



General Assembly

Distr.: General
12 August 2014

Original: English

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

Summary record of the 361st meeting

Held at Headquarters, New York, on Monday, 2 June 2014, at 3 p.m.

Chair: Mr. Diallo (Senegal)

Contents

Adoption of the agenda

Update on developments since the previous meeting of the Committee

The situation in the Occupied Palestinian Territory, including East Jerusalem, and
developments in the political process

Report on the United Nations Round Table on Legal Aspects of the Question of
Palestine, held at the United Nations Office at Geneva on 24 and 25 April 2014

Report on the International Meeting on the Question of Jerusalem, Ankara, 12 to
14 May, 2014

United Nations Seminar on Assistance to the Palestinian People, to be held at the
United Nations Office at Nairobi on 1 and 2 July 2014

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent as soon as possible to the Chief of the Documents Control Unit (srcorrections@un.org).

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

14-54442 (E)



Please recycle



The meeting was called to order at 3.15 p.m.

Adoption of the agenda

1. *The agenda was adopted.*

Update on developments since the previous meeting of the Committee

2. **The Chair** said that on 23 April 2014, the Palestine Liberation Organization and Hamas had reached a unity agreement. On the following day, the Israeli cabinet had decided that Israel would not negotiate with a Palestinian Government backed by Hamas. On 24 April, hundreds of Palestinian prisoners had joined a hunger strike, demanding that Israel stop imprisoning Palestinians without charge or trial. On 29 April, the target date of the negotiations led by the United States of America to reach a comprehensive agreement between Israel and Palestine, the Security Council had held an open debate on the situation in the Middle East, including the Palestinian question, at which he had delivered a statement on behalf of the Committee. On that occasion, the Israeli settlement watchdog organization Peace Now had released a report revealing that the Israeli Government had promoted plans and tenders for at least 13,851 settlement housing units during the nine months since the start of the talks.

3. On 2 May, a month after the State of Palestine had deposited with the Secretary-General its instruments of accession to a number of international treaties, five of the core human rights treaties had entered into force. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had entered into force on 7 May, and two Covenants would come into force on 2 July. On 8 May, the Human Rights Council had appointed Makarim Wibisono of Indonesia as Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, upon the end of the term of Richard Falk.

4. On 15 May, during clashes with Israeli security forces, two unarmed Palestinian minors taking part in a demonstration in Beituniya, in the West Bank, commemorating the Nakba, had been shot dead. The United Nations had called for an independent and transparent investigation by Israeli authorities into the two deaths. On 25 May, during a visit to Bethlehem, Pope Francis had invited the Presidents of the State of

Palestine and Israel to the Vatican. The situation in Jerusalem had remained tense owing to repeated visits by Israeli extremists to the Al-Aqsa Mosque compound under army and police escort, leading to clashes with Palestinian worshippers.

The situation in the Occupied Palestinian Territory, including East Jerusalem, and developments in the political process

5. **Mr. Mansour** (Observer for the State of Palestine) said that the new Palestinian cabinet had formally marked the end of the division between the two parts of the Palestinian homeland and the two political systems, closing a tragic chapter. The wounds inflicted during seven years of division could now be addressed. The national consensus Government accurately reflected the sentiment of the Palestinian people and would strengthen the position of the country. With the exception of the occupying Authority, the Government had received global support. The world should judge the Government based on its conduct, policies and progress in ending the occupation and paving the way for the independence of Palestine. He was pleased that no country had agreed to Israel's futile call for a boycott of the Government; indeed, during the Security Council debate of 29 April 2014, there had been massive support for its formation.

6. Palestine had acceded to 20 treaties, counting the Geneva Conventions separately, on 2 April, and would be participating in elections of the experts who served human rights treaty bodies. Diplomatic life was becoming busy as Palestine approached full membership of the United Nations.

7. On 15 May, Palestinian people everywhere had commemorated the Nakba. They would continue to remember the catastrophe of 1948 until they regained their national rights.

8. At its 17th Ministerial Conference, held in Algiers from 26 to 29 May 2014, the Movement of Non-Aligned Countries had discussed the Palestinian cause and affirmed the importance of the International Year of Solidarity with the Palestinian People.

