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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 19 March 2004, at 3 p.m.

Chairperson: Mr. Smith (Australia)

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO  
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The meeting was called to order at 3.05 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2004/14, 15; E/CN.4/2004/G/6; E/CN.4/2004/NGO/7, 56, 68, 82, 89, 109, 133, 139, 177, 200, 219, 220)

1. Mr. ATTAR (Saudi Arabia), speaking on behalf of the League of Arab States, said that the Israeli occupation of the Palestinian territories continued. In addition to demolishing homes and destroying infrastructure, isolating villages and killing innocent people, Israel was building a separation wall which constituted a true act of racial segregation. That wall separated Palestinian villages from one another and deprived Palestinians of access to hospitals and schools, in flagrant violation of the provisions of the Geneva Conventions. It was clear that the true aim of Israeli policy was to ensure that a Palestinian State with Jerusalem as its capital would never become a reality. Israel was nevertheless mistaken if it thought it could force Palestinians into despair and submission. All concerned, including the Commission on Human Rights itself, acknowledged that the situation in the Occupied Palestinian Territory had never been worse and was totally inconsistent with a just and lasting peace. However, Israel would eventually need to understand that the creation of a sovereign Palestinian State was in its own interest.

2. The peace initiative adopted in Beirut in 2002 had shown that there was a will to establish stability, security and sustainable peace in the region. Unfortunately, Israel had rejected all peace initiatives from all quarters and continued to flout various resolutions of the international community adopted by the Security Council or the Commission on Human Rights. It was high time the pledges made in those resolutions, namely to restore Palestinians' rights and afford them the opportunity of living in their own State, were put into effect.

3. Ms. QI Xianxia (China) observed that the right to self-determination was expressed in exactly the same language in both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. That right was thus irreplaceable and had several implications. Firstly, national self-determination, in other words liberation from the yoke of colonial rule and foreign occupation, was the basis for the exercise of all other human rights. Secondly, self-determination meant that all peoples had the right freely to choose their preferred economic and political system and their path to development. In that respect, the interference of one State in the internal affairs of another constituted a gross violation of the right to self-determination. Finally, that right should not become a pretext for splitting up sovereign States and instigating national hatred.

4. Her delegation was convinced that the realization of the Palestinian people's right to self-determination was the only way to resolve the Middle East conflict. The Chinese Government supported the just struggle of the Palestinian people and was willing to contribute to the peace process jointly with the rest of the international community.

5. Mr. WILLIAMSON (United States of America) said that, until the early 1990s, self-determination had been one of the noblest items on the Commission's agenda. In South Africa, Eastern Europe and Central Asia, many States had granted their populations the right to determine their political and economic future. Regrettably, the debate over that issue

had gone astray in recent years as a result of the two resolutions that were introduced and adopted each year under that agenda item, namely the ones entitled: "Situation in occupied Palestine" and "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination". His Government was firmly opposed to those resolutions, which in its view took a distorted approach to self-determination.

6. The resolution on the use of mercenaries had become a largely Cuban initiative with the United States as its principal target. The situation was ironic considering that hundred of thousands of Cubans had "voted with their feet", fleeing their island prison to enjoy the right to live in freedom in the United States and numerous other countries represented in the Commission.

7. In the case of the resolution on Palestine, the target was Israel. However, Israel was the only true democracy in the Middle East. For the Palestinian people, democracy - and not leaders who stirred up hatred and encouraged violence - was the sole path to independence and dignity.

8. In many regions of the world, democracy had not yet taken root. As President Bush had said, democracy was the result of daily work based on cooperation, free exchange of ideas and peaceful resolution of differences. The Commission needed to acknowledge that there was no single path to democracy and that working democracies took time to develop. Nevertheless, President Bush had rightly pointed out that, whatever the form of government, successful societies shared a certain number of principles. Such societies limited the power of the State and the military. They protected freedom and the rule of law, encouraged the establishment of civil institutions and guaranteed everyone the freedom to practise his or her religion without fear of persecution. They privatized their economies, guaranteed the right to own property, prohibited corruption, invested in health and education and recognized the rights of women.

9. Mr. REYES RODRÍGUEZ (Cuba) said that the international system for the defence of human rights had not truly emerged until the adoption by the General Assembly of resolution 1514 (XV) that formally established the right to self-determination. That right was currently endangered, first and foremost by the will to impose on the countries of the South a single political and economic model geared to facilitating the global control of transnational capital. As a result, the countries concerned were facing challenges comparable to those prior to the adoption of resolution 1514 (XV). The right to self-determination was also threatened by a hegemonic power that gave itself the unilateral right to carry out military attacks against any country it considered a threat to its national interests under the pretext of pre-emptive action. The consequences were apparent in Iraq, whose territory remained under military occupation by the United State and British imperialists.

