simple request – that each of us does whatever we can to render dignity to Palestinians, to bring into being a Palestinian state and to realise for Palestine refugees a just and lasting solution. I do not believe this is too much to ask.



*Karen AbuZayd with Vice-Chancellor Anders Hallberg*



*Laying a wreath at Dag Hammarskjöld's Grave*



## Uppsala University

Uppsala University, founded in 1477, is the oldest and best-known university in Scandinavia. Famous scholars such as Rudbeck, Celsius and Linnaeus were professors at the university. Seven Nobel Prize laureates have been professors at the university, among them Archbishop Nathan Söderblom, who was also the University's Pro-Chancellor. He received the Nobel Peace Prize in 1930.

In the same year Dag Hammarskjöld completed his studies at Uppsala with a bachelor's degree in Law. He had begun his studies in 1923, received a BA in Romance Languages, Philosophy and Economics in 1925 and took a further post-graduate degree in Economics early in 1928.

In 1981, the Swedish Parliament established a Dag Hammarskjöld Chair of Peace and Conflict Research at Uppsala University. The university's international studies library is also named after Dag Hammarskjöld.

## Dag Hammarskjöld Foundation

The Dag Hammarskjöld Foundation was established in 1962 in memory of the second Secretary-General of the United Nations. The purpose of the Foundation is to search for and examine workable alternatives for a democratic, socially and economically just, ecologically sustainable, peaceful and secure world, particularly for the Global South.

Over the years, the Foundation has organised over 220 seminars and workshops and produced over 160 publications of material arising from these events, among them the journal *Development Dialogue*.

★ ★ ★

Copies of this publication may be obtained from the Dag Hammarskjöld Foundation,  
Övre Slottsgatan 2, S-753 10 Uppsala, Sweden, fax: +46-18-12 20 72,  
web: [www.dhf.uu.se](http://www.dhf.uu.se), e-mail: [secretariat@dhf.uu.se](mailto:secretariat@dhf.uu.se)

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Martti Ahtisaari, *Can the International Community Meet the Challenges Ahead of Us?*



*The medal which Uppsala University has produced in memory of Dag Hammarskjöld is awarded to the Dag Hammarskjöld Lecturers. It is designed by Annette Rydström and cast in bronze. The obverse shows a portrait of Dag Hammarskjöld and the reverse a handshake and a text in Latin which reads: 'Uppsala University to its disciple in memory of his outstanding achievements.'*

*Photo: Jan Eve Olsson, Kungl. Myntkabinettet*



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