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SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 March 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

CONTENTS

ORGANIZATION OF THE WORK OF THE SESSION (continued)

THE RIGHT TO DEVELOPMENT (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE

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GE.00-12144 (E)

The meeting was called to order at 3.05 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRPERSON reported on the results of the fourth meeting of the Bureau. The latter had continued consideration of the programme for the special debate on the issue of poverty and the enjoyment of human rights. The programme would be submitted to the Commission as soon as it had been finalized.
2. The Bureau had adopted a number of new recommendations concerning the conduct of business during sessions of the Commission.
3. Henceforth non-governmental organizations would not be entitled to make more than six statements per session. For joint statements by NGOs the maximum speaking time would be 5, 7, 10 or 12 minutes, according to the number of NGOs associated with the statement. In view of the limitation of six statements per NGO per session, participation by an NGO in a joint statement would count as one third of a normal statement. All NGOs associated with a joint statement should be duly accredited as participants at the session concerned.
4. Members of the Commission and observer States which formed the subject of specific reports or were considered as concerned countries would be allowed an additional five minutes under the item under consideration. Members would thus be allowed to speak for 15 minutes, and observers for 10 minutes, in total; that speaking time could be divided into two separate statements if desired.
5. The Bureau had allowed 10 minutes for initial statements by Special Rapporteurs, representatives, independent experts and chairpersons of working groups, (plus 2 minutes for each mission carried out by thematic rapporteurs) and, if they so wished, 5 minutes for their conclusions. All of them should, if possible, be present during the entire period of consideration of the items concerning them.
6. The time allowance for guest speakers would remain at 15 minutes, in accordance with normal practice.
7. Sponsors of draft resolutions would be allowed five minutes to introduce their text.
8. On the question of points of order, the Bureau recommended that the decisions of the Chairpersons of the fifty-fourth and fifty-fifth sessions should continue to apply, namely that delegations from observer States should be entitled to raise points of order and that recourse to points of order as a means of interrupting guest speakers should not be allowed.
9. All draft proposals emanating from the Sub-Commission on the Promotion and Protection of Human Rights would be considered under the relevant agenda item.

10. With regard to written NGO statements, all such statements submitted sufficiently in advance would be distributed in all the working languages. Those which were not submitted in good time could be distributed in the original language and subsequently translated into the other working languages as soon as possible.

11. Mr. RODRIGUEZ CEDENO (Venezuela), speaking on behalf of the Group of Latin American and Caribbean countries, recalled that his group had joined in the consensus which had emerged at the beginning of the session on the dozen or so proposals designed to rationalize the work of the Commission. He accepted the need to make optimum use of the time allowed to the Commission and, as a consequence, the placing of time limits on statements. However, he regretted the rigidity and complexity of the rules applying to joint statements by NGOs; he would have preferred a more equitable and above all simpler method of allocating speaking time, if only to facilitate the task of the secretariat.

12. With regard to the statements made by member countries or observers to the Commission on the subject of special or thematic reports of concern to them, it was to be regretted that speaking time had been reduced to 5 minutes instead of the 10 they were previously allowed. That measure was hardly conducive to dialogue within the Commission. On the other hand, the decision to translate communications from NGOs into the working languages, in accordance with Economic and Social Council resolution 1996/31, was a judicious one.

13. Notwithstanding those objections, the Group of Latin American and Caribbean States not wishing to delay the discussions on substantive items, did not intend to seek to block a consensus concerning the organization of the work. However, he emphasized that any proposal from a regional group or from the Bureau for the next session seeking to change the working methods of the Commission should be submitted sufficiently in advance to permit thorough and careful study.

14. Mr. FERNANDEZ PALACIOS (Cuba) associated himself with the previous statement, but wished to return in more detail to some of the proposals presented by the Chairperson. Those proposals were an attempt to deal somewhat hastily with the long-standing problems relating to the working methods of the Commission. The delegations had found themselves faced with a fait accompli and had not had any opportunity of studying the question with care.

15. With regard to statements made on behalf of several States, the Cuban delegation would have wished for a clear explanation of the need to restrict speaking time. When one recalled that in past years certain statements had lasted for over 40 minutes, it seemed unfair now to reduce the maximum to 10 or even 7 minutes.

16. The time allowed for guest speakers, too, was inadequate, especially if it was borne in mind that some of them had made very long journeys to speak to the Commission. The Cuban delegation would have preferred that the speaking time for guest speakers be increased to 20 minutes, or at least that a more flexible rule be adopted. Finally, the time allocations for NGOs and groups of NGOs seemed to him excessively detailed, complicated and difficult to apply.

17. Notwithstanding the foregoing, the Cuban delegation did not wish to place unnecessary obstacles in the way of the conduct of the Committee's work. Out of consideration for the Chairperson, whose skill and sense of diplomacy his delegation appreciated, it did not intend to oppose any consensus which might emerge concerning the proposals which had just been submitted. However, it would not associate itself with that consensus and reserved the right to return to the subject at a later date.

18. The Chairperson thanked the speakers for the conciliatory spirit they had shown. There being no other speakers, he considered that the proposals of the Bureau for the organization of the Commission's work were adopted.

19. It was so decided.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2000/19, E/CN.4/2000/20, E/CN.4/2000/21, E/CN.4/2000/NGO/54, E/CN.4/2000/NGO/70, E/CN.4/2000/NGO/99, E/CN.4/2000/NGO/123)

20. Mr. PARY (Tupaj Amaru Indian Movement) protested against the new international economic order, which was based on extreme forms of productivism and consumerism. He warned against the ravages of globalization, the effect of which was to enrich the dominant classes and to increase poverty, injustice and inequality. In disregard of the resolutions of the United Nations General Assembly proclaiming the inalienable and universal right to development, unrestrained capitalism based on market forces was imposing an ultra-liberal conception of the modern world on the poor countries. The result was that the international development strategy had not attained the targets set. The unacceptable, unfair and discriminatory nature of globalization had to be condemned. Furthermore, the wars of aggression against Iraq and Yugoslavia and the blockade imposed on Cuba - all three sovereign States and members of the United Nations - should no longer be tolerated.

