



## General Assembly

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### Committee on the Exercise of the Inalienable Rights of the Palestinian People

#### Summary record of the 281st meeting

Held at Headquarters, New York, on Wednesday, 6 October 2004, at 10.30 a.m.

*Chairman:* Mr. Badji. . . . . (Senegal)

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corrigendum.

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

### **Adoption of the agenda**

1. *The agenda was adopted.*
2. **The Chairman** said that, on 4 October 2004, in response to the massive Israeli action taking place in the northern Gaza Strip, the Security Council had circulated a draft resolution demanding the immediate cessation of all military operations in the area of Northern Gaza and the withdrawal of the Israeli occupying forces from that area. It also called on Israel to ensure the unfettered access and safety of United Nations personnel and all medical and humanitarian aid workers to provide emergency assistance to the civilian population and called for respect for the inviolability of the facilities of the United Nations agencies in the field, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Unfortunately, the draft resolution had not been adopted owing to the negative vote of a permanent member of the Council.
3. He extended a warm welcome to the three Palestinian trainees who had commenced the annual training programme at the Division for Palestinian Rights. They would have the opportunity to familiarize themselves with various aspects of the work of the Secretariat and other organs and conduct research on specific topics.

### **Developments in the Middle East peace process and the situation in the Occupied Palestinian Territory, including East Jerusalem**

4. **Mr. Al-Kidwa** (Observer for Palestine) said that the situation on the ground in the Occupied Palestinian Territory had continued to deteriorate. The occupying Power continued to commit war crimes and acts of State terrorism against the Palestinian people: during the most recent incursion into the Gaza Strip, 90 people had been killed and over 400 had been injured. On that occasion, the Israeli armed forces, clearly intent on causing maximum destruction, had demolished homes, infrastructure and schools, leaving hundreds of Palestinians homeless and tens of thousands without water and electricity.
5. In response to the most recent developments, the Group of Arab States had submitted a draft resolution to the Security Council, demanding the cessation of all

military operations in the Occupied Palestinian Territory and the immediate withdrawal of the Israeli occupying forces. Unfortunately, owing to the use of the veto by the representative of the United States of America, the draft resolution had not been adopted. The current United States administration had used the veto seven times against draft resolutions concerning the occupation of the Palestinian Territory, including East Jerusalem. Its actions were clearly designed to prevent the application of international law, and were directly responsible for the failure of the international community to find a solution to the Israeli-Palestinian conflict. Nevertheless, the Palestinian Authority would not consent to exempt the Security Council from its responsibilities in the area of the maintenance of international peace and security. It would continue to monitor the situation on the ground and, if the Israeli attacks continued, would return to the Council with additional draft resolutions.

6. Turning to the political situation, he said that Prime Minister Sharon's disengagement plan and the exchange of letters between the United States and Israel of 14 April 2004 represented a violation of international law and a direct attempt to undermine the Road Map. The Palestinian authority would accept a withdrawal from the Gaza Strip under two conditions: first, given that the West Bank and the Gaza Strip comprised a single territorial unit, all sections of that unit must be granted identical legal status; secondly, Israel must withdraw its troops from the West Bank and halt all settlement activities and the construction of the separation wall. Any withdrawal must be complete and carried out with the full cooperation of the Palestinian side.

7. The central task of the United Nations was to follow up the advisory opinion issued by the International Court of Justice. It must continue to call for respect for the provisions of international law and the cessation of the unlawful Israeli occupation. In that connection, he advocated the adoption of the position of the Non-Aligned Movement, which, at its fourteenth Ministerial Conference, had called on Member States to take steps to prevent any products of the illegal Israeli settlements from entering their markets, to decline entry to Israeli settlers and to impose sanctions against companies and entities involved in the construction of the wall and other illegal activities in the Occupied Palestinian Territory, including East Jerusalem. In addition, as a matter of principle, the

advisory opinion must be referred back to the Security Council, because the International Court of Justice had called on both the General Assembly and the Security Council to consider what further action was required to bring to an end the illegal situation resulting from the construction of the wall.

8. In view of the situation on the ground, the annual resolutions on the question of Palestine should be strengthened and the General Assembly should take a clear stance on the issues of war crimes, colonization and settlement activities and the construction of the wall. The international community must not retreat in the face of Israeli intransigence and there was no room for hypocrisy: Member States that called for a two-State solution yet voted against draft resolutions concerning the self-determination of the Palestinian people had no credibility.

9. Lastly, he supported the Non-Aligned Movement's proposal to convene in 2005 an international meeting of regional and political groups and organizations to discuss the Israeli-Palestinian conflict. Such a meeting would allow for the creation of a broad-based partnership for achieving a peaceful settlement on the basis of the principles of international law, the two-State solution based on the pre-1967 borders and the right of all peoples in the region to live in peace and security free from violence and terrorism. It was to be hoped that the Committee would be able to play a constructive role in that regard.

