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

Summary record of the 390th meeting

Held at Headquarters, New York, on Monday, 23 July 2018, at 10 a.m.

Temporary Chair: Mr. Zerihoun (Assistant Secretary-General for Political Affairs)

Chair: Mr. Niang (Senegal)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Election of the Chair of the Committee

2. *The Temporary Chair* said that, since there were no other nominations, he took it that the Committee wished to elect Mr. Cheikh Niang, Permanent Representative of Senegal, as Chair of the Committee.
3. *It was so decided.*
4. *Mr. Niang (Senegal) took the Chair.*

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 he was pleased by the promptness with which the Secretary-General had released a statement calling for an end to the latest round of attacks launched by Israel against the Gaza Strip. Following the recent adoption of General Assembly resolution [ES-10/20](#) on the protection of the Palestinian civilian population, he looked forward to the report of the Secretary-General on ways and means of implementing that resolution. He hoped that such means would include an international protection mechanism, and that the issue would figure prominently in the quarterly open debate on the situation in the Middle East scheduled to take place the day following the current meeting. Recent attempts by hundreds of Israeli settlers to storm the Haram al-Sharif and plans to destroy the Bedouin community of Khan al-Ahmar east of Jerusalem only served to highlight the need for protection of civilians not just in the Gaza Strip but in all parts of the Occupied Palestinian Territory.

6. Another development of concern was the recent law passed by the Israeli parliament giving official preference to citizens of a certain faith. Among other things, that law rescinded the status of Arabic as one of the official languages of Israel. All were aware that Israel been discriminating for years against the 20 per cent of its population that was Arab. The new piece of racist legislation made that de facto discrimination official, belying once again the claim made by Israel that it was the only democracy in the Middle East. The international community had a responsibility push back against that racist law, which had passed by only a narrow margin in the Israeli parliament. Two of the Committee's members, South Africa and Namibia, were well acquainted with combating apartheid, and he urged them to contribute their expertise to the forthcoming

Security Council debate. The people of the United States of America also ought to know from their history that in practice, "separate but equal" really meant "separate and different", and he urged United States civil rights organizations to become involved.

7. Lastly, he expressed appreciation for efforts by Egypt towards Palestinian national reconciliation.

Briefing on the human rights situation in the Occupied Palestinian Territory by the United Nations High Commissioner for Human rights

8. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), speaking via video link from Geneva, said that the human rights situation in the Occupied Palestinian Territory had escalated dramatically in recent weeks and that Gaza had seen the heaviest exchanges of fire between Israeli forces and armed groups since 2014. Although a ceasefire had been put in place through Egyptian and United Nations efforts, the situation remained fragile. The latest disproportionate use of force by Israel merely compounded the misery of Palestinians living in Gaza, who were already suffering multifaceted deprivation that was entirely human-made. Over 100 Palestinians, including 17 children, had been killed since 30 March 2018, and over 4,100 Palestinians had been injured.

9. The Human Rights Council had resolved to dispatch a commission of inquiry, which his Office was helping to set up. The accountability mechanisms put in place by Israel itself were not in compliance with international standards of independence, impartiality and effectiveness, and in the rare cases where an investigation had led to an indictment, sentences had been extremely lenient. It was also vital to address the root causes of the recent demonstrations, including the grossly inadequate living conditions inflicted on Gaza residents by the occupation and 11 years of blockade. Restrictive measures recently imposed by Egypt had exacerbated those conditions, and further hardship loomed ahead because of the funding crisis affecting the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The recent adoption by Israel of a law declaring Israel a national State of the Jewish people could further inflame tensions.

10. Israeli settlement continued unabated across the occupied West Bank, including East Jerusalem. Settler attacks were at their highest monthly average in three years. Although home demolitions were down from their peak of the previous year, recent weeks had witnessed a fresh wave of demolitions and displacements affecting around 100 Palestinians, including 55 children. Of

immediate concern was the situation of Khan al-Ahmar, one of 18 communities in the so-called E1 area that the Israeli authorities planned to use to connect the Maale Adummim settlement bloc with East Jerusalem. In the H2 area in Hebron, restrictions on movement, daily intimidation at checkpoints, settler violence and harassment added to the existing coercive environment, which was pushing individuals and communities to leave their places of residence involuntarily, in violation of article 49 of the Geneva Convention relative to the Protection of Civilians in Time of War, which prohibited the forcible transfer of individuals and communities by the occupying Power. Israel also continued to maintain its separation wall, which had been found by the 2004 advisory opinion of the International Court of Justice to be in violation of customary international law. International law also prohibited detention without trial and the use of secret evidence. He called on Israel to release the hundreds of Palestinians, including children, being held in “administrative detention”.