21. Economists, the international financing institutions and the aid agencies had a purely economic concept of development which ignored the human aspects. They reasoned in mathematical terms, and their abstract statistics took no account of human parameters. Unrestrained globalization was seeking to establish a new colonialism in North/South relations from which only transnational enterprises were benefiting.

22. Ms. MALONI (Afro-Asian Peoples Solidarity Organization) expressed concern that during the past decade the process of development had been hindered by violence and obscurantism, of which, in South Asia, the people of Afghanistan were the principal victims. The prospects for development in Afghanistan had been negated by the ravages caused by the intolerance and sectarianism of the Taliban, which had transformed the country into the most important producer of heroin and a haven for terrorists trained in Pakistan. In that connection one might well ask whether the recent massacre of Sikhs was not the execution of threats uttered by the terrorist organization Lashkar-i-Taiba, based in Pakistan, on the eve of President Clinton's visit to India.

23. Development required an open-mindedness which was incompatible with dogmatism and blind submission to religion. Civilization could only flower in a climate of freedom and

democracy; it could not do so in the climate of intolerance of which a return to medieval practices of the kind which organizations such as Lashkar-i-Taiba were trying to propagate beyond national frontiers was a feature. Ideologies which took away freedom were doomed; that was evidenced by the collapse of communism. The international community must react to end the propagation of retrograde ideologies, to preserve the achievements of the past and to build a future under the banner of progress.

24. Mr. SIMMONS (International Indian Treaty Council) recalled two cases in which proposals to drill for oil on lands belonging to indigenous peoples or on adjacent lands were threatening the fundamental rights and the very survival of the peoples concerned. In the first case, situated in Colombia, the Government had authorized Occidental Petroleum to drill in the reservation belonging to the U'wa people. Colombian troops had invaded the reservation, arrested Indians and evicted them or forbidden them to leave. It had even attacked a group of individuals demonstrating peacefully on the drilling site, killing three and injuring many others. In disregard of its own legislation, the Colombian Government had never consulted the U'wa before authorizing the drilling, and it was persisting in its intention notwithstanding the protests of the peoples concerned. The proposed drilling would contaminate the land, the water and the air and would give rise to further violence in lands adjacent to the Indian territory. Some circles had attempted to give credence to the idea that the U'wa were being manipulated by guerrilla movements and non-governmental organizations in the United States. The U'wa had protested against those mendacious accusations, asserting that they were defending their culture and their principles in the interests of society as a whole.

25. The second case concerned the United States, where two draft bills to authorize exploration for oil in the Arctic National Wildlife Refuge natural reserve had been introduced in the Senate and the House of Representatives. That reserve was the habitat of the Caribou, on which the culture and the way of life of the Swich'in people depended.

26. The indigenous peoples had the responsibility for defending their environment and the natural world which had sustained them since time immemorial.

27. Mr. SHINOJI (World Federation of Trade Unions) said that education and fundamental freedoms were essential to development. It was essential to develop in children the open-mindedness and independence of thinking favouring major discoveries and contributing to the advance of civilizations. Those qualities could only be acquired in a democracy. All other political regimes which restrict freedoms had a deleterious effect on teaching.

28. Humans had a need to believe in something, and religion offered them a channel along which to direct their beliefs. Unfortunately, in certain countries children were being indoctrinated with notions of aggressivity under the disguise of religious education. For example, the media had revealed that in Pakistan children in religious schools were learning the basic elements of weapons handling and were being taught to put handcuffs on people. In such conditions it was difficult to awaken a taste for study and intellectual curiosity.

29. The World Federation of Trade Unions requested the Commission to conduct studies into the different teaching systems and the political structures of individual countries in order to

identify those in which freedoms were respected and children were taught to become peace-loving citizens. Since Pakistan offered the most recent example of degeneration of democracy and freedoms, the Pakistani regime might be the one first selected for study. The World Federation of Trade Unions would be prepared to undertake the study and report its findings in order to enable the international community to take concerted action to protect the rights and freedoms of the people of Pakistan, and in particular its right to development.

30. Mr. MAHMOUD (Sudan) wished to exercise the right of reply in connection with the statement made at the previous meeting by a non-governmental organization, namely the Society for Threatened Peoples. The policy of the Sudanese government regarding oil was guided by a concern to improve the condition of the entire population without discrimination. Oil revenue was being used to finance development activities in the Southern States in the fields of education, health and transport. To urge the international oil companies to cease exploration in Sudan would be contrary to the interests of the Sudanese people. The Society for Threatened Peoples should rather ask the SPLA rebels to end the war they had been carrying on for decades. That non-governmental organization was in fact behaving in an anti-development fashion since it was seeking to deprive the population on behalf of which it had taken the floor of the benefits of the prosperity which oil could bring it.

31. The CHAIRPERSON declared the debate on agenda item 7 closed.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (E/CN.4/2000/22 and Add.1, E/CN.4/2000/23, E/CN.4/2000/24, E/CN.4/2000/25, E/CN.4/2000/136, E/CN.4/2000/NGO/5, E/CN.4/2000/NGO/12, E/CN.4/2000/NGO/43, E/CN.4/2000/NGO/55, E/CN.4/2000/NGO/71)

32. Mr. GIACOMELLI (Special Rapporteur) said that, although the gulf between human rights standards and their actual implementation seemed to be widening, that tendency should not destroy all hope of making a better world or sap the will to take action. It was with those principles in mind that he had accepted the mandate entrusted to him by the Commission, namely the study of the human rights situation in the Palestinian territories occupied since 1967. The very short time available since his appointment was the reason for the late submission of his report (E/CN.4/2000/25). Since the report was self-explanatory, he would confine himself to a few remarks.

