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¹¹⁰ Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the 263rd meeting

Held at Headquarters, New York, on Wednesday, 15 May 2002, at 10.30 a.m.

Chairman: Mr. Fall (Senegal)

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The meeting was called to order at 10.45 a.m.

Adoption of the agenda

1. *The agenda was adopted.*
2. **The Chairman** informed the Committee about some activities that had taken place since its previous meeting, in particular, the meeting he had had with the NGO Working Group on Israel-Palestine, in which views had been exchanged on the situation in the region, the position of the Committee in that regard and the work done by civil society. Also, as part of the dialogue begun in November 1997 with the European Union, the Bureau had met on 27 March with a European Union delegation in order to discuss the current and future activities of the Committee and the position of the European Union on the question of Palestine. That dialogue was an important and mutually beneficial one that should be continued.

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

3. **The Chairman** said that the previous three months had been filled with rather disturbing events, the implications of which were yet to be assessed. It had been a very busy period for the Security Council, the General Assembly, the Secretary-General and the United Nations as a whole. Recently, several ideas on how to end the conflict and restore the political process had been the subject of intense discussions. On 5 March, in response to the dangerously escalating developments in the region, he had addressed a letter to the Secretary-General informing him of the Committee's position in that regard (A/ES-10/153-S/2002/234). As the situation had continued to deteriorate, the Bureau had on 5 April issued a press release (GA/PAL/879) on the situation in the Occupied Palestinian Territory, including Jerusalem. The Security Council had considered the issue on a number of occasions and adopted resolutions 1397 (2002), 1402 (2002), 1403 (2002) and 1405 (2002). Also, as Chairman of the Committee, he had participated in the Council meetings on the situation in the Middle East, including the Palestinian question, and had addressed the Council at its 4478th and 4506th meetings. Mr. Farhâdi, Vice-Chairman of the Committee, had addressed the Council at its 4525th meeting. When it had become obvious that the discussions in the Council

would prove inconclusive, the Group of Arab States and the Non-Aligned Movement had called for the resumption of the tenth emergency special session of the General Assembly, to consider agenda item 5 on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. On 7 May, the General Assembly had resumed the emergency special session and adopted resolution ES-10/10.

4. **Mr. Al-Kidwa** (Observer for Palestine) said that on 28 September 2000, the occupying Power, Israel, had launched a bloody military campaign against the Palestinian people. More recently, in the course of its general military assault on the people and the Palestinian Authority, it had come to occupy almost all the Palestinian population centres and had committed innumerable atrocities, including the killing of civilians and the destruction of infrastructure and houses, its aim being to destroy the present and the future of the Palestinian people. Those military actions, carried out despite the international reaction and the resolutions of the Security Council, had lasted more than a month, and they constituted war crimes under the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, especially the attacks in the Jenin refugee camp. Even after having withdrawn from the Palestinian cities and lifted its military siege of the headquarters of President Arafat and the Church of the Nativity, the occupation forces had kept the cities sealed off under military siege, thereby preventing the resumption of normal life, and had on several occasions occupied parts of them, creating an unprecedented situation in which the Palestinian Authority was virtually prevented from exercising its functions in the service of the Palestinian people.

5. In response to that dangerous situation, the Council had adopted resolution 1397 (2002), where for the first time it had affirmed its vision of peace in the region, which involved two States, Israel and Palestine, living side by side. That had marked a positive shift in the position of some of the Council's influential members and had allowed the Council to become involved and to fulfil the natural functions assigned to it under the Charter. Similarly, in reaction to the Israeli military assault, the Council had immediately and unanimously adopted resolutions 1402 (2002) and 1403 (2002), one more indication of the Council's intention to assume a more constructive role. Unfortunately,

those resolutions had been blatantly disregarded by the occupying Power, which instead of complying with them had actually intensified its military assault. The disappointment that followed had been caused by the Security Council's failure to live up to its Charter obligations or to see to it that the resolutions it had adopted were observed, thus allowing Israel to act in violation of international law and flout the Council's authority. The disappointment had later grown more pronounced when the Council had adopted resolution 1405 (2002) in response to the reports of war crimes committed in the Jenin refugee camp and the possibility that there had been a slaughter of civilians. At first, Israel had welcomed the resolution and expressed its readiness to cooperate with the Secretary-General's initiative. However, it had later begun to change its position, objecting to the membership of the fact-finding team assembled by the Secretary-General and resorting to different stratagems to restrict or block its work. The Secretary-General had held firm, and this had made Israel refuse outright to cooperate. It was truly alarming that, in the face of all that had happened, the Security Council had not managed to react, raising serious questions in its credibility, its methods of work and its ability to live up to the obligations the Charter imposed on it.

