



# General Assembly

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

### Summary record of the 413th meeting

Held at Headquarters, New York, on Wednesday, 30 August 2023, at 10 a.m.

*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.*

### **Statement by the Observer for the State of Palestine**

2. **Mr. Mansour** (Observer for the State of Palestine) said that the situation in the Occupied Palestinian Territory was extremely depressing, with the Palestinian people expressing outrage at the lack of progress in putting an end to the tragedy. According to the Office for the Coordination of Humanitarian Affairs, the number of Palestinians killed to date in 2023 already exceeded the number killed in 2022 and included 44 children. It was unfortunate that the Secretary-General, in his annual report on children and armed conflict (A/77/895-S/2023/363), had not included Israel in the list of parties that committed grave violations affecting children, as States should be made aware of that fact, so that they could deal with Israel on the basis of such violations.

3. Israel was currently led by the most extreme right-wing Government in its history, which included fascist ministers considered by the Israeli legal system to be promoting terrorism. One minister had published a racist manifesto that gave the Palestinian people three options: to leave the Occupied Palestinian Territory, including East Jerusalem, which constituted ethnic cleansing; to submit to those in control in order to be allowed to remain in the territory; and, in the case of those who were struggling for the two-State solution and the rights of the Palestinian people, to be regarded as terrorists and dealt with by the Israeli security forces. Furthermore, the Government was expediting the annexation process, in particular in Area C, which constituted some 60 per cent of the occupied West Bank, including East Jerusalem; intensifying its settlement enterprise, including its efforts to legitimize illegal outposts in the eyes of Israeli law; and continuing to besiege the “man-made prison” of the Gaza Strip, thereby threatening the livelihoods of the 2 million people living there. At the same time, Palestinians were faced with the demolition of their homes, the displacement of their families and threats from extremist elements against Masafer Yatta and other areas in the Occupied Palestinian Territory and against holy sites in occupied East Jerusalem.

4. Despite the situation on the ground, the international community, including the United Nations and the Security Council, remained paralysed, reiterating principled positions but failing to take practical steps to hold Israel accountable and force it to

honour its commitments under the Charter of the United Nations and in accordance with United Nations resolutions and international law. The situation was pushing the Palestinian people to take matters into their own hands.

5. With respect to the request for an advisory opinion on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, his delegation was engaged in the follow-up to and preparation of documentation for the International Court of Justice and was grateful to the 58 States that had filed written statements with the Court in support of the argument of the State of Palestine and that exposed the prolonged illegal policies and practices of Israel in denying the Palestinian people their right to self-determination. In addition, his delegation was preparing to submit to the Court, by the deadline of 25 October 2023, written comments rebutting the written statements filed by a small number of Member States, in which they had attempted to show that a political process was under way in which the Court should not interfere. He was sure that, during the high-level week of the seventy-eighth session of the General Assembly, the Committee and its members would be at the forefront of efforts to advance the cause of the Palestinian people and their inalienable rights.

6. **Mr. Pedroso Cuesta** (Cuba), Vice-Chair, speaking on behalf of the Rapporteur, said that it was unacceptable that, at a time when the Palestinian people were being subjected to both a declared and undeclared campaign of extermination and ethnic cleansing, whereby they were stripped of their rights, land and property, the Committee was acting as if it were “business as usual”. Although the Bureau was doing the best it could, there were limits to what it could do, which was why delegations needed to speak up and help in that regard.

7. Although 2023 had been a critical year for Palestine, it appeared that the world knew nothing of what had been happening there. While other situations and conflicts had led to daily arguments about the violation of the principles of the Charter of the United Nations, neither the media nor the United Nations, including the Security Council, had been discussing the events in Palestine. It seemed that nobody viewed the situation in Palestine as a problem. The members of the Committee had a moral duty to try to reverse that situation.

8. **Mr. Elshandawily** (Observer for Egypt) said that the question of Palestine, in addition to being a foreign policy priority for Egypt, constituted the central cause of the Arab world. For that reason, his country had

sought to participate in every event organized by the Committee in 2023, with a view to supporting and mobilizing international support for the Palestinian people. Together with its partners, Egypt had continued to promote the Palestinian cause in all international and regional forums in order to guarantee peace and stability in the Middle East and throughout the world. Peace depended on a just solution to the Palestinian issue, in accordance with international law and the relevant resolutions.

9. Egypt had made efforts both individually and in coordination with its partners to maintain stability in the occupied Palestinian territories and to put an end to the violence against the Palestinian people and to all unilateral Israeli measures aimed at changing the legal status of the territories. In addition, his country was striving to free the movement of people and goods, mobilize support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and guarantee the unity of the Palestinian people in order to help alleviate their suffering and to establish the conditions necessary for the resumption of negotiations between the Israelis and the Palestinians and the implementation of the two-State solution as the sole and ideal solution.