33. While in the field of human rights a mere reduction in the level of violations was itself considered as an encouraging sign, it unfortunately had to be recognized that in the occupied Palestinian territories there had been no perceptible improvement. In view of the indivisibility of human rights and the fact that the situation in those territories had lasted for over 30 years, there was nothing to indicate that the overall human rights situation in the occupied Palestinian territories was an encouraging one. In fact, the current situation was particularly disturbing, as in the view of most of the individuals the Special Rapporteur had met it was a negative side-effect of the peace process itself. Moreover, the violations committed were having lasting and far-reaching effects. They affected not only the individuals who were direct victims but also the fabric of society. In addition, they had particularly serious effects on certain vulnerable groups of society, such as the young.

34. The Special Rapporteur did not claim to have established a complete picture of the situation after an intensive but short immersion in a reality as complex as that of the occupied Palestinian territories. In addition, his task had been made particularly difficult by the lack of dialogue with the occupying Power. The Commission was aware of the arguments advanced by Israel to justify its refusal to cooperate with the Special Rapporteur; they had been set out in the report of his predecessor (E/CN.4/1999/24). Basically, the reasons given were an alleged lack of balance in the mandate and its open-endedness. Unfortunately, the position of the Israeli authorities on the subject had not changed during the period under review.

35. It should, however, be pointed out that, whereas the mandate had been established for the investigation of violations related to the occupation, a new and dynamic situation had developed in the area concerned. It was for the Commission to decide whether the mandate in its present form still served its purposes and whether other mechanisms available to it would be appropriate and adequate to deal with other aspects of the human rights situation in the occupied territories. Currently everyone hoped that the peace process would have a positive outcome. Everyone with the ability to do so should promote that end. The Commission, for its part, had the daunting task of seeking a solution which would preserve the enjoyment of human rights. If no such solution were found, not only would justice be violated but the peace thus achieved would bear in it the seeds of its own destruction.

36. Mr. RAMLAWI (Observer for Palestine) took note with satisfaction of the reports submitted in connection with the agenda item under consideration. He referred in particular to the most recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/54/73) and the report of the Special Rapporteur on the Palestinian Territories occupied since 1967 (E/CN.4/2000/25). He expressed his gratitude to the Special Committee and the Special Rapporteur for their efforts to bring out the truth and to attempt to put an end to the violations of human rights taking place in the area covered by their mandate.

37. The continued deterioration of the human rights situation in the occupied Palestinian territory, including Jerusalem, proved once more that the occupation of territories by force was a grave violation of human rights. It also proved that violations of human rights did not end until the military occupation itself came to an end. The Israeli occupation authorities were ignoring both the resolutions of the Commission and those of the General Assembly. They also disregarded Security Council resolutions, which called on the Israeli Government to respect the principles of international humanitarian law, and in particular the Fourth Geneva Convention.

38. The Israeli occupation authorities were continuing to breach the 1907 Hague Regulation Concerning the Laws and Customs of War on Land, the Fourth Geneva Convention of 1949, the Universal Declaration of Human Rights and the international human rights covenants. Evidence of this was to be found in the deliberate killings, arbitrary detentions, confiscation of land, the establishment of settlements, transfers of Palestinian populations out of Palestinian territory, particularly in East Jerusalem, and the settlement of Israeli Jews in the Palestinian lands occupied by force, particularly in the city of Jerusalem, with the aim of their Judaization. Torture was still a current practice during interrogations of Palestinians. Arbitrary and "administrative" detentions, collective punishments in the form of closures of Palestinian territories and house demolitions were continuing.

39. The most outrageous practice perpetrated by the Israeli authorities in the occupied Palestine territory was the discrimination and racial segregation imposed on Palestinians. Palestinian lands were dismembered; villages and towns were cut in two; and the West Bank was isolated from the Gaza Strip. Those practices recalled the policy followed by the racist regime in South Africa before the abolition of apartheid in that country. Thus the Israeli authorities were also violating the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

40. During his recent visit to the region Mr. Dianj, Secretary-General of the International Commission of Jurists, had emphasized the racist character of the regime imposed by the Israeli occupation authorities and its resemblance to the policy followed by the apartheid regime previously in force in South Africa. That reality was corroborated by the facts mentioned by the current Special Rapporteur in his report.

41. He requested the members of the Commission carefully to study the reports he had mentioned, and in particular that of the Special Rapporteur and that sent by the Permanent Observer for Palestine to the High Commissioner for Human Rights concerning the deterioration of the human rights situation in occupied Palestinian territory, including Jerusalem (E/CN.4/2000/136).

42. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic) energetically denounced the continuance of violations of human rights in the occupied Arab territories. Israel was ignoring the resolutions of the Commission, the General Assembly and the Security Council. What was more, it was continuing to flout the principles contained in international human rights instruments and the Fourth Geneva Convention of 1949 relative to the protection of civilian persons in time of war.

43. The Commission had available to it the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories established in pursuance of General Assembly resolution 2443 (XXIII) of 19 December 1968. Since that time the situation had not changed; in fact, it had worsened.

44. Documents A/54/73 and Add.1 reproduced extracts from the Israeli press and from statements by senior Israeli officials; those extracts clearly showed that Israeli policy was at the origin of grave human rights violations. Document A/54/327, and in particular its paragraphs 216 to 249, described the highly tense situation existing in the occupied Golan Heights. It offered unchallengeable evidence that Israel was not respecting the international human rights covenants. In the occupied Syrian Golan Heights living conditions were worsening on account, among other things, of the expansion of settlements, diversion of water, deprivation of fundamental freedoms, arbitrary imprisonments and a deterioration of health conditions.

45. The Special Committee had recognized that the Israeli occupation was the cause of the violations of human rights and that the latter would not cease until that occupation ended.

The Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights should discharge their responsibilities and take steps to protect the Palestinians, the Lebanese and the Syrians from the arbitrary elements in the iniquitous regime imposed by Israel.