11. He was disturbed by the arbitrary arrests and detentions of human rights defenders and by legislation, both adopted and proposed, that singled out human rights activists, including Israeli and foreign Jewish human rights groups. He also expressed concern about restrictions on civil society being developed and imposed by the Palestinian Authority. Although the latter were of a different magnitude than Israeli measures, any restrictions on social structures facilitating the peaceful resolution of disputes could only serve to ignite conflict, with unpredictable consequences.

12. Above all, he reiterated that only an end to the occupation could bring about lasting peace and establish the conditions in which the human rights of all could be fully respected.

13. **Mr. Moncada** (Bolivarian Republic of Venezuela) said that after 50 years of occupation and 10 years of the Gaza blockade, Israel continued to violate international law with impunity. The prolonged occupation was leading to the deterioration of living conditions for Palestinians. There were military incursions and clashes with demonstrators practically on a daily basis. He called for an end to the Israeli occupation in accordance with Security Council resolution 242 (1967) and the relevant General Assembly resolutions.

14. One of the most effective steps to protect Palestinian civilians would be to grant the State of Palestine full membership in the United Nations, allowing it to negotiate with Israel on an equal footing. He condemned the recent decision by the United States of America to move its embassy in Israel to Jerusalem,

which further strengthened the illegal de facto annexation of that city. Jerusalem should retain the status of *corpus separatum* under international law. He reiterated his country’s support for an independent State of Palestine within the 1967 borders with East Jerusalem as its capital and full membership in the United Nations, in accordance with the relevant United Nations resolutions, including General Assembly resolution 181 (II).

15. **Ms. Krisnamurthi** (Indonesia) said that it was an excellent initiative to have the briefing on the human rights situation in the Occupied Palestinian Territory one day prior to the scheduled Security Council quarterly open debate on the situation in the Middle East. She agreed with the High Commissioner that an independent, impartial and effective accountability mechanism should be a priority. It should always be borne in mind that of the two parties to the conflict, the Palestinians were the ones being oppressed, and the occupying Power was the aggressor. The only way to end the conflict was to address the root causes, which were the occupation and settlements.

16. **Mr. Gertze** (Namibia) said that the High Commissioner’s briefing had painted a bleak picture. The Committee needed to ask itself how much longer it was going to meet merely to express frustration while children were being killed. It was outrageous that after 70 years, the international community had not yet managed to apply the necessary pressure to bring about change. In particular, the matter needed to be pursued with more vigour in the Security Council.

17. **Mr. Mansour** (Observer for the State of Palestine) said that he hoped that the High Commissioner would make his informative statement available to the Security Council in time for the quarterly debate scheduled to take place in one day’s time. He agreed with the representatives who had stated that the only solution to the problem lay in an end to the occupation, self-determination for the Palestinian people and the establishment of an independent State of Palestine with East Jerusalem as its capital. The Secretary-General had given expression to the global consensus when he had declared that there was no plan B to the two-State solution. It was the responsibility of the Committee and the international community to find creative and practical steps towards that objective. He urged Member States to heed the call in Security Council resolution 2334 (2016), paragraph 5, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, and to follow the example of Ireland in reporting to the Secretary-General any steps they had taken to comply

with that provision, particularly with respect to products manufactured in the Israeli settlements.

18. Lastly, he wondered if the High Commissioner could provide information on the timeline for the formation of the commission of inquiry, which seemed to be taking an inordinate amount of time.

19. **Mr. Matjila** (South Africa) said that there were certain players outside Israel who should be held responsible for the tragedy in Palestine. One of them was Lord Balfour, who had laid the groundwork for the partition of Palestine so many years previously. Another was the United Nations itself, which had failed to ensure the creation of an independent State of Palestine when it had recognized an independent State of Israel.

20. He noted that article 1 of the Universal Declaration of Human Rights declared that all people were born free and equal. His country had incorporated that principle into its Constitution. Palestinians also had the right to be free. The Palestinian situation had much in common with any other colonial struggle, and Palestinians were not asking for anything that a majority of the Member States had not themselves demanded at one time or another.

21. In South Africa, there were both pro-Israeli and pro-Palestinian groups that engaged on the issue. He urged the creation of an atmosphere in which Israelis and Palestinians could sit down and achieve a peaceful resolution based on the two-State solution, while bearing in mind that Palestine was occupied.

