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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
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Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF
APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE
SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS
RESOLUTION 8 (XXIII)

Mr. Alfonso Martínez, Mr. El-Hajje, Mr. Guissé and Mr. Mehedi:
draft resolution

1996/... Situation in the Palestinian and other Arab territories
occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Guided by the purposes and principles of the Charter of the
United Nations, the Universal Declaration of Human Rights, the International
Covenant on Civil and Political Rights and the International Covenant on
Economic, Social and Cultural Rights, in particular the principles of equal
rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law, and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories submitted to the General Assembly,

Deeply alarmed at the non-respect by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the failure to apply it to the Palestinians in the occupied Palestinian territory and to civilian persons in other occupied Arab territories,

Welcoming once more the ongoing Middle East peace process started at Madrid, in particular the signing in Cairo on 4 May 1994 of the Agreement on the Gaza Strip and Jericho Area by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and regretting the hindrance of the peace process due to the Israeli attitude,

1. Reaffirms that the Israeli occupation of the Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross violation of human rights;

2. Also reaffirms that the continued imposition of collective punishment in the form of the closure of Palestinian territories since

February 1996 and the isolation of occupied areas, after the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization in Washington D.C., on 13 September 1993, constitute grave violations of the principles of international humanitarian law and of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights, of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights;

3. Reaffirms that the installation of Israeli civilians in the Palestinian and other Arab occupied territories is illegal and constitutes a gross violation of article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. Affirms that the persistence of Israel in maintaining and expanding its settlements and establishing new ones is contrary to the peace process;

5. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation, in accordance with article 1 of the Convention;

6. Reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

7. Reaffirms Economic and Social Council resolution 1996/ of 26 July 1996 on the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan;

8. Calls upon Israel:

(a) To comply with its international obligations, respect the rules of international law and apply the Geneva Convention relative to the Protection

of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories;

(b) To desist from establishing Israeli settlements in the Palestinian and other occupied Arab territories, and calls for them to be dismantled and confirms that all measures taken by Israel with the purpose of annexing or of altering the demographic, cultural, religious or other character of those territories, including Jerusalem, are illegal, null and void;

(c) To comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981) of 17 December 1981, in which the Council inter alia decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

(d) To desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties, and calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

9. Affirms that the realization of a comprehensive and just peace in the Middle East requires the complete withdrawal of Israel from all occupied Palestinian territory, including Jerusalem, enabling the Palestinian people to exercise their right to self-determination and to establish their independent State, the complete withdrawal of Israel from the occupied Syrian Golan and the complete and unconditional withdrawal of Israel from southern Lebanon and West Bekaa, in conformity with Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and in accordance with the principle of land for peace;

10. Requests the Secretary-General to provide the Sub-Commission, at its forty-ninth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.