**Report by the Chairman on the United Nations International Conference of Civil Society in Support of the Palestinian People, 13 and 14 September 2004, United Nations Headquarters, New York**

10. **The Chairman** said that the United Nations International Conference of Civil Society in Support of the Palestinian People, held under the auspices of the Committee at United Nations Headquarters in New York on 13 and 14 September 2004, had been the main event organized in 2004 for civil society organizations dealing with the question of Palestine. Over 300 participants had attended the Conference, which had been opened by the Under-Secretary-General for Political Affairs, and 23 speakers, including Palestinians and Israelis, had made statements.

11. In view of the recent escalation of violence on the ground and Israel's ongoing settlement activities in the West Bank, including the construction of the separation

wall, the Conference had focused on the advisory opinion issued by the International Court of Justice. It had concluded that the advisory opinion provided to the international community, including civil society organizations, an ideal way to pursue its efforts to secure a peaceful settlement to the conflict. Accordingly, the plan of action adopted by the participants, which could be consulted on the web site of the Division for Palestinian Rights, called on all parties to pressure Israel and their own Governments to move towards the strict enforcement of the advisory opinion and the resolutions of the General Assembly calling for self-determination of the Palestinian people, the cessation of settlement and colonization activities by the occupying Power and the dismantling of the wall.

12. The members of the Conference Steering Committee, the majority of whom represented groups of organizations from their respective countries and regions, would be responsible for ensuring the follow-up of proposed initiatives. In that connection, it had called for the Committee's cooperation in order to facilitate the implementation of the commitments undertaken at the Conference.

13. *The Committee took note of the report.*

**Report by the Chairman on his attendance at the Fourteenth Ministerial Conference of the Movement of Non-Aligned Countries, 19 August 2004, Durban**

14. **The Chairman** said that the invitation extended to the Committee to take part in the work of the Fourteenth Ministerial Conference of the Movement of Non-Aligned Countries, which took place in Durban, South Africa on 19 August 2004, was an important political act perpetuating a tradition. The Non-Aligned Movement had always accorded the question of Palestine its due importance; many strategies and actions for a just and sustainable solution to the problems of that country had been developed within that forum. It was therefore a capable ally and a strong source of support.

15. In the final communiqué, the Ministers for Foreign Affairs of the countries of the Non-Aligned Movement delivered a clear and categorical message to Israel and those that supported it in its stubborn refusal to conform to international law. They welcomed the advisory opinion of the International Court of Justice, and endorsed the conclusion that the construction of

the wall and its associated regime were contrary to international law. Welcoming the adoption of resolution ES-10/15 by the Tenth Emergency Special Session of the General Assembly, in which the Assembly, *inter alia*, demanded that Israel comply with its legal obligations as mentioned in the advisory opinion, the Ministers took note of the immediate negative response by Israel and called on the United Nations, in particular the Security Council, to fulfil its responsibilities, and the Secretary-General to establish a register of damages caused by the wall; called upon Member States to undertake measures to prevent any products of the illegal Israeli settlements from entering their markets, to decline entry to Israeli settlers and impose sanctions against companies and entities involved in the construction of the wall; and called on Switzerland to expedite its consultations with regard to reconvening the Conference of High Contracting Parties to the Fourth Geneva Convention.

16. *The Committee took note of the report.*

#### **Consideration of the draft report of the Committee to the General Assembly (A/AC.183/2004/CRP.2)**

17. **Mr. Camilleri** (Rapporteur) introduced the draft report of the Committee, which covered the work of the Committee since 11 October 2003. The draft report outlined the Committee's objectives and its general perspectives on the events of the past year and reviewed in some detail the situation on the ground. It described action taken by the Committee and by the Division for Palestinian Rights, as well as the Department of Public Information. The last chapter of the report contained the conclusions and recommendations of the Committee.

18. The Chairman said he regretted that the draft report was available only in English. Once adopted, it would be translated into all the official languages. Though the report had been drafted with great care, and should be of great interest to the international community, in view of the unstable situation on the ground, it might need to be updated.

19. **Mr. Al-Kidwa** (Observer for Palestine) proposed that in paragraph 4, the word "led" should be replaced by the words "also contributed", that the word "and" should be added after the word "violence", and that the phrase "and hampering the resumption of a political dialogue" should be deleted.