22. The Parliament of South Africa had voted for a boycott of all products from occupied Palestine and had followed European countries in requiring that all products from Israel be labelled. South Africa had also downgraded its diplomatic representation in Israel, a step that a number of countries had taken in South Africa itself during its apartheid era. He expressed appreciation for the efforts of the Secretary-General and Egypt towards a ceasefire, and called for the release of all political prisoners and of detained children. He hoped that a two-State solution would be achieved within the lifetimes of those present.

23. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights) said that a copy of the statement he had just delivered would be posted on his Office's website, and he would take steps to make sure that the members of the Security Council were aware of it. A secretariat had been put in place for the commission of inquiry, but the appointment of the commissioners themselves always took more time than one would hope. He still expected a full report to be submitted to the Human Rights Council at its March 2019 session.

24. **Ms. Pereira Sotomayor** (Ecuador) said that the briefing given by the High Commissioner had only increased her admiration for the Palestinian people's capacity to continue resisting the occupation. Her delegation believed that the adoption by the General Assembly of resolution [ES-10/20](#) on the protection of the Palestinian civilian population was the right approach. In the light of the recent outbreak of violence in Gaza, her Government had called on Israel to respect international law and international norms regarding the disproportionate use of force. The status of Jerusalem needed to be defined on the basis of international law and the relevant Security Council and General Assembly resolutions. The international community had a responsibility to take action in support of the two-State solution, which was the only way to realize peace and stability in the Middle East. She commended the recent cessation of hostilities negotiated with the help of Egypt, which had shown that progress was indeed possible.

25. **Mr. Saikal** (Afghanistan) said that the High Commissioner's statement had made clear that Israel was continuing to violate the rights of Palestinians with its restrictions on movement and home demolitions. He hoped that the Secretary-General's upcoming report pursuant to General Assembly resolution [ES-10/20](#) would result in the creation of a genuinely effective international protection mechanism. He was pleased to inform the Committee that his Government had invited the Palestinian national soccer team to Kabul for a friendly match to take place on 19 August 2018, which would be his country's independence day.

26. **Mr. Azzam** (Observer for Lebanon) said that seven decades after the Nakbah, there was no solution in sight, despite numerous international resolutions adopted on the matter. On the contrary, in many respects, progress was being reversed, as exemplified by the efforts to cut off funding for UNRWA. He commended the States that had renewed their commitments to that Agency at the recent funding conferences in Rome and New York.

27. Progress was also being reversed on the ground in Palestine due to the blockade of Gaza and a settlement policy that amounted to the de facto annexation of territory. The true solution lay in an end to the occupation, the establishment of a Palestinian State within the 1967 borders with East Jerusalem as its capital, and a just resolution of the refugee issue in accordance with international resolutions and the Arab Peace Initiative.

28. **Mr. Alhakbani** (Observer for Saudi Arabia) said that it was ironic that Israel should have passed a law

defining Israel as a national State of the Jewish people just as the international community was commemorating the end of South African apartheid on Nelson Mandela International Day. That Israeli legislation was an affront to international law and human rights principles. The Palestinian people had a right to establish a State within the June 1967 borders, in accordance with international resolutions and the Arab Peace Initiative. He called on the international community to provide protection to the Palestinian people and to pressure Israel to cease its violations and fulfil its obligations under international resolutions.

29. **Mr. Keçeli** (Turkey) said that his delegation condemned the recent Israeli attacks and the recent legislation adopted by the Israeli parliament. The international community could not remain silent in the face of such provocations, which were calculated to undermine the two-State solution.

Reports on the activities of the Committee at United Nations Headquarters and abroad

30. **Mr. Inguanez** (Malta), Rapporteur, said that the Committee had sent a delegation to Panama on 9 and 10 April 2018 to mobilize support for the two-State solution and to inform local public opinion about life under the Israeli occupation and about the mandate of the Committee. The delegation comprised Ambassador Seck (Senegal), Ambassador Rubiales de Chamorro (Nicaragua), Ambassador Rodríguez Camejo (Cuba), Ambassador Yaakob (Malaysia) and Ambassador Mansour (Observer for the State of Palestine). The delegation had met with the Panamanian Deputy Minister of Foreign Affairs and the Foreign Affairs Committee of the National Assembly. It had participated in briefings at institutions of higher learning and met with local Palestinian solidarity groups and diaspora representatives. Subsequently, in May 2018, the President of Panama had travelled to Ramallah and had opened a Liaison Office as a first step towards recognition of the State of Palestine.