10. The Cuban people had fought the United States for 45 years to defend its right to self-determination. It had been spared nothing: military invasion; threats of a nuclear attack; terrorism; biological warfare, not to mention numerous attempts to assassinate its main leaders; the illegal occupation of part of its territory by the Guantánamo Naval Base; and the consequences of a genocidal blockade. Therefore, the Cuban people felt the cause of sister nations, especially the peoples of Puerto Rico and Palestine, to be their own.

11. There could be no words to thank Mr. Enrique Ballesteros, Special Rapporteur on mercenaries, for his substantial contribution to the fight against mercenarism. His Government had had the honour of welcoming the Special Rapporteur to Cuba on several occasions, where the Special Rapporteur had the opportunity to investigate in situ the recruitment of mercenaries of the Miami-based Cuban mafia to carry out terrorist acts against the Cuban people. The Special Rapporteur had been able to meet four of those mercenaries who were currently detained in Panama after an attempt on the life of the Cuban President on the occasion of the Ibero-American Summit in 2000. The trial of those four terrorists in Panama was under way and Panamanian civil society was determined to ensure the imposition of a punishment commensurate with the gravity of the crime.

12. The Cuban people valued their right to self-determination, currently under renewed threat. It was determined to defend that right in a peaceful manner within the framework of international cooperation, but would not hesitate to resort to armed defence should it be forced to do so.

13. Ms. GABR (Egypt) said that the right to self-determination was an expression of the natural aspiration of peoples to live in freedom, peace and security instead of under the yoke of occupation and terror. The occupation of the Palestinian territories rightly provoked resistance by the inhabitants and fully justified their struggle for the establishment of an independent State with Al Qods as its capital. The occupation constituted a flagrant violation of international law, in particular of General Assembly resolution 1514 (XV), and of all human rights. Israel had not only continued to establish new settlements, it had also resorted to the racist act of constructing a wall, which did not follow the Green Line of 1967 but instead encroached on Palestinian territory. As a consequence, 9,000 Palestinians would be expelled from 27 villages that would thereby be separated from the West Bank. The wall would have a direct impact on the life of the Palestinians, who would be deprived of drinking water, arable land and means of subsistence and would no longer have access to social services. Those were the conclusions not only of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, but also of Mr. John Dugard, Special Rapporteur, who noted that the construction of the wall infringed the two fundamental principles of prohibition of the acquisition of territories by force and the right of peoples to self-determination. The construction of the wall was a true human and economic disaster. At its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, the General Assembly had demanded the cessation of construction of the wall and the dismantling of the part that had already been built. At its fifty-ninth session, the Commission had adopted resolution 2003/3, which reaffirmed the inalienable right of the Palestinian people to self-determination, including their right to establish their sovereign and independent Palestinian State, and had requested the Israeli Government to provide information on the implementation of that resolution. As usual, Israel had refused to comply with that request. It was to be hoped that during the Commission's current session, the international community would unanimously agree on sending a clear and firm message to Israel, thus demonstrating its determination to uphold the Palestinian people's exercise of all their rights, including the right to their own free and independent State.

14. Mr. ATTAR (Saudi Arabia) said that Israel was not only depriving Palestinians of their right to self-determination and to the establishment of an independent State, but had also constructed a separation wall that encroached extensively on Palestinian territory and effectively isolated Palestinian villages from their agricultural land and from all basic services. In doing so, Israel had shown total contempt for Security Council resolutions 242 (1967) and 338 (1973), General Assembly resolutions 181 A and B (II) and 194 (III) and the resolutions adopted by the Commission in recent years. However, neither the killing of innocent civilians, including children, nor the demolition of homes, the pillage of property and the uprooting of their orchards would break the resistance of the Palestinian people. They would never relinquish their right to establish a sovereign, independent State and their struggle would continue to gain momentum.

15. The States sponsoring the Middle East peace process, which had repeatedly affirmed the right of the Palestinian people to exercise self-determination and establish their own independent State, had a duty to ensure the implementation of that right. The peace process was alive and its realization simply required sincere political will. Only the realization of the rights of the Palestinian people could guarantee security, stability and a life in dignity to both Israelis and Palestinians. While recognizing that States' positions on the question of Palestine differed, his delegation was hopeful that the members of the Commission would support and uphold all the internationally recognized rights of the Palestinian people. He expressed his gratitude to Mr. John Dugard for his report to the Commission, which testified to the continuous violation of those rights by Israeli forces.

