



# General Assembly

Sixty-second session

Official Records

Distr.: General  
18 December 2007

Original: English

---

## Special Political and Decolonization Committee (Fourth Committee)

### Summary record of the 23rd meeting

Held at Headquarters, New York, on Wednesday, 14 November 2007, at 10 a.m.

*Chairman:* Mr. Vidouris (Vice-Chairman) ..... (Greece)  
*later:* Mr. Mohamad (Chairman) ..... (Sudan)

## Contents

Agenda item 33: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (*continued*)

Agenda item 40: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*)

Question of Tokelau

Agenda item 121: Revitalization of the work of the General Assembly (*continued*)

---

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

07-59774 (E)



*In the absence of Mr. Mohamad (Sudan), Mr. Vidouris (Greece), Vice Chairman, took the Chair.*

*The meeting was called to order at 10.15 a.m.*

**Agenda item 33: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories** (*continued*) (A/62/330-334 and 360)

1. **Mr. Gebreel** (Libyan Arab Jamahiriya) said that Israel had continued to refuse to cooperate with the Special Committee and had not desisted from its illegal activities, which ranged from extrajudicial killings to the construction of the racist separation wall.

2. The representative of Israel had shown his disregard for the work of the Special Committee when he claimed that its report was biased and contained inaccuracies. Yet the Libyan delegation had found nothing in the report that contradicted the reality of the situation in the occupied territories or the testimony of eyewitnesses. Israel had previously made similar accusations against the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory and had even claimed that the Special Representative of the Secretary-General for Children and Armed Conflict was responsible for the suffering of the Palestinian children living under Israeli occupation.

3. Such behaviour was typical of Israel: it first violated the human rights of the Palestinians, and then prevented the Special Committee and other international bodies from investigating; when those violations were uncovered, it then accused the investigating bodies of bias and anti-Semitism. All excavations or repairs undertaken by Israel on the site of the Al-Aqsa Mosque were part of its plan to raze that mosque and to build a new Temple on its ruins. The destruction or desecration of the Al-Aqsa Mosque would threaten international peace and security; it should be recalled that the second intifada and subsequent events had been sparked by the visit of Ariel Sharon to the Haram al-Sharif. The situation in the occupied Syrian Golan was no better, as Israel had continued to increase settlement-building and to impose Israeli identity cards on Syrian citizens in an attempt to alter the character of the Golan.

4. His delegation supported the recommendations of the Special Committee, including the call for the

Security Council to consider sanctions against Israel if it persisted in paying no attention to its international legal obligations, and called for the renewal of its mandate.

5. **Mr. Chowdhury** (Bangladesh) expressed concern at the wanton disregard for international law shown by Israel in the occupied Arab territories, where conditions had worsened in the previous year. Millions of Palestinians lived in abject poverty and continued to be denied their right to self-determination. Israel's settlement policy exacerbated the situation; its blockade of the Gaza Strip had brought the economy to the verge of collapse and reduction of the fuel and electricity supply would trigger a further humanitarian disaster.

6. His delegation strongly condemned Israeli military incursions, targeted assassinations and indiscriminate detention of Palestinians, and called on Israel to abide by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention). As the occupying Power, it had an obligation, confirmed by resolutions of the General Assembly and the Security Council, to respect the basic human rights of the Palestinian people. His delegation was also concerned at the continued illegal construction of the separation wall, in spite of the 2004 advisory opinion of the International Court of Justice, and at restrictions on movements of Palestinians and their effect on the economic and social fabric of the occupied territories. The fragmentation of the occupied territories would affect the viability of a Palestinian State and he called for the immediate dismantling of the wall and the withdrawal of all restrictions on movements of Palestinian civilians.

7. He reiterated that Israeli practices in the occupied territories were a matter of grave concern for his delegation, which was unwavering in its support for the right of the Palestinian people to a sovereign and independent State with Jerusalem as its capital. His delegation looked forward to a successful outcome at the forthcoming peace meeting in Annapolis.

