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Agenda item 84

## **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

### **Report of the Special Political and Decolonization Committee (Fourth Committee)**

*Rapporteur:* Mr. Bernard **Tanoh-Boutchoué** (Côte d'Ivoire)

#### **I. Introduction**

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "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 to allocate it to the Special Political and Decolonization Committee (Fourth Committee).
2. The Fourth Committee considered the item at its 22nd to 24th meetings, on 18 and 19 November 1998 (see A/C.4/53/SR.22–24). The general debate on the item was held at the 22nd and 23rd meetings, on the same dates (see A/C.4/53/SR.22 and 23).
3. For its consideration of the item, the Committee had before it the following documents:
  - (a) Report of the Secretary-General submitted in pursuance of General Assembly resolution 52/64 (A/53/259);
  - (b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 52/68 (A/53/260);
  - (c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 52/67 (A/53/264);
  - (d) Report of the Secretary-General submitted in pursuance of General Assembly resolution 52/65 (A/53/660);

(e) Notes by the Secretary-General transmitting the thirtieth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/53/661) and the periodic reports of the Special Committee covering the periods from 30 August to 31 December 1997 (A/53/136) and from 1 January to 31 May 1998 (A/53/136/Add.1);

(f) Letter dated 8 April 1998 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the twenty-fifth session of the Islamic Conference of Foreign Ministers, held at Doha from 15 to 17 March 1998 (A/53/95-S/1998/311);

(g) Letter dated 31 August 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/53/299-S/1998/822);

(h) Letter dated 2 November 1998 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/53/567-S/1998/1024);

(i) Letter dated 2 November 1998 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/53/568-S/1998/1025);

(j) Letter dated 13 November 1998 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/53/671-S/1998/1075).

4. At the 22nd meeting, on 18 November, the representative of Sri Lanka, in his capacity as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the reports of that Committee (A/53/136 and Add.1) (see A/C.4/53/SR.22).

5. At the 23rd meeting, on 19 November, the Permanent Observer of Palestine to the United Nations made a statement (see A/C.4/53/SR.23).

## **II. Consideration of proposals**

### **A. Draft resolution A/C.4/53/L.16**

6. At the 24th meeting, on 19 November, the representative of Cuba, on behalf of *Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Morocco, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine*, subsequently joined by *Bahrain*, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/53/L.16).

7. In introducing the draft resolution, the representative of Cuba orally revised operative paragraph 4 by deleting the word "recent" before the word "deterioration".

8. At the same meeting, statements were made by the representatives of Austria, Oman and Egypt (see A/C.4/53/SR.24).

9. At the same meeting, the representative of Chile requested a separate vote on operative paragraph 4 of the draft resolution, as orally revised.

10. Also at the same meeting, the representative of Cuba further orally revised the draft resolution by replacing, in operative paragraph 4, the words "impasse facing" by the words "difficulties confronting". The representative of Chile subsequently withdrew his request for a separate vote.

11. At its 24th meeting, the Committee adopted draft resolution A/C.4/53/L.16, as orally revised, by a recorded vote of 72 to 2, with 55 abstentions (see para. 21, draft resolution I).<sup>1</sup> The voting was as follows:

*In favour:*

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

*Against:*

Israel, United States of America.

*Abstaining:*

Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bolivia, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Ecuador, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, The Former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia.

## **B. Draft resolution A/C.4/53/L.17**

12. At the 24th meeting, on 19 November, the representative of Cuba, on behalf of *Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Morocco, Saudi Arabia, Tunisia, the United Arab Emirates, Yemen and Palestine*, subsequently joined by *Bahrain*, introduced a draft resolution entitled "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories" (A/C.4/53/L.17).

13. At the same meeting, the Committee adopted draft resolution A/C.4/53/L.17 by a recorded vote of 127 to 2, with 1 abstention (see para. 21, draft resolution II).<sup>1</sup> The voting was as follows:

*In favour:*

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark,

<sup>1</sup> A statement in explanation of vote on the draft resolution was made by the representative of Austria (on behalf of the States Members of the United Nations that are members of the European Union) and a statement was made by the representative of the Syrian Arab Republic (see A/C.4/53/SR.24).

Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

*Against:*

Israel, United States of America.

*Abstaining:*

Swaziland.

### C. Draft resolution A/C.4/53/L.18

14. At the 24th meeting, on 19 November, the representative of Cuba, on behalf of *Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Morocco, Saudi Arabia, Tunisia, the United Arab Emirates, Yemen and Palestine*, subsequently joined by *Bahrain*, introduced a draft resolution entitled "Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan" (A/C.4/53/L.18).

