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COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 245th MEETING

Held at Headquarters, New York,
on Wednesday, 2 June 1999, at 10.30 a.m.

Chairman: Mr. KA (Senegal)

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The meeting was called to order at 10.50 a.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

2. The CHAIRMAN welcomed the new Permanent Representative of Egypt to the United Nations and expressed the hope that he would continue the close and constructive cooperation with the Committee established by his predecessor.

3. Mr. GHEIT (Observer for Egypt) reaffirmed his country's long-standing support of the rights of the Palestinian people, including the right to self-determination and to the establishment of an independent Palestinian State on Palestinian territory. In that regard, his Government was pleased to host on 14 and 15 June 1999, in Cairo, the United Nations International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem.

REPORT BY THE CHAIRMAN ON THE UNITED NATIONS AFRICAN MEETING IN SUPPORT OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE, WINDHOEK, 20-22 APRIL 1999

4. The CHAIRMAN, reporting on the United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People, said that it had been convened: to address the most pressing issues with respect to the breakdown of the peace process following the freezing of the implementation of the Wye River Memorandum and the increased hardship and hopelessness of the Palestinian people living in the occupied Palestinian territory, including Jerusalem; and to promote intensified political and other action by African and other countries in support of the attainment of the inalienable rights of the Palestinian people and for the success of the peace efforts.

5. The Meeting had consisted of an opening meeting, three plenary meetings and a closing meeting. The first plenary meeting had been entitled "Promoting the inalienable rights of the Palestinian people - a key to peace in the Middle East". The second plenary meeting had addressed the role of Africa in supporting the inalienable rights of the Palestinian people, while the third had been devoted to the Bethlehem 2000 project of the Palestinian Authority.

6. The Meeting, which had been a resounding success, had been attended by representatives of 28 Governments, Palestine, two intergovernmental organizations, five United Nations bodies and agencies, five non-governmental organizations, special guests of the host country, representatives of the media, universities and institutes. High-quality presentations had been made by 23 experts from all over Africa as well as by Palestinians and Israelis.

7. The Windhoek Declaration, which had been adopted at the closing meeting, had, inter alia, welcomed the recommendation made by the General Assembly (resolution ES-10/6) on the convening of a conference on measures to enforce the Fourth Geneva Convention, and had demonstrated broad support by African States for the exercise by the Palestinian people of its inalienable rights, including the right to self-determination and the establishment of a State, which remained

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a key element for the successful settlement of the Arab-Israeli conflict. The Declaration had also demonstrated the determination of African States to contribute to the international efforts towards bringing the peace process back on track in order to allow the parties to proceed to the crucial stage of the negotiations on the final settlement. In that context, action taken by African States at various levels, including within the United Nations system, the Organization of African Unity and the Movement of Non-Aligned Countries, had been reviewed.

8. The CHAIRMAN said he took it that the Committee wished to take note of the report.

9. It was so decided.

UNITED NATIONS INTERNATIONAL MEETING ON THE CONVENING OF THE CONFERENCE ON MEASURES TO ENFORCE THE FOURTH GENEVA CONVENTION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM, CAIRO, 14 AND 15 JUNE 1999 (Working paper No. 3/Rev.1)

10. The CHAIRMAN drew attention to the provisional programme of the United Nations International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, which was contained in working paper No. 3/Rev.1.

11. Since the Committee attached the utmost importance to the implementation of General Assembly resolution ES-10/6, it was convening the meeting in Cairo in an effort to provide an opportunity for Governments, intergovernmental and non-governmental organizations and international experts to discuss the Fourth Geneva Convention and its enforcement, and aspects of the forthcoming Conference of the High Contracting Parties. The meeting would provide an opportunity to exchange views and perspectives in advance of that Conference. It was expected to address such issues as the violations by Israel of the provisions of the Convention, its enforcement in the Occupied Palestinian Territory, including Jerusalem, and the goals, procedures and possible outcomes of the Conference.

12. Following consultations with the Permanent Observer Mission of Palestine to the United Nations, the officers of the Committee had decided that the delegation to the Cairo meeting would then visit Gaza for a meeting with the President of the Palestinian Authority, Mr. Yasser Arafat, and other Palestinian officials.

13. He took it that the Committee wished to approve the provisional programme for the United Nations International Meeting in Cairo.

14. It was so decided.

15. The CHAIRMAN thanked the Government of Egypt for agreeing to host the event and for assisting the Committee and the Secretariat in the preparations for the meeting.

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DEVELOPMENTS IN THE MIDDLE EAST PEACE PROCESS AND THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM

16. The CHAIRMAN said that a number of very important events had taken place in the region since the Committee's previous meeting. The Bureau had recently met with the delegation of the European Union as part of the continuing consultations on issues of mutual concern initiated two years previously. The upcoming Geneva Conference had been one of the issues discussed. It had been a very fruitful meeting and the bureau hoped that such consultations would continue.