16. Mr. LEMINE (Mauritania), noting that peoples' right to self-determination was one of the fundamental principles of international law, said that unlike other peoples in the region and in the world, the Palestinians were deprived of that sacred right. Fifty-six years after the United Nations General Assembly had adopted resolution 181 (II), the inalienable right of the Palestinian people to self-determination and to the establishment of their own independent, sovereign State was still not respected. The situation of the Palestinian people was disquieting. It had been described in the Commission and other forums again and again and there was a general awareness of the situation among world public opinion. It could not go on indefinitely. Its continuation constituted a challenge to the United Nations. It was common knowledge that the question of Palestine was at the heart of the bloody conflict that had engulfed the Middle East for decades and that its resolution was the key to establishing a just, lasting and comprehensive peace in that part of the world. For many years, the international community had continued to reaffirm the Palestinian people's right to establish their own independent State with Al-Qods Al-Sharif as its capital, in accordance with relevant United Nations resolutions and with the principle of land for peace. The two-State solution had been endorsed by all peace initiatives launched in recent years. Its implementation would restore the Palestinian people's legitimate rights and end the spiral of violence. Therefore, and taking into account the deterioration of the situation, the international community should do its utmost to relaunch the peace process and to expedite the search for a political solution to the question of Palestine.

17. Mr. AL-THANI (Qatar), emphasizing that the right to self-determination was enshrined in all international human rights instruments, said that, at present, the right took on particular importance. It would be desirable for the issue not to be on the agenda any longer, but that would be possible only once the Palestinian people were able to exercise their right to

self-determination and create their own State. Refusing to apply relevant Security Council resolutions, Israel pursued its massive violations of international law and human rights. The Commission must firmly condemn Israeli practices in the occupied Palestinian territories and demand that the Israeli Government put an end to the construction of the separation wall, which was nothing more than a means of expanding the Israeli settlements. It must also call on Israel to take concrete measures to prove its good faith by applying United Nations resolutions and by respecting the rights of the Palestinian people, starting with their right to self-determination.

18. Mr. SAHA (India), recalling that India had played an important role in the process of decolonization at the global level, expressed his country's solidarity with the Palestinian people in their struggle for the realization of their right to self-determination. He emphasized that under the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, and the 1993 Vienna Declaration, the right to self-determination should not be interpreted as authorizing or encouraging any action that impaired the territorial integrity or political unity of sovereign and independent States with a Government which was representative of the whole population without distinction. In particular, the exercise of the right to self-determination was based on free elections, the establishment of a representative Government, the existence of democratic institutions and respect for fundamental freedoms and universally recognized human rights principles. Of course, the enjoyment of freedom involved a number of responsibilities. In particular, the right to self-determination should not be invoked to encourage secession or undermine pluralism and democracy. Nor should it be used as a smokescreen to hide a policy of territorial expansion based on terrorism and violence.

19. Mr. UMER (Pakistan) emphasized that self-determination was a fundamental right, the implementation of which affected all other rights. It belonged exclusively to the people, and shielded the vulnerable against aggression, domination and occupation. Any violation of that right, which was not amenable to compromise, constituted a threat to peace and stability. Although the Security Council had adopted several resolutions stipulating that the fate of Jammu and Kashmir depended on the will of its people expressed through a free and impartial plebiscite conducted under the auspices of the United Nations, the Kashmiri people had never been able to exercise their right to self-determination. The denial of that right had given rise to a conflict that continued to the present day. According to some estimates, over 80,000 people had already lost their lives in Indian-occupied Kashmir. The scale of that tragedy had shaken the conscience of all those who had witnessed it. The Indian mass media had reported an escalation of violence against the Kashmiri people in recent weeks. However, the armed struggle of the Kashmiri people constituted a legitimate response to oppression and could not be reduced to terrorist activity conducted under the influence of outside forces. Pakistan sincerely hoped that the forthcoming dialogue with India would be accompanied by an improvement in the human rights situation in Jammu and Kashmir and would make it possible to find a lasting solution that took into account the aspirations of the Kashmiri people.

20. Mr. AL-FAIHANI (Bahrain) emphasized that the Palestinian people continued to suffer from foreign occupation and that the end of that occupation did not seem to be near despite the enormous sacrifices by the Palestinian people and the efforts of the international community, which must take prompt action to end the inhumane and degrading practices of the Israeli forces

that led to hatred and violence, and fostered extremism. If the international community proved incapable of providing the residents of the occupied Arab territories with international protection, the latter had the right to resort to self-defence and use the various means provided for under international law to force the occupying power to withdraw. The Commission must do its utmost to make the Israeli authorities realize that force would never lead to a lasting solution, and convince them of the need for peace. Only the complete withdrawal of Israeli forces from the occupied territories and the creation of an independent Palestinian State would make it possible to restore stability and security in the region. Arabs had opted for peace, as their willingness to engage in dialogue with international institutions and their participation in various peace initiatives had demonstrated. It was high time for Israel to agree to do the same.