9. Pope Francis had been properly received in the State of Palestine, and President Abbas had immediately accepted his invitation to the Vatican City to pray for peace together with the President of Israel.

10. **The Chair** said that the Committee would write to President Abbas to congratulate him on the agreement reached to form the Government of national unity.

11. **Mr. Reyes Rodríguez** (Cuba) said that he endorsed that initiative and hoped that the aspirations of the Palestinian people would become reality.

Report on the United Nations Round Table on Legal Aspects of the Question of Palestine, held at the United Nations Office at Geneva on 24 and 25 April 2014

12. **Mr. Grima** (Malta) said that the United Nations Round Table on Legal Aspects of the Question of Palestine had addressed the legal status of Palestinian political prisoners, the applicable provisions of international law, its enforcement mechanisms and the legal implications of the non-member observer State status granted to Palestine by General Assembly resolution 67/19.

13. Thirty-five members and observers of the Committee, two intergovernmental organizations, the International Committee of the Red Cross, various United Nations bodies, and nine civil society organizations had taken part in the meeting. Together with Palestinian experts from the Ministries of Foreign Affairs and Prisoners' Affairs and the Permanent Missions of the State of Palestine to the United Nations in Geneva and New York, participants had heard detailed presentations from 17 renowned legal experts.

14. Opening statements had been made by the Acting Director-General of the United Nations Office at Geneva, speaking on behalf of the Secretary-General; the Chair of the Committee; a representative of the United Nations High Commissioner for Human Rights; and the Palestinian Minister of Prisoners' Affairs and representative of the State of Palestine, Issa Qaraqe, who had provided extensive information regarding the plight of Palestinian prisoners.

15. In its first session, the Round Table had reviewed the legal status of Palestinian prisoners under international law. Since the start of the occupation in 1967, hundreds of thousands of civilians had been brought before Israeli military courts, which were politicized, lacked independence and impartiality, and had improperly prosecuted children. Resolutions of the General Assembly and Human Rights Council reflected a high degree of consensus on the topic. Human rights

treaty bodies, special procedures and universal periodic reviews at the Human Rights Council had also played an important role in exposing and addressing violations. Palestinian experts had called for greater accountability and suggested that the State of Palestine should explore all alternatives to address the problem effectively.

16. The second session had reviewed the available legal mechanisms and examined the issue of third party responsibility. The advisory opinion of 9 July 2004 of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory had confirmed that human rights treaties continued to apply in armed conflict situations; that Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, violated article 49, paragraph 6, of the Fourth Geneva Convention; and that the United Nations had a permanent responsibility to enforce its resolutions and the provisions of the advisory opinion. Experts had pointed out that, in some cases, the United Nations had not fully upheld that responsibility. Regarding third party responsibility, the Court had found that all States were an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction.

17. The third session had reviewed the general legal implications stemming from the status of non-member observer State. The statehood of Palestine had been granted not by General Assembly resolution 67/19, but rather by an extensive body of facts pertaining to Palestine's practice in international relations over the decades: Palestine had been recognized by more than 130 countries and had participated actively at the United Nations and other international and regional organizations. Participants had discussed Palestine's accession to 20 treaties and conventions on 1 April 2014 and the ensuing rights and obligations. Turning to the possibility that the State of Palestine could join more specialized agencies and global organizations, experts had highlighted that the problem was political rather than legal. They had also discussed arguments for and against signing the Rome Statute of the International Criminal Court.

Report on the International Meeting on the Question of Jerusalem, Ankara, 12 to 14 May, 2014

18. **Mr. Percaya** (Indonesia) said that the objective of the Meeting had been to raise awareness of the question of Jerusalem and to discuss ways to strengthen international support for a just and lasting solution. The Meeting had been attended by representatives of 72 Member States, two observer States, four intergovernmental organizations, three United Nations system entities and 23 local and international civil society organizations. Thirteen experts had addressed the Meeting, which had been followed by a public forum.