8. **Ms. Behbehani** (Kuwait) said it was regrettable that Israeli occupation forces continued to blatantly violate the human rights of the Palestinian people and international law under the world's gaze, undeterred by the threat of accountability or condemnation. The continued construction of the separation wall, the

expansion of illegal settlements, the building of bypass roads and the imposition of severe restrictions on the movement of persons and goods were in and of themselves violations of human rights.

9. She reiterated her country's unwavering support for the Palestinian people as they struggled to realize their legitimate rights, including the establishment of an independent Palestinian State with Jerusalem as its capital. Her country would continue to support the work of the Special Committee until the Israeli occupation had been ended. She called on the Government of Israel to cooperate with the Special Committee and to implement its recommendations. For its part, the community of nations should exert greater pressure on Israel to halt its flagrant violations of international humanitarian law in the occupied territories.

10. **Mr. Berrah** (Algeria) said that in contrast to the saccharine speeches of the Israeli representatives, the Special Committee had always striven to keep the world objectively informed about the Palestinian people. The mandate of the Special Committee, should therefore be implemented and renewed until the occupation ended.

11. The efforts of the United States President for the upcoming peace conference had engendered new hope, in contrast to the building of the apartheid wall by the Israelis in an effort to change the demographics of the Occupied Territory as well as deny the human rights and curtail the freedom of movement of the Palestinian people. Noting the worsening situation and growing despair of the population, he stressed that they were being ghettoized as a result of the Israeli Government's designation of the Gaza Strip as an "enemy entity" and its decision to cut off the flow of goods, including food, to Gaza.

12. The illegality of Israel's efforts to "de-Palestinize" East Jerusalem had been exposed by the Special Committee. Having rejected the opinion of the International Court of Justice regarding the separation wall, the Israeli Government was not only taking Palestinian lands but was using its court system to further reduce the size of the future Palestinian State. Israel was trying to expand its territory and its control of the region's natural resources by means of that illegal colonization. Moreover, its construction of so many settlements contravened the road map, under which it was obliged to dismantle all settlements built

since March 2001. Nearly 40 per cent of the West Bank was now inaccessible owing to the Israeli construction of roads and settlements there.

13. The Palestinians were suffering a dual tragedy of expulsion and exile, on the one hand, and oppression and occupation on the other. Failure on the part of international actors to take bold action served only to increase tension; instead, his delegation sought real dialogue. Implementation of the principle of land for peace, the road map and the Arab Peace Initiative would bring a just and lasting peace and a settlement of the conflict.

14. **Mr. Al-Zayani** (Bahrain) commended the Special Committee for having compiled such a detailed report on the deteriorating human-rights situation in the occupied territories in spite of a total lack of cooperation from Israel. He said that he was particularly concerned by the deterioration in the fundamental human rights of the Palestinian and Syrian populations as a result of the prolonged and repressive Israeli occupation. That deterioration was so profound that it had led the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to propose that the International Court of Justice be asked to give a further advisory opinion, on the legal consequences of prolonged occupation (A/62/275, para. 8).

15. Israeli occupation practices in respect of the Gaza Strip had been particularly harsh during the past year. The Israeli authorities, after declaring the Gaza Strip a "hostile entity", had once again closed all border entry/exit points. In a report of 11 July 2007, the World Bank had declared that the prolonged closure of Gaza's border crossings could lead to the "irreversible" economic collapse of Gaza (*ibid.*, para. 22).

16. The possibility of the emergence of a viable Palestinian State had continued to erode further owing to the unabated illegal construction of the separation wall, the expansion of settlements and bypass roads and other illegal measures aimed at limiting freedom of movement and at depriving the Occupied Palestinian Territory of territorial contiguity. Israel had also continued construction of the separation wall in and around Jerusalem as part of its efforts to further consolidate its grip on that city and keep it under its control forever.

17. Concerning the occupied Syrian Golan, he said that Israel had continued to seize Arab lands and to

build illegal settlements, in violation of Security Council and General Assembly resolutions. The occupation authorities were also tying the economies of the Syrian Arab villages of the Golan to the Israeli economy. The objective was to make them subservient to Israeli companies. Moreover, Israel continued an education policy of systematic intellectual stagnation and cultural and historical distortion in an attempt to negate the Arabness of the occupied Syrian Golan and to wipe out the Arab culture and heritage of its population.