17. Mr. AL-KIDWA (Observer for Palestine) expressed appreciation to the Government of Namibia, which had hosted the Windhoek Meeting, and thanked the Government of Egypt for agreeing to host the United Nations International Meeting on 14 and 15 June in Cairo. With regard to the provisional programme for the meeting contained in working paper No. 3/Rev.1, he said that the representative of Palestine at the opening session would be Mr. Nabil Shaath, Minister of Planning and International Cooperation. The President of the Palestinian Authority, Mr. Yasser Arafat, looked forward to receiving the delegation of the Committee in Gaza. That meeting would take place on 18 June, rather than on 16 June as originally scheduled, since Mr. Arafat would be in Pretoria on the earlier date attending the inauguration of the new South African President.

18. Turning to the developments since the Committee's previous meeting, he said that the Palestine Central Council had met on 23 April 1999 to determine a course of action in connection with the conclusion of the five-year transitional period provided for in the existing Israeli-Palestinian agreements. It had agreed to defer a final decision and to meet again towards the end of June. At the same time, it had reaffirmed that a Palestinian State already existed based on the inalienable rights of the Palestinian people, the Declaration of Independence of 15 November 1988 by the Palestine National Council and General Assembly resolution 181 (II). The Central Council had decided to form a number of working committees to complete the process of establishing national institutions, including a constitution committee.

19. It was not yet clear what impact the outcome of the recent elections in Israel would have on the peace process. Negotiations regarding the composition of the new Government were ongoing, with the possibility that right-wing or religious parties might be represented, and it remained to be seen what policies would be pursued by the new Prime Minister, Mr. Ehud Barak. In the meantime, Israel was continuing its dangerous and illegal settlement activities in and around Occupied East Jerusalem: at Jebel Abu Ghneim, work on the infrastructure had been completed within the past few weeks and the building of the settlement itself had begun; construction of a new settlement had also recently commenced in Ras al-Amud, a heavily populated Arab area within the original municipal boundary of East Jerusalem; and the Israeli authorities had expanded the boundary of the settlement at Ma'aleh Adumim in order to link it to East Jerusalem, thus doubling the area of the settlement and separating the north of the West Bank from the south. It was clear that the new Prime Minister must have given his tacit agreement to those actions, which threatened to block all attempts to reach a compromise on the question of East Jerusalem.

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20. If the new Israeli Government wished to achieve real progress towards a settlement, it must comply fully with the existing Israeli-Palestinian agreements; cease all settlement activities; implement the Wye River Memorandum within the stipulated time-frame; and engage in final status negotiations with the understanding that they would be concluded within six months to one year. The Palestinian Authority was committed to achieving a comprehensive and lasting peace in the region, and believed that pressure by the international community was essential to encourage Israel to take the necessary steps to achieve that goal.

21. With regard to the forthcoming Conference of the High Contracting Parties on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, he expressed concern that the Swiss Government was revisiting issues that had already been determined. It had questioned the principle of the convening of the Conference and the modalities of Palestinian participation; it had established without prior consultation a group of friends of the Conference; and in a recent non-paper it had appeared to advocate the Conference's downgrading to an informal meeting, without due regard for the views of the High Contracting Parties to the Convention. The only positive element had been its acknowledgement that a broad majority of the High Contracting Parties favoured the holding of the Conference on 15 July 1999, as recommended by the General Assembly at its tenth emergency special session.

22. In response to those developments, the Coordinating Bureau of the Movement of Non-Aligned Countries had adopted detailed positions, which had been conveyed to the Permanent Observer for Switzerland by the Chairman of the Coordinating Bureau in a letter dated 19 May 1999. On 26 May 1999, those positions had been presented to the Group of Friends at its meeting in Geneva by States members of the Non-Aligned Movement who were also members of the Group, ensuring that the meeting had had a more balanced outcome. The Coordinating Bureau had stated that, while the Group of Friends might determine the modalities of the Conference, it was not an appropriate forum for debate as to its substance, which should take place in other bodies in New York. It had also decided to establish a mechanism for daily follow-up to the Conference preparation.

23. The position of the Palestinian Authority with respect to the Conference remained unchanged. First, neither the principle of the convening of the Conference, nor its timing were subject to negotiation. While the recent developments in Israel might affect the outcome of the Conference, and, indeed, the Palestinian side would be flexible in responding to events that occurred on the ground before 15 July, they should not serve as a pretext for a re-valuation of the basis for holding the Conference. Second, broad bilateral and multilateral consultations on the outcome of the Conference should take place in New York. Third, the question of Palestinian participation should be determined in accordance with the rules of procedure of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts (Geneva, 1977), which, it had been agreed, would form the basis for the rules of procedure of the Geneva Conference, and which stated that national liberation movements were entitled to participate in such conferences, albeit without the right to vote. The international community had made its position on the matter very clear when it had adopted by an overwhelming

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majority General Assembly resolution 52/250 on the participation of Palestine in the work of the United Nations.

24. He drew attention to the new Web site of the Permanent Observer Mission of Palestine to the United Nations, which contained information on all aspects of the Palestinian question, and which, it was hoped, would facilitate the work of the Committee and other interested bodies.

25. The CHAIRMAN thanked the Observer for Palestine for his informative briefing, and emphasized the importance of broad participation by the members of the Committee in the Cairo Meeting and the Geneva Conference, when the outcome of the Cairo Meeting would be presented.

The meeting rose at 11.45 a.m.