19. In the opening session, the Minister for Foreign Affairs of Turkey had recalled that Jerusalem had once been open to all faiths. The city was an important cultural legacy that could not be reduced to a single religion or ethnicity. He had suggested that the United Nations Conciliation Commission for Palestine, established in 1948, should be reconvened, and that other United Nations forums should also take up the issue. The Secretary-General of the Organization of Islamic Cooperation had expressed deep concern at Israel's violations of international law, which demanded a different form of international intervention. The Chair of the Committee had given a briefing on the International Year of Solidarity with the Palestinian People, noting that while the Committee was committed to a two-State solution, the parties needed to act responsibly and create an appropriate climate for negotiations.

20. The Palestinian Minister of Awqaf and Religious Affairs and the Minister of Jerusalem Affairs had highlighted that the real problem was not one of religion, but of occupation. The international community should provide practical support for the two-State solution, which could otherwise become impossible or impractical. They had described the continuing daily destruction of Jerusalem as a Palestinian city: since 1993, negotiations had only resulted in Israeli expansion and the expulsion of Palestinians.

21. In his message, the United Nations Secretary-General had warned that the current political stalemate risked leading further down the path to a one-State reality. The mounting tension surrounding access to the holy sites was particularly troubling; the city must be open and accessible to all.

22. Participants had emphasized that Jerusalem remained an occupied city. In the previous five months, 234 Palestinian homes had been demolished. They had highlighted specific Israeli practices that could be considered ethnic cleansing, and drawn attention to attempts to disrespect the Al-Aqsa Mosque, which was under the custodianship of Jordan.

23. The Meeting had then reviewed the current situation in Jerusalem and the socioeconomic situation of its Palestinian residents. After nearly 50 years of occupation and conflict, Jerusalem had become a badly damaged city. Various Israeli authorities had been involved in municipal decisions, creating a strategic confusion that had masked a very effective policy restricting Palestinian growth and development. The poverty rate for non-Jewish households in East Jerusalem had been estimated at 77 per cent. The health and education sectors in East Jerusalem were in a disastrous state. Since 1967, about 50,000 Palestinians had lost their residency status. Owing to restrictions on movement, the economy of East Jerusalem had lost its consumer base, and the lack of Palestinian banks made financial transactions difficult. One speaker had called for measures to support Palestinian entrepreneurship in Jerusalem. Despite the difficult business decisions involved, investors should consider establishing risk-sharing mechanisms, such as a Jerusalem venture capital fund. Better coordination among donors and international agencies was essential, particularly regarding data collection and analysis for meaningful socioeconomic studies.

24. Participants had also discussed the role of the international community in promoting a just solution. One speaker had proposed an international convention on the protection of the holy sites to ensure existing resolutions were implemented. Speakers had called for civil society to play an active role and for the international community, including the United Nations and the Organization of Islamic Cooperation, to maintain a permanent presence in Jerusalem.

25. On 14 May, the Committee, in cooperation with TOBB University and the Centre for Middle Eastern Strategic Studies, had held a public forum on the Question of Palestine at TOBB University in Ankara. The forum had been attended by more than 100 students, academics, civil society representatives and United Nations officials.

United Nations Seminar on Assistance to the Palestinian People, to be held at the United Nations Office at Nairobi on 1 and 2 July 2014 (Working Paper No. 6)

26. **The Chair** drew attention to Working Paper No. 6, which contained the provisional programme of the United Nations Seminar on Assistance to the Palestinian People, which would be held at the United Nations Office at Nairobi. The Seminar would review the impact of the Israeli occupation and practices on the socioeconomic and humanitarian situation in Palestine; examine the Palestinian National Development Plan of 2014 to 2015 and long-term strategies for economic development and growth; and address the mobilization of international assistance and its effective use for sustainable growth under a new aid paradigm. The invitees would include internationally renowned experts, representatives of United Nations Member States and observers, and representatives of the United Nations system, other intergovernmental organizations, civil society and the media.

27. He took it that the Committee wished to approve the provisional programme contained in working paper No. 6.

28. *It was so decided.*

The meeting rose at 4.20 p.m.