46. Mr. MENDONÇA MOURA (Portugal), speaking on behalf of the European Union and the Central and Eastern European countries associated with the European Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia - and also Cyprus, Malta and Turkey, welcomed the positive developments in the peace process in the Middle East, which reflected the commitments of the parties to peace and stability in the region. However, the European Union regretted certain delays and shortcomings in the implementation of several of the aspects that had been agreed on. It hoped that during the year 2000 it would be possible to achieve a just, lasting and comprehensive peace based on international law and United Nations Security Council resolutions 242/338 and 425. Only peace would bring freedom, security and prosperity to all the peoples of the region and enable them fully to enjoy their rights.

47. Respect for human rights in the Middle East, and particularly in the occupied territories, was an important factor in building trust, strengthening cooperation and ultimately achieving peace. Israel and the Palestinian authority had committed themselves to respect human rights and fundamental freedoms. Clearly, both had legitimate security concerns; but priority must be given to the rule of law.

48. The European Union maintained its position on the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and observed that that Convention was fully applicable to the occupied territories, including East Jerusalem, and had force of law within that conflict.

49. In the area of human rights the European Union observed that serious violations of those rights were still taking place in the occupied territories. It took note with satisfaction of the ruling by the Israeli High Court of Justice, handed down on 6 September 1999, to the effect that the use of "moderate physical pressure" as an interrogation technique was illegal and earnestly hoped that that ruling would be fully complied with. However, it remained concerned at the continuation of the Israeli policy of administrative detention.

50. The European Union continued to oppose Israeli settlement activities in the occupied territories. The construction of new settlements, the expansion of existing ones, the expropriation of land and the construction of bypass roads were all obstacles to peace. The European Union welcomed the creation of a ministerial committee and a subcommittee for East Jerusalem with responsibility for ensuring the effective implementation of the rights of Arabs living in the occupied territories, including East Jerusalem. However, no decision on a moratorium on house demolitions had been taken by the Government. Notwithstanding the decision of the Israeli Government to ease the conditions under which Palestinians in Jerusalem were authorized to keep their identity cards, in practice confiscation of that document seemed to

be continuing in accordance with earlier procedures. The European Union was also preoccupied by the discriminatory application of certain laws, such as the "Entry into Israel Law", and the unequal fashion in which those laws were applied by the Israeli administration and courts.

51. The European Union considered the opening of the route between Erez and the town of Tarkumyia to be a positive step, as it gave greater freedom of movement to the Palestinian people as provided for in the Oslo Accords. However, the European Union deplored the fact that no similar agreement had been reached on the opening of the northern route; that Palestinians could not travel freely between Jerusalem and the West Bank of the Jordan; and that Palestinians wishing to travel abroad had to obtain permits from the Israeli authorities.

52. The European Union was concerned at the regular violations of human rights occurring in the prison of Khiam, in the southern part of Lebanon occupied by Israeli forces. Some 140 Lebanese citizens were being held in detention there without trial; some of them had been there for more than 10 years. The European Union strongly urged the Israeli Government to close that prison and to release all the prisoners currently detained in Khiam.

53. In view of the close links between peace and economic development, the European Union was convinced that a healthy Palestinian economy could not but have beneficial effects. In that connection it welcomed the agreement on the port of Gaza.

54. The European Union remained concerned at the regular violations of human rights by the Palestinian authority, and particularly by the widespread use of torture and the large numbers of prisoners held without charges, including political prisoners. In addition, the State Security Court was continuing to try cases which had no connection with national security, such as tax evasion. Although there had been no executions since the previous session of the Commission, the European Union deplored the fact that death sentences were still being handed down by Palestinian courts and strongly invited the Palestinian Authority to restore the de facto moratorium on executions which expired in 1998.

55. The European Union welcomed the appointment of an attorney-general and hoped that the draft bill on the judiciary authority would soon be ratified and that a supreme judicial council would be established, thus enhancing the independence and effectiveness of the judiciary of the Palestinian Authority.

56. The European Union was firmly committed to assisting the Palestinian Authority in strengthening the public institutions in the territories under its jurisdiction on a basis of respect for human rights and fundamental freedoms, good governance, the rule of law and transparency. It also welcomed the prospects for an early entry into force of the Basic Law.

57. At the meeting of the Ad Hoc Liaison Committee in Tokyo on 15 October 1999 the European Union had confirmed its intention to maintain its financial assistance at the same level as in earlier years. The Committee also approved a Tripartite Action Plan listing the obligations which donors, Israelis and Palestinians had undertaken to comply with in order to ensure that international aid attained its goal of improving the living conditions of the Palestinian people in the West Bank and the Gaza Strip.

58. The European Union would continue its efforts to improve the human rights situation in the region and to arrive at a lasting peace in the Middle East. In that connection it emphasized the need to protect the rights of the inhabitants of southern Lebanon and the Golan Heights and hoped that Israel and Syria would reach agreement concerning those territories.

59. The European Union thanked the Special Rapporteur for the extremely comprehensive report he had submitted to the Commission. It considered that the mandate of the Special Rapporteur should be brought more into line with the other special mechanisms created by the Commission on Human Rights, particularly with regard to periodic renewal by the Commission. However, it wished to emphasize that, although the mandate of the Special Rapporteur required amendment, it was in Israel's interest to cooperate with him fully and unconditionally. It strongly urged both parties to comply with the recommendations of the Special Rapporteur.

60. Mr. DAI Yuzhong (China) observed that the peace process in the Middle East was currently deadlocked, probably because the negotiations had reached the stage where the issues related to the fundamental interests of the two parties. If the peace negotiations were to progress, both parties should have a vision of the future based on the relevant United Nations resolutions and the principle of "land for peace". The Chinese delegation was convinced that once the parties opted for peace a final solution to the Middle East problem could be found. The international community should show confidence and patience.