18. In conclusion, he said the Palestinian people would never be able to enjoy their fundamental human rights, including the right to the establishment of an independent State with East Jerusalem as its capital, so long as Israel continued to occupy their lands. A comprehensive and just peace could only emanate from implementation of United Nations resolutions, the agreements arising from the Madrid Conference of 1991, the principle of land for peace, the road map and the Arab Peace Initiative.

19. **Mr. Maleki** (Islamic Republic of Iran), noting that the Special Committee had been prevented by the Israeli regime from visiting the occupied territories since 1968, said that the Committee's report (A/62/360) rightly depicted the Occupied Territory as an open-air prison created by the occupying Power. An entire nation had been deprived of its basic human rights for decades, and the situation was worse than ever.

20. The illegal separation wall, and the confiscation of the natural resources and agricultural lands associated with its construction had had a severe humanitarian impact. Its completion would result in the annexation of 10 per cent of the West Bank by Israel and in the confinement of more than 50,000 Palestinians; it had already eroded family life, destroyed the Palestinian social fabric and displaced thousands of civilians.

21. The international community had failed to address the Palestinian issue adequately, nor had the Security Council lived up to its responsibility in that regard; such inaction had diminished the Council's credibility with regard to the Palestinian issue. The dissemination of the Special Committee's report was imperative, so as to publicize the current serious humanitarian situation in the occupied territories. He also urged the Secretary-General to seek ways and

means to assist the media in their reporting in the occupied territories.

22. Peace and stability in the Middle East would only be possible through the full restoration of the rights of the Palestinian people, including the return of all refugees to their homeland, and the establishment of a Palestinian State with East Jerusalem as its capital. His delegation condemned the inhumane practices of the occupying Power, including State terrorism and collective punishment. He called for immediate implementation of the advisory opinion of the International Court of Justice and of General Assembly resolution ES-10/15 of July 2004 in respect of the separation wall, and for an urgent meeting of the High Contracting Parties to the Fourth Geneva Convention. The policy of confiscating Palestinian lands and expanding settlements should be immediately stopped and the freedom of movement of Palestinians throughout the Occupied Territory restored. Iran fully supported the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory.

23. **Mr. Ali** (Malaysia) said that the Special Committee had confirmed the deterioration of human rights in the occupied territories owing to the policies and practices of the occupying Power. That Committee's work was not guided by a desire to harm Israel; indeed, by barring its visit to the occupied territories, Israel was preventing that body from discharging its mandate, as well as depriving itself of the right to provide an Israeli perspective on the issue.

24. The Special Committee's report could hardly be termed trivial: it was the Fourth Committee's consideration of that report that revealed the extent of Israeli infringement of Palestinian human rights. Having failed to find an amicable resolution, it was incumbent on the international community to take the Special Committee's report into consideration at the very least.

25. Israel must cease its human-rights violations and illegal practices, including collective punishment. The international community's inaction in the face of Israel's illegal actions was tantamount to condoning them. The Security Council should consider sanctions against Israel, as recommended by the Special Committee.

26. By acting as it did, Israel was harming its standing in the international community. The

occupation itself was a gross violation of human rights and a test of the international community's commitment to upholding international human-rights standards. So far, that commitment had not been a success; by turning a blind eye, the major Western Powers were sending an unclear signal to the developing world. Insofar as it pitted the Muslim world against the West, the failure to resolve the Israeli-Palestinian conflict would have repercussions around the globe. The mandates for both the Special Committee and UNRWA should therefore be extended.

27. **Mr. Al-Jabowbi** (Yemen) said that Israel, whose very existence had been legitimized by United Nations resolutions, continued to disregard numerous resolutions relating to the occupied Arab territories.

28. In the past year, that disregard had been manifested by Israel's continued violation of human rights in the occupied territories, the construction of the separation wall, the seizure of Arab lands, the building of illegal settlements and numerous other violations.

29. Israel's financial and economic isolation of the Palestinian people had exacerbated the humanitarian crisis, with poverty and unemployment rising to unprecedented levels. Israel's recent designation of the Gaza Strip as a "hostile entity" was a serious threat to the Palestinian people, and the international community should compel Israel to reverse its illegal action.