31. On 17 and 18 May 2018, the Committee had convened the United Nations Forum on the Question of Palestine at United Nations Headquarters in New York under the theme “70 Years after 1948 – Lessons to Achieve a Sustainable Peace”. The Forum had produced a number of key findings on resolving the conflict and improving the situation on the ground. The Forum had been preceded by half a day of closed Committee consultations with civil society representatives from Palestine, Israel and the United States of America, which had concluded with recommendations for the Committee on investigating war crimes, finding legal solutions to protracted displacement and addressing the

issue of business transactions in illegal settlements, in the absence of an official United Nations database.

32. From 26 to 28 June, the Committee had convened the International Conference on the Question of Jerusalem in Rabat, held under the theme “The question of Jerusalem after 50 years of occupation and 25 years of the Oslo Accords” with the support of both the Organization of Islamic Cooperation (OIC) and the Government of the Kingdom of Morocco. The Committee delegation comprised Ambassador Seck (Senegal), Ambassador Djani (Indonesia), Ambassador Rodríguez Camejo (Cuba) and Ambassador Mansour (Observer for the State of Palestine). The Conference, attended by United Nations Assistant Secretary-General Miroslav Jenča, OIC Assistant Secretary-General Samir Bakr and League of Arab States Assistant Secretary-General Saeed Abu Ali, had opened with a message from King Mohammed VI of Morocco, Chair of the Al-Quds Committee of OIC. A summary of conference deliberations had been made available online by the United Nations Information System on the Question of Palestine (UNISPAL).

33. **Mr. Mansour** (Observer for the State of Palestine) said that, in addition to the three activities described by the Rapporteur, he wished to note the unique concert event held in the General Assembly Hall on 15 May 2018 to commemorate the seventieth anniversary of the Nakbah.

34. *At the invitation of the Chair, Mr. Wildman (Israel-Palestine NGO Working Group) took a place at the Committee table.*

35. **Mr. Wildman** (Israel-Palestine NGO Working Group) said that he wished to highlight the consultation held by the Committee with civil society representatives on 16 May 2018, just prior to the Forum. He recalled that, in addition to efforts by Member States, the efforts of international civil society had been crucial to ending apartheid in South Africa, and he expected that the same would be the case for Palestine.

36. **Mr. Inguanez** (Malta), Rapporteur, said that he would highlight both the consultation and the concert in the final version of his report.

37. *Mr. Wildman (Israel-Palestine NGO Working Group) withdrew.*

Updates from Member States on their activities related to the question of Palestine

38. **Mr. Hermida Castillo** (Nicaragua) said that his country had been a member of the Committee delegation to Panama and had chaired a round table at the Forum held in New York. Nicaragua had taken part in a number

of international events related to Palestine and had voted in favour of General Assembly resolution [ES-10/20](#) on the protection of the Palestinian civilian population. He agreed that action need to be taken to counter the recent law adopted by the Israeli parliament.

39. **Ms. Krisnamurthi** (Indonesia) said that, at the recent ministerial meeting of the Conference on Cooperation among East Asian Countries for Palestinian Development, held in Bangkok in June 2018, her country had announced that it would provide \$2 million to assist Palestinian capacity-building programmes. Indonesia was also exempting Palestinian products from tariffs.

40. **Mr. Rivero Rosario** (Cuba) said that during 2018, as it did every year, his country had taken care to commemorate important Palestinian dates, and had held a number of solidarity events with the participation of the Palestinian Ambassador in Cuba. Hundreds of Palestinian students were pursuing higher studies in Cuba with assistance from the Cuban Government. It was shameful that so many years had gone by with no progress on the Palestinian situation and he called on the Security Council to take appropriate measures towards realizing the two-State solution. His delegation planned to participate in the Security Council debate scheduled for the following day.

41. **Mr. Naouwali** (Tunisia) said that, as the current Chair of the Group of Arab States and a recent member of the Troika of the Arab League, Tunisia had been heavily involved in efforts to enlist the support of the Secretary-General and the Security Council in confronting the attacks by Israel on demonstrators taking part in the recent march in Gaza. His country had released strong statements condemning those attacks, and had also condemned the recent Israeli law declaring Israel a national State of the Jewish people. His delegation had also supported the adoption of General Assembly resolution [ES-10/20](#) on the protection of the Palestinian civilian population.

The meeting rose at 12.20 p.m.