10. **Mr. Alqaisi** (Observer for Jordan) said that the dangerous escalation in the Occupied Palestinian Territory must be stopped. His delegation condemned the continuation by Israel of such unilateral measures as repeated incursions into Palestinian cities, the building and expansion of illegal settlements, the seizure of lands, assaults on Palestinians and their displacement from their homes. Such practices represented a serious violation of international humanitarian law and undermined peace and the two-State solution. The international community must act immediately to put a stop to Israeli unilateral measures that undermined the prospect of peace and security in the region. Jordan continued, under the Hashemite custodianship, to take all measures to protect the Islamic and Christian holy sites in Jerusalem and to preserve the legal and historical status quo. A just, lasting and comprehensive peace remained a strategic Arab-Jordanian objective, the path to which was the end of the occupation and the establishment of an independent Palestinian State on the basis of the 4 June 1967 lines, with East Jerusalem as its capital.

11. **Mr. Salah** (Tunisia) said that his country supported the Committee's programme of work for 2023, particularly in terms of raising international awareness of the Palestinian cause and highlighting the violations by Israel of international law. Tunisia condemned the discriminatory practices and aggression

perpetrated by Israel against the Palestinians. His delegation looked forward to continuing to participate in the work of the Committee and would support all efforts to ensure that the Palestinian people could enjoy their inalienable rights, starting with the right to self-determination. It was vital to put an end to the Israeli occupation, find a just and lasting solution to the Palestinian question and establish an independent Palestinian State on the basis of the 1967 borders, with East Jerusalem as its capital.

### **Briefing on the findings of the study commissioned by the Committee on the legality of the Israeli occupation**

12. **The Chair** said that, in view of longstanding questions surrounding the legality of the Israeli occupation of the Occupied Palestinian Territory, the Committee had commissioned an independent study in 2021 to examine the issue. Following the holding of three expert seminars, the study, prepared by the Irish Centre for Human Rights, was ready to be shared with the public.

13. **Mr. Lynk** (former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), speaking via video link, introducing the study, said that many features of the 56-year Israeli occupation were illegal, such as the annexation of East Jerusalem, the settlements in occupied territory, the violations of human rights and humanitarian law, and the location of the wall itself. However, the focus of the study was on whether the occupation itself was illegal under international law and, if so, on the consequences for Israel, the international community and the United Nations.

14. The concept of illegal occupation had precedent in international law. The United Nations had said that the rule of South Africa over Namibia and the rule of Portugal over Guinea Bissau had been illegal. Based on those examples and international law, the study set out three peremptory norms to determine if an occupation was illegal, namely whether the occupying Power had moved to annex, formally or furtively, any part of the occupied territory, had breached the rights to self-determination of the people under occupation, and had engaged in discrimination or even apartheid in the occupied territory. Meeting one of those criteria would be a strong indication of illegality, and meeting all three would constitute conclusive evidence.

15. The Israeli occupation met all three criteria and Israel was, therefore, a bad-faith, illegal occupier. The situation in Palestine had many parallels with apartheid Namibia. Given that illegality, Israel must withdraw

immediately, completely and unconditionally from the Occupied Palestinian Territory, and the United Nations and the international community should make every effort to facilitate such a withdrawal. Israel was also liable for reparations for the many financial and moral losses suffered by Palestinians under the occupation.

16. The conclusion of the study was that the international community should move away from the land-for-peace paradigm and towards the withdrawal of Israel to the 1967 lines. Accordingly, Israeli military forces and colonial settlers should withdraw, discriminatory laws should be repealed, and the military administrative regime should be dismantled. Such withdrawal should not be subject to negotiation.

17. The study was likely to have a considerable impact, as the General Assembly had, in December 2022, requested an advisory opinion from the International Court of Justice on the attempts of Israel to annex territory from the Palestinians, on the impact of the settlements, on the denial of self-determination and on the consequences of a finding of discrimination and even apartheid in the Occupied Palestinian Territory. Those issues were directly addressed in the study, which would affect the litigation set for 2024 at the International Court of Justice.

18. **The Chair** said that the publication of the study was timely, as General Assembly resolution 77/247 contained a request for an advisory opinion from the International Court of Justice. The United Nations Information System on the Question of Palestine database had provided vital documentation for the formal written submission that the Secretariat had filed with the Court in April 2023.

19. **Mr. Mansour** (Observer for the State of Palestine) said that the study would buttress the legal arguments submitted to the International Court of Justice. He expressed his hope that an opinion, which was expected to be rendered in early 2024, would add to the tools available to the Palestinian people in their struggle to end the occupation and have their own independent State, with East Jerusalem as its capital.