21. Mr. TEKLE (Eritrea) said that, since its inclusion in the Charter of the United Nations and the Universal Declaration of Human Rights, the right to self-determination had played a key role in international relations, inspiring millions of people in their struggle against colonialism, foreign occupation and racism, including apartheid. The fact that there were peoples continuing to live under the oppression of an occupying power was unacceptable.

22. There was also another dimension to the right of peoples to self-determination. As stipulated under the Helsinki Agreement of 1975, all peoples had the right, in full freedom, to determine their internal and external political status, without external interference, and to pursue as they wished their political, economic, social and cultural development. Under that agreement and various international human rights instruments, States should be able to dispose freely of their natural wealth and exploit it without outside intervention or interference. Thus, any attempt to impose, by means of a United Nations resolution, coercive measures that restricted the State's control over and use of its natural resources would constitute a violation of international law. Nor could the United Nations or a group of States force a Member State to engage in dialogue with another State that sought concessions. That would undermine the credibility and legitimacy of the United Nations. Only a genuine commitment to respect and apply the principles of international law could lead to the normalization of relations and peace. Impositions and threats would never be acceptable means to that end.

23. The right to self-determination was currently acquiring new significance in the light of internal conflicts in many regions of the world. Some wished to use that right to resolve problems arising from ethnic conflicts by proposing certain forms of self-administration. Although the intention might be noble, respect for the sovereignty and territorial integrity of States should be guaranteed and care taken to ensure that such a solution did not entrench the tyranny of one ethnic group by leading to the State's division.

24. Mr. AL-DORAIBI (Observer for Yemen) said that only one people continued to suffer from colonialism, namely, the Palestinian people who were being subjected to inhumane practices by the Israeli occupying forces. In particular, he condemned the construction of the separation wall that deprived the Palestinian people of the right to live freely and in dignity and to establish an independent State. The right of the Palestinian people to self-determination was fundamental and inalienable. Israel's persistence in denying that right was a source of violence and hatred in the region and constituted a threat to international peace and security. The Commission must take a firm position on the issue.

25. Mr. SAEED (Observer for Iraq) recalled that his country was still under occupation and must recover its full sovereignty gradually, in line with the timetable drawn up by the Provisional Governing Council and the Coalition Authority, which had signed an agreement providing for the adoption of a new Constitution and the organization of free elections in 2004. The Interim Council had set the objective of establishing a free, democratic and united country, while monitoring respect for human rights and protecting national territorial integrity against sectarian movements advocating separatism.

26. He thanked the United Nations for its efforts to restore Iraq's sovereignty and reconstruct the country, as well as for the humanitarian assistance provided to the Iraqi people, and asked it to pursue its activities in Iraq.

27. Mr. WEHBE (Observer for Syria) asked why the universally recognized right to self-determination continued to be denied to the Palestinian people, who were subjected to the worst forms of oppression and injustice. He called on the Commission members to go beyond rhetoric and take concrete measures to put an end to the illegal occupation of Palestine.

28. Mr. RAMLAWI (Observer for Palestine) said that the suffering of the Palestinian people was at the heart of all the tensions in the Middle East. The escalation of violence in the occupied Palestinian territories and its spread to other regions revealed the powerlessness of the United Nations in the face of that situation. Any impediment to the exercise of the right of peoples to self-determination endangered international security. That right, based on universally recognized principles and rules, belonged to the Palestinian people on an equal footing with all other peoples. By its policies and practices, the Israeli Government persisted in denying it. It continued with impunity assassinating, killing, confiscating land, expropriating and demolishing Palestinian infrastructure. Those acts were accompanied by restrictions on the freedom of movement of the democratically elected President of the Palestinian Authority.

29. With its position reinforced by the unconditional support of the United States, Israel had never taken into consideration the numerous United Nations resolutions demanding its withdrawal from the occupied territories. On the contrary, it continued to flout international law by constructing the separation wall, which was a pretext to annex new territories. The Commission, which might be said to represent the conscience of humanity, carried a heavy responsibility in the face of Israel's hegemonic schemes.

30. Mr. SOUALEM (Observer for Algeria) denounced the offences committed by mercenaries. Mercenary activities were contrary to international law because they violated the right of peoples to self-determination. Yet, despite all the criticism and condemnation by the international community, and the commendable efforts of Mr. Enrique Ballesteros, Special Rapporteur, to alert the international community to the situation, the mercenaries continued to operate.