15. In introducing the draft resolution, the representative of Cuba orally revised it by adding a new operative paragraph 5, which read:

"5. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution".

16. At the same meeting, the Committee adopted draft resolution A/C.4/53/L.18, as orally revised, by a recorded vote of 127 to 2, with 1 abstention (see para. 21, draft resolution III).<sup>1</sup> The voting was as follows:

*In favour:*

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger,

Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

*Against:*

Israel, United States of America.

*Abstaining:*

Swaziland.

#### **D. Draft resolution A/C.4/53/L.19**

17. At the 24th meeting, on 19 November, the representative of Cuba, on behalf of *Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Morocco, Saudi Arabia, Tunisia, the United Arab Emirates, Yemen and Palestine*, subsequently joined by *Bahrain*, introduced a draft resolution entitled “Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem” (A/C.4/53/L.19).

18. At the same meeting, the Committee adopted draft resolution A/C.4/53/L.19 by a recorded vote of 126 to 2, with 2 abstentions (see para. 21, draft resolution IV).<sup>1</sup> The voting was as follows:

*In favour:*

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d’Ivoire, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

*Against:*

Israel, United States of America.

*Abstaining:*

Swaziland, Zambia.

### **E. Draft resolution A/C.4/53/L.20**

19. At the 24th meeting, on 19 November, the representative of Cuba, on behalf of *Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and Palestine*, subsequently joined by *Bahrain and Pakistan*, introduced a draft resolution entitled “The occupied Syrian Golan” (A/C.4/53/L.20).

20. At the same meeting, the Committee adopted draft resolution A/C.4/53/L.20 by a recorded vote of 127 to 1, with 3 abstentions (see para. 21, draft resolution V).<sup>1</sup> The voting was as follows:

*In favour:*

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d’Ivoire, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

*Against:*

Israel.

*Abstaining:*

Swaziland, United States of America, Zambia.

### **III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)**

21. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

## Draft resolution I

### **Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations,

*Guided also* by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>2</sup> as well as international standards of human rights, in particular the Universal Declaration of Human Rights<sup>3</sup> and the International Covenants on Human Rights,<sup>4</sup>

*Recalling* its relevant resolutions, including resolution 2443 (XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

*Recalling also* relevant resolutions of the Security Council,

*Aware* of the lasting impact of the uprising (intifada) of the Palestinian people,

*Convinced* that occupation itself represents a primary violation of human rights,

*Having considered* 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<sup>5</sup> and the relevant reports of the Secretary-General,<sup>6</sup>

*Recalling* the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993,<sup>7</sup> as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,<sup>8</sup>

*Expressing the hope* that, with the progress of the peace process, the Israeli occupation will be brought to an end and therefore violation of the human rights of the Palestinian people will cease,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;
2. *Demands* that Israel cooperate with the Special Committee in implementing its mandate;
3. *Deplores* those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;

<sup>2</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>3</sup> Resolution 217 A (III).

<sup>4</sup> Resolution 2200 A (XXI), annex.

<sup>5</sup> A/53/136 and Add.1 and A/53/661.

<sup>6</sup> A/53/259, A/53/260, A/53/264 and A/53/660.

<sup>7</sup> A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

<sup>8</sup> A/51/889-S/1997/357, annex; see *Official Records of the Security Council, Fifty-second Year, Supplement for April, May and June 1997*, document S/1997/357.

4. *Expresses concern* about the deterioration of the situation in the occupied Palestinian territory, including Jerusalem, as a result of Israeli practices and measures and the difficulties confronting the Middle East peace process;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>2</sup> and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-fourth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

## **Draft resolution II**

### **Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories**

*The General Assembly,*

*Recalling* its relevant resolutions,

*Bearing in mind* the relevant resolutions of the Security Council,



*Having considered* 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<sup>9</sup> and the relevant reports of the Secretary-General,<sup>10</sup>

*Considering* that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

*Noting* the convening of the meeting of experts of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>11</sup> at Geneva, from 27 to 29 October 1998, at the initiative of the Government of Switzerland in its capacity as the depository of the Convention, concerning general problems of application of the Convention in general and, in particular, in occupied territories,

*Stressing* that Israel, the occupying Power, should comply strictly with its obligations under international law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>11</sup> is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the *de jure* applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions,<sup>12</sup> to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the recommendation contained in its resolutions ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997 and ES-10/5 of 17 March 1998 with regard to the convening of a conference of the High Contracting Parties to the Convention on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

### **Draft resolution III**

#### **Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967)

<sup>9</sup> A/53/136 and Add.1 and A/53/661.