#### **Consideration of the draft report of the Committee to the General Assembly (A/78/35)**

20. **The Chair** recalled that the draft report of the Committee had been circulated by the secretariat prior to the meeting.

21. **Mr. Pedroso Cuesta** (Cuba), Vice-Chair, speaking on behalf of the Rapporteur, introducing the Committee's annual report (A/78/35), said that the report provided an overview of the work of the

Committee from 1 September 2022 to 31 August 2023 and developments related to the question of Palestine. The report concluded with the Committee's recommendations to relevant stakeholders.

22. The Committee urged Israel to halt and reverse annexations, home demolitions, settlement expansion and the forced displacement of Palestinians, including women and children. It also urged Israel to revoke punitive measures against the Palestinian Authority, end the disproportionate use of lethal force and protect Palestinian civilians in accordance with its obligations under relevant United Nations resolutions and international humanitarian law. The Committee called upon Israel to respect the status quo at the holy sites in Jerusalem, ensure peaceful religious practices, and lift the current land, air and sea blockade of Gaza.

23. The Committee urged the General Assembly and the Security Council to ensure the implementation of the long-standing parameters of peace in accordance with the relevant United Nations resolutions and called upon the Secretary-General to continue leveraging his good offices to support a political horizon and the two-State solution.

24. The Committee urged regional organizations to take a politically active role to end the Israeli occupation and achieve a just and lasting solution to the question of Palestine, as provided for under the Arab Peace Initiative.

25. The Committee urged Member States to support UNRWA and to review Israeli use of counter-terrorism legislation against Palestinian civil society organizations, with a view to delegitimizing and undermining their activities.

26. The Committee recommended the continuation of the special information programme on the question of Palestine of the Department of Global Communications.

27. **Mr. Nasir** (Indonesia) said that there was a need for increased political visibility of the situation of Palestinians in the Occupied Palestinian Territory and for pressure from the international community to stop the apartheid policies and systemic violations of international law. Indonesia was concerned with the growing number of casualties in the Occupied Palestinian Territory, emphasizing that people's safety and well-being should be a priority. The situation in Palestine required greater visibility, similar to the visibility given at the United Nations to other conflicts. Specific steps should be taken towards achieving just and lasting peace for the Palestinian people. At the Sustainable Development Goals Summit, the Committee should emphasize that the situation in

Palestine precluded the achievement of the Sustainable Development Goals. Adequate and sustainable funding must continue to be provided to UNRWA.

28. *The draft report was adopted.*

29. **The Chair** requested all Governments and organizations to support the Committee in carrying out its tasks, including the implementation of the recommendations contained in the report, and to support the Palestinian people in the realization of their right to self-determination. In accordance with the established practice, the adopted report would be transmitted to the Secretary-General for submission to the General Assembly.

#### **Consideration of requests for accreditation of civil society organizations**

30. **The Chair** said that the accreditation criteria and the benefits of accreditation were explained on the Committee website. During the accreditation process, organizations explained their activities in support of the resolution of the Palestinian question. Once accredited, organizations could participate in the activities of the Committee. The secretariat regularly received accreditation requests, which were reviewed by the Bureau before being sent to the Committee for approval. Since the previous review in July 2022, the Committee had received requests from eight organizations, one of which met the accreditation requirements: Palestine Land Society. He took it that the Committee wished to approve that request for accreditation.

31. *It was so decided.*

#### **Update on the activities of the Committee**

32. **The Chair** said that the Committee had commemorated the seventy-fifth anniversary of the Nakbah in May. The Bureau had met with the Minister for Foreign Affairs and Expatriates of the State of Palestine in April, with the UNRWA Commissioner-General in June and with the UNRWA Chief of Staff in July. In July, the Committee had held a conference on the question of Jerusalem and had submitted a statement to the quarterly open debate of the Security Council on the situation in the Middle East, including the Palestinian question.

33. On 22 August, the Bureau had met with the Secretary-General and advocated for him to visit the Occupied Palestinian Territory as soon as possible. The Committee had also called for increased protection for Palestinians and emphasized the urgency of providing a political horizon to resolve the question of Palestine. The Secretary-General had reiterated the Organization's

support for the two-State solution and had said that he looked forward to visiting the Occupied Palestinian Territory in the near future.

34. The Division for Palestinian Rights continued to disseminate a quarterly newsletter on the activities of the Committee, a monthly bulletin on international action on the question of Palestine, and weekly newsletters on the work of civil society organizations.

*The meeting rose at 11.35 a.m.*