31. At the opening of the 2004 session of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Secretary-General had called colonialism the anachronism of the twenty-first century. The Committee, that was still considering the application of the



Declaration in 16 Non-Self-Governing Territories, had decided to celebrate, as of 21 May 2004, a Week of Solidarity with the Peoples of Non-Self-Governing Territories. The issue of the last Non-Self-Governing Territory in Africa, namely Western Sahara, remained pending despite 48 Security Council resolutions, the United Nations peace plan (the "Baker Plan"), that had been amended 15 times, and about 50 reports by three successive Secretary-Generals. The signing by the parties in conflict, the Kingdom of Morocco and the Polisario Front, of a protocol concerning the implementation of "confidence-building measures", had allowed, as of 7 March 2004 and under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR), for an exchange of family visits and telephone calls between the Sahrawi population living in the territories occupied by Morocco and those who had found asylum in Algeria. The United Nations, more than ever committed to the implementation of the inviolable principle of self-determination, should press for the application of Security Council resolution 1495 (2003) of 31 July 2003, especially since the electoral census had been completed, and ensure the free exercise of sovereignty of the populations under occupation, with a view to speeding up the construction of a democratic Maghreb.

32. Mr. AL ASKAR (Observer for Kuwait) noted that Kuwait had always been clear and consistent in defending the legitimate and inalienable right to self-determination, the exercise of which made it possible to re-establish justice. With regard to the occupied Palestine, all countries of the world had recognized that Israel's failure to comply with United Nations resolutions had for decades deprived the Palestinian people of their right to self-determination and the full enjoyment of all their legitimate rights. Kuwait reaffirmed the need for the Palestinian people to enjoy the right to self-determination in line with the provisions of the Charter of the United Nations and various resolutions, including Commission resolution 2003/4 of 14 April 2003, whereby the Commission had decided to examine the situation in Palestine at the current session, and reaffirmed the inalienable right of the Palestinian people to self-determination with a view to establishing an independent, sovereign State. Kuwait stressed the need for the Palestinian people to recover their legitimate rights, in conformity with Security Council resolutions 242 (1967), 1393 (2002) and 1515 (2003). Kuwait hoped that the international community would pursue its efforts in that respect and that progress in implementing the right of Palestinians to self-determination would have been achieved by the time the Commission took up the situation in Palestine at its following session.

33. Mr. LEVY (Observer for Israel) said that Israel supported the right of peoples to self-determination and self-government. He recalled that the story of the modern State of Israel had largely been one of defending the right of the Jewish people to self-determination in their homeland and the right to live in peace and security. Israel respected the right of its neighbours, the Arab States and Palestinians, to self-determination. In return, it expected recognition not only of the de facto existence of the State of Israel, but also of its right to self-determination by peaceful means. Israel had recognized the legitimate rights of the Palestinian people 25 years previously, in the framework of the Camp David Accords negotiated in 1978.

34. The issue of self-determination was central and important for all nations. Israel would have expected the Commission on Human Rights to reflect upon that question and its worldwide implications instead of focusing on a single subject, denouncing and insulting a single country, Israel. Agenda item 5 should not be used as a pretext for continuous attacks on Israel and its policy.

35. During the Camp David negotiations in July 2000, Israel had been ready to conclude an agreement with its Palestinian partners that would have truly reflected the aspirations of the two peoples to live peacefully side by side. Instead, the region had witnessed continuous violence, designed to force Israel to make more concessions, contrary to all the agreements that had been negotiated and signed between Israelis and Palestinians in 1993. Several members of the Commission were endeavouring to reinforce the military and terrorist pressures on Israel and force its hand by obtaining a majority. Those efforts were doomed to failure and would only encourage terrorist attacks against Israeli civilians. Peace as a strategic goal had always been Israel's primary aspiration. Israel was committed to establishing peace with its Palestinian neighbours. However, how could it achieve that goal if the Palestinian Authority opted for terrorism and violence? Peace and terrorism could not coexist. As long as some of Israel's interlocutors solemnly signed agreements, while others bought weapons and paid individuals to commit suicide attacks and odious acts, peace would, unfortunately, remain a distant objective.

36. Pursuing negotiations was the right choice. Trying to resolve difficulties by terrorism and brutal violence was a flawed, unrealistic and morally repugnant choice. He had never referred to a people as terrorists, and would never do so. Israel did not target the people itself, but its leaders and certain extremist groups that led it down a path to nowhere. Israel would not give in to violence or terrorism, nor would the attacks to which it was subjected change its position. Self-determination must result from direct and peaceful negotiations between the two parties.