61. The tragic experience of the Palestinian peoples, who had been displaced and deprived of their homeland, amply illustrated the importance of the existence of a sovereign State, which was the premise for the enjoyment by the people concerned of their fundamental human rights. Over the years the international community, and particularly the Commission on Human Rights, had actively supported the restoration to the Palestinian people of their legitimate rights and national interests. It should continue to follow that course. The Chinese Government, for its part, had always supported the just cause of the Palestinian people and, as a permanent member of the United Nations Security Council, had always actively promoted the peace process in the Middle East. China had also pursued the object of peace in the course of its bilateral exchanges with the Arab and Israeli sides. It was determined to continue its efforts to reach a comprehensive, fair and lasting settlement of the Middle East question.

62. Mr. ALFONSO MARTINEZ (Cuba) vigorously protested against the fact that a document so essential as the report of the Special Rapporteur, Mr. Giacomelli, had only become available on the previous day, and then only in English. Events seemed to suggest that attempts were being made to keep the members of the Commission in ignorance of the facts.

63. The Cuban delegation was in some doubt how it could adequately describe, in the 10 minutes available to it, the feeling of horror awakened by reading the documentation communicated to it, and in particular the excellent report by Mr. Giacomelli on his first visit to the West Bank, Gaza and Jerusalem.

64. The Special Rapporteur had described the living conditions of the Palestinian refugees, the number of whom was approaching 1.5 million, and Israeli practices such as collective punishments, and particularly the house demolitions since 1987 which had left tens of thousands of Palestinians homeless. The Special Rapporteur also mentioned the violations of international

law committed by the occupation authorities, and in particular the practice of torture, the breaches of the fundamental rights of prisoners and the discrimination practised by Israel against convicted Palestinians, who were given harsher sentences than Israelis. The situation of the inhabitants of East Jerusalem was particularly intolerable; as stated in paragraph 51 of the report, the law condemned them to the status of mere “visitors” in their own city.

65. In the occupied territories in Lebanon the indiscriminate bombardments launched by Israel, not only in the territories under its control but even in those under the authority of the Lebanese Government, were horrifying. They recalled the massacres which had occurred from time to time in Lebanon throughout its history.

66. In the occupied Golan Heights in Syria the settlement policy pursued by Israel was designed to change the demographic, economic, political and cultural features of the region.

67. All in all, the human rights situation in the Arab territories occupied by Israel, including Palestine, was steadily deteriorating. That situation would only come to an end when Israel ceased to occupy those territories and recognized the inalienable right of the Palestinian people to self-determination and the inalienable right of the Lebanese in the southern part of the country and the Syrians in the occupied Golan Heights to be rejoined to their countries of origin. As in previous years, the Cuban delegation would support the resolution condemning those unacceptable situations.

68. Mr. HYNES (Canada) appealed to Israel and the Palestinians to reach a final agreement by 13 September 2000. The Canadian delegation also hoped that Israel and Syria would shortly return to the negotiating table.

69. The principal concern of the Commission - the advancement of respect for human rights and fundamental freedoms in the area - was an objective in its own right and independent of developments in the peace process. Canada had attempted to contribute to that objective by developing a dialogue on the rights of the individual with the highest Israeli and Palestinian authorities, emphasizing that question in its programme of development cooperation in the occupied territories and maintaining regular contacts with human rights organizations. As Chair of the working group on refugees in the multilateral track of the Middle East peace process, Canada was endeavouring to address the social and economic needs of Palestinian refugees without prejudice to their political rights or their future status.

70. Israeli practices in the occupied territories as described in the report of the Special Rapporteur were contrary to international humanitarian law. In that connection the establishment of settlements was continuing to give rise to grave concern. As regards the treatment of prisoners, the decision of the Israeli Supreme Court concerning torture inflicted during questioning could only be welcomed.

71. Unfortunately, unlike his predecessor, the Special Rapporteur had not mentioned the abuses committed by the Palestinian authority in the field of human rights. For instance, certain individuals who had signed a petition criticizing the Palestinian leaders had been detained for

several weeks without being charged. The Canadian delegation had mentioned that fact because it wished to emphasize the need to adopt a balanced approach to the situation in the occupied territories.

72. It was also important to give the same attention to the occupied Arab territories as to other questions facing the Commission on Human Rights. The mandate of the Special Rapporteur should be subject to annual renewal, and the discussions on the situation in the occupied Arab territories should take place in the context of human rights violations in all parts of the world.

73. A final important requirement was to urge the Palestinian and Israeli authorities to cooperate fully with the Commission and the Rapporteur. If the Commission succeeded in creating conditions favouring such cooperation, it would be contributing constructively to the settlement of the complex problems of respect for human rights in the occupied territories.

74. Mr. ROBBINS (United States of America) observed that, as his delegation had pointed out on many occasions, it was unfair for an agenda item to be devoted to one country, namely Israel. That practice was contrary to the principle of equality of treatment which should govern the proceedings of the Commission. In other words, the item under discussion should form part of item 9, namely the question of the violation of human rights and fundamental freedoms in any part of the world. He therefore urged the Commission to eliminate item 8 altogether from its agenda.

75. The United States also protested at the lack of objectivity in the resolutions directed at Israel. It was almost as if the sponsors of those resolutions were unaware of, or had chosen to ignore, the progress made in the peace process in recent years.

76. The mandate of the Special Rapporteur was discriminatory inasmuch as it did not require renewal by the Commission and as, in addition, it no longer reflected the reality on the ground, since, in accordance with the Oslo Accords, Israel had withdrawn from much of the West Bank and the Gaza Strip, and particularly areas in which Palestinians formed the majority of the population. Finally, the Special Rapporteur raised issues such as refugees, settlements and the status of Jerusalem, which were subjects for the bilateral negotiations on final status which the two parties (Palestinians and Israelis) had entered into and which were at that very moment continuing in Washington. Israel and Syria were negotiating with the objective of reaching a peace agreement, and Israeli forces would have withdrawn from southern Lebanon by July.