30. His country strongly condemned all Israeli practices inside the occupied territories. It supported the right of the Palestinian people to establish an independent State on its national soil, as well as the return of the Golan to the Syrian Arab Republic.

31. The United Nations, particularly the General Assembly, could not remain neutral in any struggle between right and wrong; it should champion the just cause of the Palestinian people, who had been living under occupation for more than 40 years.

32. **Mr. Laher** (South Africa) reiterated his delegation's support for the work of the Special Committee and regretted that, despite some optimism regarding movement towards peace, the situation in the occupied territories remained appalling. His delegation was concerned at the volatile situation and growing humanitarian crisis, particularly in Gaza, aggravated by restrictions on freedom of movement. Illegal Israeli

settlements and the continued building of the separation wall, despite the advisory opinion of the International Court of Justice and international condemnation, seriously affected the daily lives of the Palestinian people.

33. His delegation was likewise concerned at the illegal and arbitrary detention in inhumane conditions of thousands of Palestinians, including women and children. The recommendation of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, that the United Nations should withdraw from the Quartet if it did not address the human-rights situation in the occupied territories illustrated growing frustration and the failure of the Organization to deal with that situation.

34. Israel could never be secure while its relations with its neighbours were characterized by hatred and violence; it should therefore withdraw to the pre-1967 borders. Lasting peace and security would only be possible if Israel was fully integrated into the Middle East community of nations, and he therefore welcomed the Arab Peace Initiative and the recent negotiations between Israel and the Palestinian Authority. He hoped the forthcoming meeting in Annapolis would include all parties and set a timetable for negotiations on final-status issues.

35. The current agenda item played an important role in giving a voice to those living under Israeli occupation. The international community had a responsibility to ensure that political progress in Palestine was coupled with a change for the better in the lives of ordinary Palestinians; inaction on the part of the Organization would be misunderstood as condoning their suffering. He reiterated his delegation's belief that the way to peace must include the establishment of an independent State of Palestine, with East Jerusalem as its capital, living side by side with Israel within secure and internationally recognized borders, as envisaged by numerous United Nations resolutions.

36. **Mr. Rogers** (New Zealand) said that his delegation supported international efforts to find a lasting solution to the Arab-Israeli conflict, including the establishment of a territorially contiguous Palestinian State existing side by side in peace and security with Israel. It welcomed the forthcoming meeting in Annapolis aimed at relaunching the peace

process but was concerned with developments that hampered dialogue and negotiation.

37. He unequivocally condemned all attacks on Israel, which could derail the peace process, and upheld Israel's right to defend itself. Israel's response had, however, been excessive at times, causing many civilian casualties. Furthermore, punitive measures that affected the entire Palestinian population, such as cutting essential services and demolishing homes, were unacceptable and caused further resentment. Restrictions on the movement of Palestinians in the West Bank also caused resentment and suffocated the Palestinian economy, forcing many Palestinian families into poverty.

38. The best way for Israel to promote an environment conducive to successful peace negotiations was to act in a manner consistent with international law and protect the rights of civilians in the occupied territories. His Government, for its part, would continue to contribute personnel for the Multinational Force and Observers (MFO) in the Sinai, the United Nations Truce Supervisory Organization (UNTSO) in Israel, Syria and Lebanon and the United Nations Mine Action Service (UNMAS) in Lebanon. It hoped the forthcoming meeting in Annapolis would contribute to the negotiation of a just, enduring and comprehensive peace settlement.

39. **Ms. Rodríguez de Ortiz** (Bolivarian Republic of Venezuela) said that the maintenance of international peace and security between States, irrespective of their ideological, cultural or political differences, must be based on strict respect for the principles of the Charter and international law, including peaceful coexistence of States and protection of human rights. Her delegation was therefore concerned at the continued expansion of Israeli settlements, in violation of the road map and the advisory opinion of the International Court of Justice. It was committed to the establishment of an independent Palestinian State based on the principles of self-determination, sovereignty and security and in accordance with relevant Security Council resolutions, the Arab Peace Initiative and the road map.