37. Several delegations had chosen to focus the debate on the anti-terrorist security fence. He recalled what the Israeli Minister for Foreign Affairs had recently said about the security fence, namely that it was a defensive measure designed to protect Israelis from suicide attacks and other terrorist acts; that it was neither a political act, nor a border; and that its construction in no way precluded future negotiations with the Palestinians, or on the status of the territory on which it was erected. In addition, the Minister had declared that the fence was a temporary measure and that it could be demolished or displaced on the basis of an agreement with the Palestinians. Israel had already modified fortifications following the signing of agreements with Egypt and Jordan and with Lebanon in May 2000. The construction of the fence was a reversible measure - contrary to the reasons that had led to it, namely, the lives taken by terrorists. Israel was committed to finding the most efficient and humane means of protecting life without causing needless difficulties to the Palestinian population.

38. Ms. RAJMAH (Observer for Malaysia) said that Malaysia had asked for the floor on agenda item 5 in order to endorse the joint statement made by the Organization of the Islamic Conference (OIC) on the right to self-determination of the Palestinian people. As Chair of the Non-Aligned Movement and of the Summit of the OIC, Malaysia reaffirmed its steadfast support for the Palestinian people led by President Yasser Arafat, and solidarity with that people in their legitimate and courageous struggle for the right to be master of their own destiny and to live freely in their own independent, sovereign Palestinian State. Malaysia condemned Israel's continuing and escalating military campaign against the Palestinian people, in particular the war crimes perpetrated by the army and the wilful killings of civilians. It called on the Israelis to put an end to their colonialist activity and halt the construction of the separation wall, which was

expansionist in nature. The wall was illegal and must be dismantled; sectors of it cut deep into occupied Palestinian territory, in violation of international law. The wall constituted an attempt to illegally annex substantial parts of Palestinian territory and its resources, and was a grave violation of the Fourth Geneva Convention.

39. Malaysia was firmly convinced that only a genuine commitment by the parties to the peace process could lead to peace in the Middle East. Every effort must be made to re-launch that process on the basis of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and ensure the realization of the vision of two States, Israel and Palestine, living side by side in peace and security, within safe and recognized borders in accordance with the Road Map for Middle East peace. In that regard, Malaysia welcomed the unanimous adoption of Security Council resolution 1515 (2003) of 19 November 2003 endorsing the Road Map.

40. Malaysia called upon all parties to the Road Map to fulfil their obligations so as to expedite a just, lasting and peaceful solution to the Palestinian problem and thus spare the peoples of the region from further suffering and misery. Only when a legitimate Palestinian State had been established would the Israeli delegation be spared all the discussion at the Commission on Human Rights on the right to self-determination of the Palestinian people.

41. Mr. AL-RIYAMI (Observer for Oman) noted that the right to self-determination was one of the foundations of the international order, enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. All peoples, including those living under foreign occupation, had that legitimate right. The Sultanate of Oman welcomed the fact that those noble principles were enshrined in international instruments designed to serve humanity as a whole. Israel was continuing its attacks against the Palestinian people in defiance of the decisions of the international community, thereby hindering stability and security in the region. The right to resistance in the face of foreign occupation was guaranteed under international law. The Sultanate of Oman had always defended the just struggle of oppressed peoples under foreign occupation, and joined its Arab and Muslim brothers, as well as other peace-loving States, in lending support to the Palestinian people. He urged the international community to invite the Israeli Government to respect the resolutions adopted and halt the abuses committed against the Palestinian people, who were being prevented from exercising their right to self-determination. Iraq was also going through a very dangerous transition period insofar as its people were denied the most fundamental rights and were in need of help. The Sultanate of Oman reaffirmed its commitment to Iraq's territorial integrity and sovereignty: foreign occupation must be ended on the basis of a withdrawal timetable. Violence in the region had been exacerbated by the events in the Middle East. The Sultanate of Oman called on all the parties concerned to make every effort to restore the rights of all peoples of the region.

42. Mr. MADI (Observer for Jordan) associated himself with the statement made by Saudi Arabia on behalf of the Arab League. The Palestinian people had been denied their right to self-determination as a result of the Israeli occupation that constituted a clear violation of international law and human rights. Constant repression, indiscriminate and disproportionate use of force, as well as mass punishments, continued. The issue of the separation barrier that cut deep into the Palestinian territories was particularly serious for Jordan. The construction of that

wall violated international law and threatened the creation of a Palestinian State and the peace process. Addressing the representative of Israel, he said that not once had the Israeli delegation used the word “occupation” in its statement.

