



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2005/L.5  
22 March 2005

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 5

**THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND  
ITS APPLICATION TO PEOPLES UNDER COLONIAL OR  
ALIEN DOMINATION OR FOREIGN OCCUPATION**

**Indonesia, Libyan Arab Jamahiriya (on behalf of the Arab Group)  
and Turkey\*: draft resolution**

**2005/... Situation in occupied Palestine**

*The Commission on Human Rights,*

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

---

\* In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the provisions of the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

*Recalling* General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

*Recalling further* its previous resolutions in this regard, the latest of which is resolution 2004/3 of 8 April 2004,

*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

*Gravely concerned* at the Israeli policy of closure of Palestinian border crossings, keeping thousands of Palestinians stranded and causing the death of a number of Palestinian patients,

*Aware* of the forthcoming Palestinian legislative elections,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign and independent State;
2. *Reaffirms* its support for the solution of two States living side by side in peace and security, Israel and a viable, democratic, sovereign and territorially contiguous Palestine;
3. *Urges* all Member States, specialized agencies and organizations of the United Nations to support and assist the Palestinian people in the early realization of their right to self-determination;
4. *Calls upon* Member States to further serve the noble causes enshrined in international instruments by supporting the Palestinian people in ending their subjugation, oppression and humiliation under Israeli occupation;
5. *Reaffirms* the continuing support of Member States for the Palestinian people in their institutional capacity-building and democratic process;
6. *Requests* Israel to implement fully the Israeli-Palestinian agreements that have been concluded, and to refrain from assassinating, attacking and arresting Palestinians;
7. *Demands* that Israel end its policies and practices aggravating the humanitarian and economic conditions in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, ceasing military incursions and raids, dismantling the checkpoints, and refraining from closing Palestinian border crossing points and from interfering in the free movement of people and goods;
8. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that agenda item.