<sup>10</sup> A/53/259, A/53/260, A/53/264 and A/53/660.

<sup>11</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>12</sup> *Ibid.*, Nos. 970–973.

of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>13</sup> to the occupied Palestinian territory, including Jerusalem and to the occupied Syrian Golan,

*Aware* of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>14</sup> and the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,<sup>15</sup>

*Expressing grave concern* about the decision of the Government of Israel to resume settlement activities, including the construction of the new settlement in Jebel Abu Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

*Gravely concerned in particular* about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>13</sup> to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Demands* complete cessation of the construction of the new settlement in Jebel Abu Ghneim and of all Israeli settlement activities in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

<sup>13</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>14</sup> A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

<sup>15</sup> A/51/889-S/1997/357, annex; see *Official Records of the Security Council, Fifty-second Year, Supplement for April, May and June 1997*, document S/1997/357.

## Draft resolution IV

### **Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem**

*The General Assembly,*

*Recalling* its relevant resolutions, including those adopted at its tenth emergency special session, and the resolutions of the Commission on Human Rights,

*Bearing in mind* the relevant resolutions of the Security Council, the most recent of which are resolutions 904 (1994) of 18 March 1994 and 1073 (1996) of 28 September 1996,

*Having considered* 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<sup>16</sup> and the reports of the Secretary-General,<sup>17</sup>

*Aware* of the responsibility of the international community to promote human rights and ensure respect for international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming also* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>18</sup> to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

*Recalling* the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993,<sup>19</sup> as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,<sup>20</sup>

*Noting* the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho Area in accordance with the agreements reached between the parties, and the initiation of the Palestinian Authority in those areas,

*Noting also* the redeployment of the Israeli army from six cities in the West Bank,

*Concerned* about the continuing violation of the human rights of the Palestinian people by Israel, the occupying Power, especially the use of collective punishment, closure of areas, annexation and establishment of settlements and the continuing actions by it designed to change the legal status, geographical nature and demographic composition of the occupied Palestinian territory, including Jerusalem,

*Expressing its deep concern in particular* about the closure by the Israeli authorities of the occupied Palestinian territory, including Jerusalem, which prevents the freedom of movement of persons and goods and is the cause of great economic and social hardship, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the agreements reached between the two sides,

<sup>16</sup> A/53/136 and Add.1 and A/53/661.

<sup>17</sup> A/53/259, A/53/260, A/53/264 and A/53/660.

<sup>18</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>19</sup> A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

<sup>20</sup> A/51/889-S/1997/357, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for April, May and June 1997*, document S/1997/357.

*Convinced* of the positive impact of a temporary international or foreign presence in the occupied Palestinian territory for the safety and protection of the Palestinian people,

*Expressing its appreciation* to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

*Convinced* of the need for the full implementation of Security Council resolutions 904 (1994) and 1073 (1996),

1. *Determines* that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>18</sup> and contrary to the relevant resolutions of the Security Council, are illegal and have no validity and that such measures should cease immediately;

2. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people;

3. *Stresses* the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

4. *Calls upon* Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

5. *Calls* for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the occupied territory;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

## **Draft resolution V**

### **The occupied Syrian Golan**

*The General Assembly,*

*Having considered* 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,<sup>21</sup>

*Deeply concerned* that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Recalling also* its previous relevant resolutions, the last of which was resolution 52/68 of 10 December 1997,

*Having considered* the report of the Secretary-General submitted in pursuance of resolution 52/68,<sup>22</sup>

*Recalling* its previous relevant resolutions in which, *inter alia*, it called upon Israel to put an end to its occupation of the Arab territories,

<sup>21</sup> A/53/136 and Add.1 and A/53/661.

<sup>22</sup> A/53/260.

*Reaffirming once more* the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

*Reaffirming* that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

*Reaffirming also* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>23</sup> to the occupied Syrian Golan,

*Bearing in mind* Security Council resolution 237 (1967) of 14 June 1967,

*Welcoming* the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolution 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on the Syrian and Lebanese tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (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;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>23</sup> and have no legal effect;

4. *Calls upon* Israel to desist 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 the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protections of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

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<sup>23</sup> United Nations, *Treaty Series*, vol. 75, No. 973.