20. **Mr. Diarra** (Mali) said that in paragraphs 51 and 52, which related to cooperation with intergovernmental organizations, only the European Union (EU) and the International Committee of the Red Cross (ICRC) were mentioned. Noting that other bodies were deeply involved in the work of the Committee, among them in particular the Organization of the Islamic Conference (OIC), the African Union (AU), and the Movement of Non-Aligned Countries, he suggested that similar mechanisms should be created for consultations with them. Their work and that of the Committee could be mutually enriching.

21. **The Chairman** said that despite the absence of any formal mechanisms for consultations with the Non-Aligned Movement, OIC and AU, they and the Committee attended each other's events and discussed the same issues. In that connection, the Non-Aligned Movement had a "group of nine" and OIC had an ad-hoc Committee on Palestine. The draft report mentioned consultations with EU and ICRC specifically because those organizations did not always share the Committee's position; it hoped to use dialogue to draw them more closely into its work.

22. **Mr. Al-Kidwa** (Observer for Palestine) said that he was in favour of adding a reference to ongoing cooperation with the Non-Aligned Movement, OIC and AU to avoid giving the impression that the Committee cooperated only with EU and ICRC. He further suggested that the title of the section be changed to "Cooperation with intergovernmental and other organizations", since ICRC was not in fact an intergovernmental organization, and that it should also refer to cooperation with the Inter-Parliamentary Union (IPU).

23. **Mr. Rastam** (Malaysia), speaking on behalf of the member countries of the Non-Aligned Movement, said that the Movement's cooperation with the Committee was reciprocal: the Chairman had attended Non-Aligned Movement meetings, and the Non-Aligned Movement had been represented at events such as the United Nations International Meeting on the impact of the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, held in Geneva in April 2004.

24. **The Chairman** said that the practice of cooperation with the Non-Aligned Movement, OIC and AU existed, and deserved to be reflected in the report, to acknowledge those organizations' support for the

rights of the Palestinian people. Cooperation with the Inter-Parliamentary Union (IPU) was already covered in paragraph 56 of the draft report.

25. He took it that the Committee wished to adopt the draft report, with drafting changes.

26. *It was so decided.*

#### **Other matters**

27. **The Chairman**, recalling that the International Day of Solidarity with the Palestinian People would be commemorated on 29 November 2004, urged members and observers to ensure that their representatives at the event were at least of ambassador rank, as befitted the occasion. The General Assembly would take up agenda item 37 (The situation in the Middle East) on the same day; he urged all representatives to place themselves on the list of speakers.

28. **Mr. Al-Kidwa** (Observer for Palestine) said that his delegation had already tried to follow the advice of the Chairman and place itself on the list of speakers for agenda items 37 (The situation in the Middle East) and 38 (Question of Palestine), but had discovered with surprise that the two items were to be considered together, with a single list of speakers. He believed that the former practice of treating the two items separately, with two lists of speakers, should be restored, as there were sound political and practical reasons for that arrangement. He hoped that the General Committee would raise an objection to the new arrangement.

29. **Mr. Requeijo Gual** (Cuba), said that he supported the appeal to the members of the General Committee to recommend that items 37 and 38 should be kept separate: both were important, and both deserved to be allocated time and resources.

30. On 5 October 2004, his delegation had spoken during the open debate in the Security Council on the Middle East situation, including the Palestinian question. It had warned of the possibility of a paralysing veto of the resolution before the Security Council. It had also warned that the Security Council was in danger of sidestepping matters with serious implications for international peace and security, of involving itself in matters which had no such implications, and of being distracted by matters of strictly secondary importance.

31. The 29 vetoes against draft resolutions regarding the Palestinian cause, seven of them in the previous

four years alone, were deplorable. They had rewarded and condoned mass murder, savage and criminal acts, and Israel's State terrorism against the Palestinian people. During the debate, his delegation had also called for supplies of aircraft, missiles, tanks, armoured personnel carriers and other military equipment used in the mass killing of Palestinians to be halted. No Member State which claimed to be upholding international law, peace and the rights of peoples should continue openly to supply armaments to aid and abet such crimes against humanity. It was impossible to reconcile talk of two States in peaceful coexistence when one side was receiving military supplies and the other was being neglected. Such an attitude was one of double standards and must be condemned by the Committee.

32. The United States of America had made its priorities for the fifty-ninth session of the General Assembly clear: they appeared on its mission's web site, and consisted of three goals. The first was to abolish the Committee. The second was to abolish the Division for Palestinian Rights. The third was to abolish the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The Committee must resist and condemn those goals, which worked against peace and the inalienable rights of the Palestinian people, as it had a duty to provide a defence against all genocidal and criminal policies.

33. **The Chairman** said that the Committee must do its utmost to contribute to, and influence, the General Assembly debate on Palestine.

*The meeting rose at 12.35 p.m.*