77. Ms. DIALLO (Senegal) said that Wye Plantation agreements and the Sharm-el-Sheik Accord had raised hopes of a significant improvement in the human rights situation of the Palestinian people. It had to be recognized that nothing of the kind had occurred. On the contrary, the reports drawn up by the United Nations and non-governmental organizations bore witness to a serious deterioration in the human rights situation in the occupied Arab territories, including Palestine. The violations were many: the expansion of settlements, large-scale expulsions of Palestinians and confiscation of their goods, frequent closures of territories, punitive expeditions against innocent Palestinian families and the practice of torture. Since 1967 some 350,000 settlers had established themselves in the occupied territories in flagrant violation of the Fourth Geneva Convention, and the bypass roads connecting the new settlements with one

another had converted the occupied territories into a mosaic of separate zones which could be sealed off and controlled by force of arms. That situation severely disrupted the day-to-day lives of the people and caused serious prejudice to the Palestinian economy. Furthermore, nearly half of the 7 million Palestinians were living in refugee camps, often under inhuman and degrading conditions.

78. In the occupied Syrian-Arab Golan Heights the Israeli authorities were continuing to confiscate land and to exercise strict control over water supplies. As the United States Secretary of State, Ms. Albright, had pointed out, it was difficult to create a climate for serious negotiation when unilateral measures were being taken.

79. The Senegalese delegation emphasized the imperative need to implement the resolutions adopted by the Commission on the Palestine question, and also those of the General Assembly and the Security Council. It was highly urgent for the parties in the conflict to continue to give precedence to reason and dialogue with the aim in view of reaching a peaceful, just and lasting settlement recognizing the fundamental right of the Palestinian people to self-determination and the creation of their own sovereign State. That settlement should include the reconstruction of the economic and social infrastructure of Palestine, consolidation of the institutions of the future Palestinian State and the integration of the latter in the process of economic development of the region.

80. She made particular reference to the positive contribution of the United Nations institutions and the importance of the role in that context by the community of NGOs, including the Israeli NGOs, which were giving moral and political support to the Palestinian people.

81. Mr. CHOWDHURY (Bangladesh) said that, while there were tragic periods in the history of many peoples, the tragedy for the Palestinians and the other Arabs in the occupied territories seemed to be unending. At the moment, however, there seemed to be a glimmer of hope. Efforts were being made which deserved encouragement; the meeting in Geneva between the American and Syrian Presidents was an example. However, those efforts should be directed towards finding a comprehensive solution to the problem which would take into account the interests of all the parties concerned. All the occupied territories, including the Syrian Golan Heights and southern Lebanon, must be returned. The Palestinians must have a State in what had always been their country with Jerusalem as its capital. The establishment of settlements must cease, and the democratic character of Jerusalem must not be altered.

82. Bangladesh's support for the Palestinian cause was natural, since that support came from a country which had known bondage and now enjoyed rights which others were denied. Although progress was painfully slow, some advance seemed to be taking place in the Middle East. In that connection Bangladesh welcomed the return of 6.1 per cent of the West Bank and had not lost hope of seeing one day the emergence of a new Jerusalem in which Muslims, Jews and Christians could live in peace.

83. Mr. NAESS (Norway) observed that the peace process in the Middle East had entered a critical stage. Final status talks between Israelis and Palestinians had begun. It was to be hoped that the negotiations between Israel and Syria would ultimately lead to a comprehensive agreement. The final goal of that process was the establishment of viable and democratic civil

societies living side by side in peace and security. Economic and social development in the Middle East was closely linked to the peace process. However, the lack of progress in that area was having direct effects on the human rights situation. Failure to implement peace agreements and violations of human rights often went hand in hand. The building of new settlements, recourse to torture, administrative detention, lack of respect for democratic institutions, terrorism and border closures were all obstacles on the road to peace.

84. Norway wished to emphasize that Israel had a duty to respect international human rights instruments and humanitarian law in the territories occupied by it since June 1967, and particularly, as reaffirmed by the United Nations Security Council and General Assembly, the Fourth Geneva Convention.

85. Norway had often raised the subject of human rights with the Palestinian authority during bilateral discussions. Although economic and social conditions in the zones under the control of the Palestinian authority were difficult, that authority nevertheless had responsibility for improving the human rights situation in those zones.

86. Finally, Norway welcomed the extremely comprehensive report submitted by Mr. Giacomelli and had taken note of the remarks made concerning his mandate. In conclusion, Norway urged the parties to make every effort to safeguard the letter and the spirit of the Oslo Accords and to intensify direct dialogue and cooperation.

87. Mr. SHAPOSHNIKOV (Russian Federation) said that his country, which was a co-sponsor of the peace process on the basis of the Madrid principles and United Nations Security Council resolutions 242 and 338, intended to contribute actively to the continuance of negotiations and the achievement of Arab-Israeli agreements with the aim in view of arriving at an equitable and lasting peace in the Middle East.

88. Russia supported all the national rights of the Palestinian people, in particular its right to self-determination, and considered that the appearance of an independent Palestinian State on the political map of the world was an absolute precondition for stability and security in the region.

89. Unfortunately it had to be recognized that the situation of the Palestinian people as a whole was still complex. In that connection the conclusions of the Special Rapporteur could not but give rise to concern. Russia considered that cooperation by Israel with the international mechanisms for the defence of human rights, and in particular with the Special Rapporteur, would be a positive element favouring a peaceful settlement.

90. Moreover, certain positive trends in the social and economic situation of the Palestinian population of the West Bank and Gaza could not be ignored. A strengthening of those trends depended on progress in the peace negotiations and was also a function of the freedom of movement of the active population, goods and capital and the continuance of international aid to the Palestinians.

91. Clearly, direct negotiations between Israel and Syria on the subject of the Golan Heights and between Israel and Lebanon on that of southern Lebanon offered the only means of settling

the problems satisfactorily. Russia was in favour of the full restitution of the Golan Heights and the territorial integrity of Lebanon in accordance with United Nations Security Council resolution 425.