43. Mr. NETTER (B'nai B'rith International and Coordinating Board of Jewish Organizations) said that, for years, the Commission on Human Rights had emphasized the right to self-determination of various peoples, including the Palestinian people. In the current debate, the right to self-determination of one people in particular had been completely overlooked. The two non-governmental organizations (NGOs) that he represented wished to remind the Commission that the Jewish people, too, should have the right to self-determination, a right which was being denied to them by terrorist groups that caused considerable harm to Israeli civilians. The inalienable right of the Jewish people to self-determination was not incompatible with the right to self-determination of the Palestinian people, or, in other words, their right to determine their political future by holding free elections, a right acquired during the first phase of implementation of the 1993 Oslo Accords. The Palestinians had elected a Government and, in conformity with the negotiated plan, had taken control of the Palestinian regions provided for under the Oslo Accords. After the initial phase of implementation of the Oslo Accords, the election of Palestinian leaders and establishment of the Palestinian legislative body, exercise of the right to self-determination had reverted to the Palestinian Authority, but instead of continuing down the path of peace and engaging in negotiations, it had decided to pursue its political agenda, committing acts of violence against the Jewish State, and thereby denying the Jewish people their right to self-determination. That dangerous situation was contrary to the provisions of the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights, article 1 of the International Covenant on Civil and Political Rights, and Security Council resolutions 242 (1967) and 338 (1973), as well as Security Council resolution 1515 (2003), endorsing the Road Map that provided for two States, one for the Jewish people and one for the Palestinian people. B'nai B'rith International and the Coordinating Board of Jewish Organizations urged the Commission, as the main body for the protection of human rights, to adopt the vision of the Road Map. It was essential for it to recognize and confirm unequivocally that the right of the Jewish people to self-determination was inalienable, like that of the Palestinian people.

44. Mr. MUKUNDI (Pax Romana), speaking also on behalf of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Centre of Catalonia, quoted General Assembly resolution 58/161 on the universal realization of the right of peoples to self-determination. That text significantly expanded the scope of the right to self-determination, which had been given a limited scope by the Commission on Human Rights under agenda item 5. Instead of considering self-determination as a tool for empowerment of peoples, the Commission's insistence on viewing it as nothing more than a classical instrument of decolonization inevitably resulting in independence was outdated and in no way contributed to the prevention and resolution of conflicts. Traditional forms of foreign occupation and domination persisted and had acquired a new dimension with globalization. As the world changed, self-determination became a means for peoples to choose their form of government or negotiate or renegotiate their national, regional or international status. Some seemingly intractable conflicts related to self-determination had been settled, thereby demonstrating that self-determination could be exercised through innovative forms of power-sharing, which did not necessarily involve independence.

45. The effective prevention and resolution of conflicts would remain wishful thinking as long as the United Nations refused to admit that the problem of self-determination was a root cause of internal conflicts. Traumatized by the attacks of 11 September 2001, many United Nations Member States perceived self-determination movements as terrorist groups. Anti-terrorist legislation was often abused to present cultural, linguistic or religious groups as criminal organizations, thus violating fundamental freedoms and inalienable human rights.

46. Until now, the United Nations human rights bodies had applied outdated concepts, inherited from decolonization, to demands to exercise the right to self-determination. As a body composed of independent experts, the Sub-Commission was best qualified to give a broader meaning to the concept of self-determination, especially because its last report on the issue was over 20 years old.

47. Pax Romana and the UNESCO Centre of Catalonia recommended that the Commission should review the existing procedures and mechanisms for dealing with internal conflicts related to self-determination and invite extra-conventional mechanisms to monitor, in the framework of their respective mandates, observance of the right to self-determination in the broad sense.

48. Mr. LITTMAN (World Union for Progressive Judaism), speaking also on behalf of the International Council of Jewish Women and the Women's International Zionist Organization said that the basic right of peoples to self-determination was self-evident. However, as the French said, it was important to examine the situation with a magnifying glass. In the Middle East, any road map presented under the banner of self-determination would play into the hands of ravenous local predators if it did not incorporate democracy. Referring to Hitler, who had deceitfully called for the self-determination of the Sudeten Germans, with the real intention of invading Czechoslovakia, Winston Churchill had said that it was a "fraud and a farce" to invoke the term self-determination when the aim was to destroy another State. The principle of self-determination, presented as the key to the Palestine conflict, must be applied to Israelis and Palestinians alike. In other words, the 2.6 million Jewish refugees from Arab countries and the 1.2 million non-Jews who had Israeli citizenship were as justified as anyone else in demanding their right to self-determination, to security within a State, and to all the guarantees now referred to as international legality. When would that reality be acknowledged and taken into account by Arab League States, the Palestinian Authority and the growing membership of the Hamas terrorist movement?