6. In response to those developments, the General Assembly, at the request of the Group of Arab States supported by the Non-Aligned Movement, resumed its tenth emergency special session in order to consider a broad draft resolution covering all aspects of the situation, particularly the events that had occurred in Jenin, and requesting the Secretary-General to present a report on the events that had taken place in Jenin and in other Palestinian cities. The sponsors of the draft resolution had conducted extensive negotiations with various countries and obtained their support. Subsequently, for unexplained reasons, the European Union had changed its position and had abstained during the vote on the draft resolution. The Under-Secretary-General for Political Affairs had sent a note regarding General Assembly resolution ES-10/10, requesting the Palestinian Authority to provide all available information on the events, and it was to be hoped that he had sent an identical note to the Israeli Ambassador. It was also hoped that the Secretary-General would submit a full report as soon as possible, which would establish the legal and political bases for the General Assembly to take further steps regarding the atrocities and war crimes committed by Israel. That

issue had to be followed up, as did the situation on the ground, and the full implementation of Security Council resolutions 1402 (2002) and 1403 (2002) had to be ensured.

7. In connection with the ministerial meeting of the Committee on Palestine of the Non-Aligned Movement and the ministerial meeting of the Coordinating Bureau of the Non-Aligned Movement held in Durban from 27 to 30 April, the Declaration on Palestine had been adopted, in which, in particular, six concrete, practical measures to be implemented and followed up on by the United Nations had been set out. First, it should ensure that Israeli credentials to the General Assembly and international conferences did not cover the Occupied Palestinian Territory including Jerusalem, or other occupied Arab territories like the Syrian Golan. Secondly, the Declaration adopted by the reconvened Conference of High Contracting Parties to the fourth Geneva Convention, held in Geneva on 5 December 2001, had to be implemented. Thirdly, the international community's responsibility to bring legal action against the perpetrators of grave breaches in order to make them account for their acts, either at the national level or through the United Nations system, was underscored. Fourthly, further steps should be taken to ensure full observance of Council resolutions 1402 (2002), 1403 (2002) and 1405 (2002). Fifthly, action must be taken on the proposals of the Secretary-General on the establishment of a robust and credible multinational force in the Occupied Palestinian Territory, whose presence was intended to create a positive situation on the ground and help the Palestinian Authority with reconstruction. Sixthly, it was necessary to take a comprehensive approach to the peaceful settlement of the conflict between Israel and Palestine, in which the United Nations and particularly the Security Council would play an increased role. The first of those measures had to a certain extent been taken during the twenty-seventh special session of the General Assembly on children, when a group of sponsors had submitted an amendment to the resolution of the General Assembly on the report of the Credentials Committee, which would have accepted the report of the Credentials Committee on the understanding that the credentials of the delegation of Israel did not cover the Occupied Palestinian Territory, including Jerusalem, or other occupied Arab territories.

8. Certain States had made their participation in a suggested international conference conditional upon

the situation inside Palestine. The Palestinians had stated that a genuine international conference could be a good step, but that they did not consider the Israeli proposals on the matter to be serious. What should be envisaged was not a regional conference, or a conference where there was outside control over the attendance or where there might be attempts to exclude any of the parties concerned. It had to be an international conference attended by all the interested Arab parties, including Syria and Lebanon, with the agenda and the political framework clearly defined. A conference was a tool, and it would be a mistake if the international community focused on the form and not the contents. It would require a comprehensive approach that would enable agreement to be reached on a complete plan of action, including steps for achieving the final objective and recommendations such as the one made by the Secretary-General regarding an international presence. With regard to the arguments by some parties that the Palestinian Authority had to be reformed, that was an internal matter that concerned only the Palestinian people, and it was separate from the peace efforts or from any eventual agreements or negotiations. Palestinians had an interest in taking a different approach to their internal arrangements, bearing in mind that the current arrangement had been put in place on the premise that it would last less than five years and lead to an independent Palestinian State in which more stable institutions could be established. That had not happened owing to the stance taken by Israel. The arrangement had been extended longer than foreseen and the Palestinian people wanted to look into the question in greater depth.

9. The United Nations, and especially the Security Council, had to act more forcefully. The Palestinian people would continue to require the support and solidarity also of the Committee and to rely on the international community to help put an end to its suffering and that of all the peoples of the region, and to bring about the establishment of a comprehensive and lasting peace in the entire Middle East.

10. **Mr. Hasmy** (Malaysia) said that no one could remain neutral or stand on the sidelines. The attempt at neutrality, especially manifest in the dialogue with the European Union, was not an acceptable option. One had to take sides. Furthermore, given the disappointing absence of any significant progress, the Committee and the entire international community must continue to put pressure on the Security Council to assume its

responsibility under the Charter and not allow the events in the Jenin camp to go uninvestigated. Moreover, they must be firm in advocating the establishment of an international presence in the region.