92. In addition to the problem of the Palestinian refugees, attention also needed to be given to other questions, such as the status of Jerusalem.

93. The peace process instituted at the multilateral level could not fail to give further impetus to bilateral negotiations. The meeting of the support group for bilateral negotiations, held in Moscow on 1 February 2000, had been of importance in that context; at that meeting the decision to convene full-scale working groups had been taken. Russia hoped that that would lead to positive measures.

94. Ms. JANJUA (Pakistan) said that the signature of the Declaration of Principles between the PLO and Israel had awakened hopes that a just and equitable solution to the Palestinian question would be found and that the violations of human rights in the Arab territories occupied by Israel would soon cease. Those hopes had been dashed by Israel's refusal to respect the commitments it had entered into under the peace agreements. The current efforts at peace represented a "hopeful sign", but the will to achieve peace had been negated by recent military operations in Southern Lebanon. The Pakistani Government hoped that Israel would implement its decision to withdraw from the Lebanese territory occupied by it and that an agreement on the Golan Heights would soon be concluded between Syria and Israel.

95. The Fourth Geneva Convention specifically prohibited occupying forces from inflicting collective punishments, expropriating private or public property, expelling inhabitants, installing settlers and amending the legislation already applicable in the territory. In that connection Pakistan was disappointed that the Conference of the High Contracting Parties to the Fourth Geneva Convention, held in July 1999, had been without result.

96. In his report (E/CN.4/2000/25) the Special Rapporteur confirmed that the occupying Power was systematically breaching the provisions of international law in the occupied Arab territories. Examples included the confiscation of Palestinian lands, the destruction of agricultural infrastructures, illegal expulsions, house demolitions and the establishment of new settlements. The privations suffered by the Palestinians in the occupied territories were further aggravated by discrimination in matters of employment and restrictions on access to water supplies and to markets.

97. In addition, Israel had taken steps to change the democratic composition of the Holy City of Al-Quds (Jerusalem) by establishing new settlements and evicting Palestinians, who were currently being treated as foreigners in their own city.

98. Pakistan was convinced that a speedy withdrawal by Israel from the occupied territories and the exercise of their right to self-determination by the Palestinians would facilitate a just and equitable settlement of the Palestinian question and pave the way for a lasting peace in the Middle East. Lastly, the international community should help the Palestinian authority to overcome the economic difficulties facing it.

99. Mr. MAJDI (Morocco) saw an encouraging sign in the fact that, notwithstanding the delays in the implementation of the Sharm-el-Sheik Accords - for instance, Israel should have returned three agglomerations in the neighbourhood of Jerusalem by 20 January 2000 - the two parties had resumed negotiations and Israel had withdrawn from 6.1 per cent of Cisjordanian territory.

100. Unfortunately, Israel was continuing, in violation of the Oslo Accords, to change the demographic composition of the Holy City, to confiscate lands, to establish new settlements and to destroy Palestinian homes. Between 1987 and 1999 at least 2,650 Palestinian houses had been destroyed by Israel. Amnesty International had emphasized the inhuman nature of those demolitions.

101. Morocco persisted in the hope that the current Israeli Government would adopt a new approach in its relations with the Palestinian side in order to ensure the success of the final status negotiations and to find a solution of a nature to restore confidence and establish a basis for the security and stability to which the peoples of the region aspired.

102. One condition for the achievement of a just and comprehensive peace in the Middle East was the settlement of the question of the Golan Heights on the basis of the relevant resolutions of the General Assembly and the Security Council and the withdrawal of Israeli troops from southern Lebanon. The announcement by Israel that it would withdraw its troops stationed in southern Lebanon by July 2000 was in line with the expectations of the international community, and its concrete implementation would be followed with great interest and attention.

103. In one of his recent speeches His Majesty King Mohammed VI appealed for the long-awaited reconciliation between Muslims and Jews and described Jerusalem as a point of convergence, dialogue and coexistence where everyone should find his place and his rights. He also recalled the commitment of Morocco to the achievements of a just and lasting peace which would not be merely a peace between States and governments but one which would also establish itself in hearts and minds.

104. Mr. JABER (Qatar) said that the Government of Qatar vigorously protested against the continuous violations of human rights being committed by the Israeli occupation forces in occupied Arab territories - house demolitions, forcible evacuation of entire villages, damage to the environment, collective punishments, confiscation of lands, transfers of population and closure of territories.

105. The Israeli Government was treating with contempt all the international instruments and the numerous resolutions adopted by the General Assembly, the Security Council and the Commission on Human Rights. The withdrawal of Israel from all the occupied territories, and in particular the Golan Heights and southern Lebanon, respect for human rights and the implementation of all the resolutions adopted by the international community were prerequisites for peace in the region.

106. Mr. CHATTY (Tunisia) said that Israeli forces were continuing systematically to violate human rights in the occupied Arab territories; that had been demonstrated by the Special Rapporteur in his report (E/CN.4/2000/25) and by the Special Committee to Investigate Israeli

Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The establishment of new settlements, confiscations of lands, arbitrary arrests without charge or trial, the closure of villages and house demolitions were still day-to-day occurrences. In addition, the general security service systematically resorted to torture when questioning Palestinians suspected of having endangered Israel's security.

107. If a just and lasting peace was to be established in the region, Israel must give up those practices and respect its international obligations and the commitments it had entered into in the course of the peace process, and in particular the principle of land for peace.

108. The Tunisian delegation hoped that Israel would implement in good faith the provisions of the Sharm-el-Sheik Accord and that agreement could be concluded on final status and on the right of the Palestinians to establish for themselves an independent State with its capital in Jerusalem, the restitution of the Golan Heights to Syria and the return of all the refugees.