40. She rejected the use of force to resolve conflicts and stressed that the right of self-defence was limited by the criteria of proportionality. She therefore called for full respect for the Fourth Geneva Convention and the 1977 Additional Protocols. Her delegation would

continue its support for a peaceful and negotiated solution to the conflict in the Middle East, which must include full respect for the rights of the Palestinian people and the establishment of an independent Palestinian State.

41. *Mr. Mohamad (Sudan), Chairman, took the Chair.*

**Agenda item 40: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (continued) (A/C.4/62/L.7)**

*Question of Tokelau (continued)*

*Draft resolution A/C.4/62/L.7: Question of Tokelau*

42. **Mr. Aisi** (Papua New Guinea), speaking as the representative of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the recent referendum in Tokelau, recalled that the first referendum on self-government in association with New Zealand, held in Tokelau in February 2006, had narrowly missed the two-thirds majority required, receiving only 60 per cent of votes in favour. The national representative body of Tokelau, the General Fono, had subsequently undertaken extensive consultations with Tokelauans abroad and organized a public-awareness campaign on issues relating to the referendum.

43. A second referendum had been held in October 2007, with a result of 64.4 per cent in favour, again narrowly missing the required two-thirds majority. He stressed that the voting had been professional and universally praised. The result was valid and accepted by all Tokelauans and the international community.

44. While a large majority of Tokelauans were no doubt disappointed by the result, the referendum had greatly enhanced awareness of the issues relating to self-determination. The General Fono believed that a further period of reflection was necessary before taking further action. The challenge for the leaders of Tokelau would be to address the concerns of the 35 per cent of Tokelauans who had voted no, with a view to uniting the population with regard to any future course of action.

45. **Ms. Graham** (New Zealand) welcomed the revised text of draft resolution A/C.4/62/L.7, which reflected the result of the recent referendum on self-government in association with New Zealand. Her

Government was of the view that the people of Tokelau must decide the direction and pace of their political development and it respected their decision, albeit by the narrowest of margins, to remain a dependent territory of New Zealand. As Tokelauans in Tokelau and abroad reflected on that result, they would continue to enjoy the full support of New Zealand.

46. Tokelau already exercised most of the responsibilities of a self-governing country. Each atoll increasingly functioned as a vibrant and forward-looking community. Her Government would continue to offer its friendship and support, including through joint efforts to improve public services and infrastructure. It also wished to acknowledge the support provided by the United Nations to Tokelau, including monitoring of the referendums.

47. **Mr. Malmierca Díaz** (Cuba), speaking in his capacity as acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and introducing draft resolution A/C.4/62/L.7, recalled that action on the draft resolution had been deferred pending the result of the recent referendum in Tokelau. The revised text took into account the result. He hoped that the draft resolution would be adopted without a vote.

48. **The Chairman** said he had been informed by the Secretariat that it did not anticipate any programme-budget implications arising from the draft resolution.

49. *Draft resolution A/C.4/62.L.7 was adopted.*

#### **Agenda item 121: Revitalization of the work of the General Assembly (A/C.4/62/CRP.1/Rev.1)**

50. **The Chairman** drew attention to document A/C.4/62/CRP.1/Rev.1, containing the Committee's tentative programme of work for the sixty-third session.

51. **Ms. Leal** (Portugal), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Georgia, Iceland, Moldova and Ukraine, said that the European Union strongly supported efforts to strengthen the role and effectiveness of the General Assembly. It was nevertheless disappointed with the progress made,

despite the efforts of the past four Presidents of the General Assembly, and considered that those efforts must continue.

52. The European Union was grateful to previous Chairmen of the Committee for their efforts to improve the Committee's work, and encouraged the current Chairman to follow their example. It would play an active role in discussions of how to revitalize the work, for example by holding interactive dialogues, rationalizing the number of draft resolutions submitted, and modifying or streamlining the Committee's agenda.

53. **The Chairman** said that he took it that the Committee wished to approve the Committee's tentative programme of work for the sixty-third session.

54. *It was so decided.*

*The meeting rose at 12.05 p.m.*