11. As for the possibility of holding an international conference, the Committee should react to the Likud stand categorically rejecting the creation of a Palestinian State. An idea like that could unleash a genuine war in the region. It was the position taken by the central party in the Government of Israel, but it should not be allowed to gain strength until it became the dominant political policy in Israel.

12. In his meeting with the President of the United States of America, the Prime Minister of Malaysia, Mr. Mohammed, had underscored the fact that the United States must wholeheartedly support the search for a comprehensive political settlement of the Middle East problem and especially the question of Palestine. The cooperation that all countries had given the United States in its battle against terrorism would show real results only if the central problem was resolved and the causes of terrorism were attacked at the root.

Report by the Chairman on the United Nations International Meeting in Support of Middle East Peace, and the United Nations NGO Meeting in Solidarity with the Palestinian People, held in Nicosia from 16 to 18 April 2002

13. **The Chairman** said that the United Nations International Meeting in Support of Middle East Peace had focused primarily on the three topics considered in plenary meeting, namely, the situation in the Occupied Palestinian Territory since September 2000; international efforts at containing the crisis and reactivating the peace dialogue; and the urgency of ending the Israeli occupation and establishing a Palestinian State. The Meeting had been attended by representatives of 53 Governments, Palestine, 3 intergovernmental organizations, 10 United Nations bodies and 33 civil society organizations, as well as special guests of the host country and representatives of the media, universities and institutes. As had happened the previous year, Palestinian experts from the Occupied Palestinian Territory had been prevented from attending owing to the closures imposed by Israel. The Committee's delegation in Nicosia had issued a statement expressing deep regret at their absence and denouncing the Israeli policy of closures, collective

punishment and constant violations of the human rights of the Palestinians.

14. Both the statements and the discussions had highlighted the escalating violence, the loss of life and the wide-scale destruction of infrastructure and property in the Occupied Palestinian Territory, the steady deterioration of the Palestinian economy and the attacks on members and institutions of the Palestinian Authority. One positive aspect mentioned had been the provision of humanitarian and financial assistance by the international donor community. Of the many initiatives for finding a way out of the current crisis, there had been repeated mention of the proposal of the Beirut Arab League Summit, whose vision of full peace in the region had been widely welcomed. In addition, Security Council resolution 1397 (2002) had been highlighted, in which the Council had affirmed a vision of a region where two States, Israel and Palestine, lived side by side within secure and recognized borders. In the closing meeting, the participants had adopted the Nicosia Declaration, in which, inter alia, they expressed great alarm that the intensification of the conflict would bring even greater suffering and dispossession to the Palestinian people and would threaten the security and stability of the entire region. They were particularly appalled by the unfolding human tragedy and the unprecedented level of destruction caused by the Israeli reoccupation of the Jenin refugee camp. Also, they called upon the Government of Israel to honour its obligations under the fourth Geneva Convention, immediately terminate all acts of violence against innocent civilians and facilitate the access of humanitarian organizations to the Occupied Palestinian Territory. They believed that the political track should be pursued vigorously on the basis of the principles outlined in Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), and endorsed the idea of deploying some form of international presence. They highlighted and encouraged the peace-making efforts by the "Quartet" — the United States, the Russian Federation, the European Union and the United Nations — and by other international and regional actors.

15. The United Nations NGO Meeting in Solidarity with the Palestinian People had been held subsequently, with broad civil society participation, mainly from the Middle East. The Meeting had concluded with the adoption of an NGO Statement and Plan of Action.

16. The reports of both the International Meeting and the NGO Meeting would be issued as a publication of the Division for Palestinian Rights; and a summary would be included in the Committee's report to the fifty-seventh session of the General Assembly. The text of the Nicosia Declaration and the NGO Plan of Action had also been posted on the web sites of the United Nations Information System on the Question of Palestine (UNISPAL) and of the NGO Network on the Question of Palestine, maintained by the Division on the Internet.

17. He said he took it that the Committee wished to take note of the report he had just made.

18. *It was so decided.*

Report by the Chairman on his participation in international conferences and meetings (March and April 2002)

19. **The Chairman** reported on his participation in the seventy-fifth ordinary session of the Council of Ministers of the Organization of African Unity (OAU) held in Addis Ababa, Ethiopia, from 9 to 16 March 2002. The Council of Ministers had devoted considerable time to the question of Palestine and the Middle East, a recurrent item on its agenda. At the conclusion of its discussions on the item on 15 March 2002, the Council of Ministers had adopted a declaration in which it firmly condemned the wave of murders, assassinations and collective punishments and all the barbarous Israeli practices against the Palestinian people; condemned Israel's policy of destroying the Palestinian economy and institutions and its attacks against the Palestinian Authority in Gaza and against the Palestinian refugee camps; condemned the policy of the Israeli Government, which was jeopardizing the peace process, and called on it to halt its criminal terrorist activities immediately and return to the negotiating table; emphasized the need for the sponsors of the peace process and the United Nations to take appropriate steps to send international observers to the Palestinian territories and to obtain the lifting of the Israeli blockade imposed on the Palestinian people and President Arafat; also emphasized the right of the Palestinian people to self-determination and to the creation of an independent State with Al-Quds as its capital; and paid tribute to the resistance of the Palestinian people, reaffirming its solidarity with it and its support for its just and

legitimate struggle, the intifadah, under the leadership of the Palestine Liberation Organization.