109. Mr. NUSHIRWAN (Observer for Malaysia) said that Malaysia was still gravely concerned at the appalling human rights situation in Palestine and the Arab territories occupied by Israel. In that connection the Malaysian delegation regretted that Mr. Giacomelli's report on the human rights situation in the occupied Palestinian territories (E/CN.4/2000/25) had been distributed so late. The Special Rapporteur and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had both deplored the refusal of the Israeli Government to cooperate, and also denounced the continuation of large-scale and systematic violations by Israel, not only of the civil and political rights of the population in the occupied territories, but also of their economic, social and cultural rights.

110. It had been argued in some circles that the situation on the ground could not improve until all the parties had reached an agreement. They were thus implying that no such change could take place unless the occupying Power was prepared to accept it and that the discussions in the Commission were not only prejudging the outcome of the peace talks but actually jeopardizing them. Malaysia considered that line of argument fallacious, firstly, because a number of the rights violated by Israel - and in particular the right to life and the right not to be subjected to torture - were matters of jus cogens and were thus not subject to the whim of an occupying force with no legal or moral legitimacy, and secondly, because the entire edifice of the United Nations human rights system rested on its power of moral sanction and could not be disregarded or flouted by a single State.

111. Malaysia therefore urged the occupying Power to put an end to its large-scale and systematic violations of the rights of the Palestinians and the population of the occupied Arab territories and respect the spirit and the letter of the international instruments it had ratified.

112. Mr. MARAFI (Observer for Kuwait) said that Kuwait demanded that the Israeli occupation authorities cease to commit large-scale and systematic violations of international humanitarian law, and particularly of the Fourth Geneva Convention of 1949 relative to the protection of civilian persons in time of war.

113. Efforts must be redoubled to move forward on the road to peace in the Middle East. That peace should be based mainly on Security Council resolutions 242 and 338 and the commitments entered into at the Madrid Conference, especially the principle of "land for peace". That implied the withdrawal of Israel from all the occupied Arab territories, including the Holy City of Jerusalem, the Golan Heights, southern Lebanon and the western part of the Valley of the Bekaa, in accordance with Security Council resolution No. 425.

114. A comprehensive, just and lasting peace would be possible only if the Palestinian people could exercise its right to self-determination and create an independent State on its national territory. Kuwait earnestly wished for the opening of a new era of peaceful coexistence.

115. Mr. PELEG (Observer for Israel) stated that Israeli and Palestinian negotiators were currently meeting in Washington to negotiate a framework agreement which should be concluded by May 2000 and to conclude a permanent status agreement by 13 September 2000 in accordance with the Sharm-el-Sheik Accord. At the beginning of March 2000 Israel had handed over to the Palestinians 6.1 per cent of the West Bank. Thus 99 per cent of the Palestinians in the West Bank the Gaza Strip were living under the administration of the Palestinian authority; only 55,000 Palestinians were living under Israeli administration.

116. Unfortunately, during the discussions in the Commission on Human Rights, no mention had been made either of that progress or of the mandate of the Special Rapporteur, which was not limited in time and made no provision for the examination of the human rights situation in the territories administered by the Palestinian Authority, where 99 per cent of the Palestinians lived.

117. He did not proposed to examine, as he had in the previous year, the violations of human rights committed by the Palestinian Authority, which the Special Rapporteur had not seen fit to study. He preferred to described the measures which had been taken in recent months to try to establish a climate favourable to cooperation with the Special Rapporteur. Unfortunately, those efforts had proved vain on account of the partiality and the political positions adopted by the Special Rapporteur, who addressed many political issues which were extraneous to his mandate and were currently the subject of negotiations between Israelis and Palestinians. In that way the Special Rapporteur was trying to influence the outcome of those negotiations. In fact, his report was no more than a set of unfounded allegations presented without question or criticism.

118. In a letter dated 28 January 1999 addressed to the previous Special Rapporteur, Mr. Hannu Halinen, Mr. Peleg had stated Israel's two objections to the mandate of the Special Rapporteur, namely that it was not limited in time and that it took no account of the fact that there were two sides to the conflict in the Middle East. In his report to the fifty-fourth session of the Commission (E/CN.4/1998/17) Mr. Halinen had himself recognized that "the mandate of the Special Rapporteur, as it stands, is exceptional. It puts Israel in a different position compared to other countries subjected to the scrutiny of a special rapporteur. The mandate prejudices the outcome of the investigation" (paragraph 72); and he added: "It has been the consistent view of the Special Rapporteur that the mandate has to be reviewed." (paragraph 73).

119. On 12 January 2000 the speaker had met the present Special Rapporteur, Mr. Giacomelli, in Geneva and had reminded him of the position of the Israeli Government with regard to the mandate of the Special Rapporteur. However, the latter, in his report (E/CN.4/2000/25), did not propose any change in his mandate.

120. Israel wished to state clearly that it would cooperate with a rapporteur provided that his mandate was in line with those of other rapporteurs and covered both the territories administered by Israel and those administered by the Palestinian Authority. In that connection Israel welcomed the statements made on the subject by the European Union, the United States of America and Canada.

121. Israel was deeply committed to human rights and intended to make the State of Israel a model of democracy. However, the Government had to maintain a balance between security and human rights. It had to point out in that connection that the Special Rapporteur had misinterpreted the ruling of the Israeli Supreme Court regarding methods of interrogation. Generally speaking, the report of the Special Rapporteur clearly demonstrated that the United Nations attached little importance to the peace process.

122. A number of reliable sources (United States, European Union, Amnesty International, Human Rights Watch, Palestinian human rights organizations) had documented violations of human rights committed by the Palestinian Authority (torture of prisoners, arbitrary arrests and detention, failure to respect the rights of the defence and restrictions on freedom of expression, of assembly and of association).

123. Human rights were an important element in the peace process. Consequently, to be constructive, the supervision of those rights should apply to both sides. Otherwise the resolutions of the Commission and the reports of the rapporteurs would continue to be subject to political motivations targeting Israel and would render no service to the cause of human rights.

The meeting rose at 6 p.m.