20. He next reported on the results of the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, which had been held in Durban from 27 to 29 April 2002. The Declaration on Palestine had been adopted at the Meeting, and in it the Ministers condemned the massacres and other atrocities committed by the Israeli occupying forces against the Palestinian people, especially since the start of the Israeli offensive on 29 March 2002; expressed grave concern about reports of war crimes and massacres committed in the Jenin refugee camp and in other Palestinian cities; rejected the impunity of the Israelis and the disregard for the resolutions of the Security Council; expressed their grave concern about the Israeli attacks on the Holy Sites, including mosques and churches, in the Occupied Palestinian Territory; called for the immediate and full withdrawal of Israeli forces in implementation of Security Council resolutions 1402 (2002) and 1403 (2002) as a first step towards ending the occupation of land occupied since 1967; expressed full solidarity with the President of the Palestinian Authority and leader of the Palestinian People, Yasser Arafat, demanded the end of the military siege imposed on him and called for international assistance to rebuild the infrastructure of the Palestinian Authority; called for the implementation of the Declaration adopted by the Conference of High Contracting Parties to the fourth Geneva Convention on 5 December 2001, and called for concrete action at the national, regional and international levels to ensure that the occupying Power respected the provisions of the Convention; recalled the obligation of the Security Council and the General Assembly to take action against the perpetrators of grave breaches of the Convention; reiterated the need for the Credentials Committee to ensure that Israeli credentials to the General Assembly and international conferences did not cover the Palestinian territories occupied since 1967; welcomed the proposal of the Secretary-General to establish a multinational force under Chapter VII of the Charter, and called on the Security Council to take the proposal into account; called for an immediate end to the violence, killing and destruction and the speedy resumption of negotiations within the context of a comprehensive approach, including an international presence on the ground, with a view to a final settlement of conflict, having regard to the vision affirmed by the Security Council in its

resolution 1397 (2002); and agreed to organize a delegation to visit Palestine in expression of solidarity with the President and people of Palestine.

21. The Final Communiqué issued at close of the Meeting stated, inter alia, that the Ministers decided to reiterate the unchanging position of the Non-Aligned Movement on the question of Palestine and Middle East; reaffirmed the complete illegality of all the measures and actions taken by the occupying Power with regard to the Syrian Golan and its institutional structure, and demanded the complete restoration of Syrian sovereignty; reaffirmed the legitimate right of Lebanon to defend its territory and to free the areas under Israeli occupation, and reiterated support for the maintenance of the United Nations Interim Force in Lebanon (UNIFIL).

22. He said he took it that the Committee wished to take note of the report he had just made.

23. *It was so decided.*

Other matters

24. **Mr. Loulichki** (Morocco) said that he appreciated the Committee's efforts so that the inalienable rights of the Palestinian people would be recognized and respected. Morocco was planning to organize in Rabat an inter-African meeting to mobilize action to enable the Palestinian people to exercise their inalienable rights. His Government would coordinate with the Secretariat on the dates and the organizational procedures for the meeting.

25. **The Chairman** said that he welcomed Morocco's position, and thanked the delegation for offering to organize a meeting in Rabat.

26. **Mr. Al-Kidwa** (Observer for Palestine) expressed appreciation for the intensive efforts made by the Chairman of the Committee and the support expressed by the African countries and the Non-Aligned Movement. He also thanked the Government and people of Morocco for their generous offer to host a meeting which would make an important contribution to the work of the Committee. He further thanked the Government and people of Cyprus for having hosted the meetings held in Nicosia. He agreed with the representative of Malaysia that the Committee had to make a statement deploring the decision adopted by the Likud party opposing the creation not only of a Palestinian State but also of any State west of the

Jordan. That decision was a rejection of peace and a real setback, and should be strongly condemned. The Committee ought to formulate a statement in support of peace and the attainment of a final settlement of the question of Palestine.

27. **Mr. Farhâdi** (Afghanistan) said that the proposed Rabat meeting interested many countries, not only those on the African continent, and that the Committee should be represented at that meeting. The Organization of the Islamic Conference and its member countries should also participate in it, as also in the next ministerial meeting of the Non-Aligned Movement that would be held in February.

The meeting rose at 12.15 p.m.