49. He recalled that the Palestinians had not only rejected General Assembly resolution 181 A and B (II) that provided for the division of the territory under the British mandate into two States, a Palestinian State and an Israeli State, but had later also turned their back on all peace agreements and initiatives. The Palestinians owed their current tragedy to their corrupt leaders. Recently, a new peace plan had been launched under the name of the Geneva Initiative. For his part, a few weeks previously in Egypt, Shimon Peres had expressed new hope for peace after an Israeli withdrawal from Gaza. However, it was important to remember that self-determination and peace implied, above all, the acceptance of the other as equal and, in that case, the Arab League's official recognition of the inalienable and legitimate right of the State of Israel to exist in part of its historic homeland.

50. Ms. PARKER (International Educational Development) said that the right to self-determination enjoyed pride of place in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and that it also formed part of jus cogens. However, the violation of that right, combined with other abuses, was often a key factor in conflicts in danger areas, threatening individual security and safety. For many, controversy over the imperative need to protect the right to self-determination had been linked to the failure of the international community to define terrorism and to draft a comprehensive anti-terrorism convention. The right to self-determination had evolved, and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)) had played a key role in that regard. Despite that, the United Nations human rights bodies had not given serious consideration to the issue of self-determination for the past 24 years. It was also surprising to see the lack of interest by the United Nations in some situations related to the issue. For example, the United Nations had long since promised a plebiscite to the people of Jammu and Kashmir and had set up the Commission on India and Pakistan. In its resolution 122 (1957), the Security Council had declared that the fate of the State of Jammu and Kashmir should be decided by means of a plebiscite organized under the auspices of the United Nations. Although currently there were encouraging signs on the part of the Governments of India and Pakistan, there was no real direct participation by the Kashmiri people, who were the holders of the right to self-determination. Furthermore, the Security Council's Commission on Indonesia had shown interest in the Moluccas which, having opted for separation, had formed a republic in 1950. Javanese military forces had invaded that country. The crisis persisted, but had evolved in the last few years with the invasion of the Moluccan territories by mercenaries. The Moluccan authorities and people were being severely repressed by the Indonesian authorities. Finally, the United Nations had recognized the right of Tibetans to self-determination. The organization she represented had many proposals and recommendations to make on the issue, but since the time allocated to her had expired, she referred the Commission members to her written statement.

51. Mr. TRANBOO (International Human Rights Association of American Minorities) said that the organization he represented considered the right to self-determination as the fundamental right of all peoples freely to choose their political status and to pursue their economic, social and cultural development. In 1948, the Security Council had recognized in its resolutions the right of the people of Jammu and Kashmir to determine their future by means of a fair and impartial plebiscite conducted under the auspices of the United Nations. The Indian Government had not only persistently denied the Kashmiris the opportunity to exercise that right, but the oppression to which it subjected them had led to gross human rights violations. In addition, it had taken advantage of the attacks of 11 September to launch a massive disinformation campaign concerning the freedom struggle of the Kashmiri people. Yet, that struggle was perfectly just and legitimate, since the Kashmiri people were merely demanding a right that had been formally recognized under Security Council resolutions; their fight was indigenous; the State of Jammu and Kashmir had never been under Indian domination until Indian forces had entered the territory in October 1947; the division of the State of Jammu and Kashmir was unlawful and unjust; and, finally, the Kashmiri people's fight was the only means of putting an end to the brutal occupation and repression.

52. Ms. GRAF (International League for the Rights and Liberation of Peoples - LIDLIP) denounced the situation in Sri Lanka, where the maintenance of the ceasefire that had been declared in 2002 and continuation of peace negotiations between the Government and the Liberation Tigers of Tamil Eelam (LTTE) depended on the outcome of the elections that would take place on 2 April. If the nationalist alliance headed by the outgoing President won, the memorandum of understanding of February 2002 between the two parties, which had temporarily ended 19 years of civil war, would be renegotiated. Yet, LIDLIP doubted the sincerity of the demands of that political formation and believed that they jeopardized the progress achieved thus far; the nationalist alliance had gone back on its promise to grant autonomy, and demanded the unconditional surrender of the LTTE, despite the fact that the latter had abandoned its claim for an independent State in order to facilitate the exercise of the right to self-determination. LIDLIP asked the Commission on Human Rights to recognize the Tamils of Sri Lanka as a people who had the right to self-determination; to acknowledge the LTTE as their authentic representative; and to exhort foreign Governments to raise the ban imposed on them by the Government of Sri Lanka. In addition, LIDLIP believed that the cases of Alaska and Hawaii were directly related to the right of peoples to self-determination. Finally, LIDLIP asked the Commission to request the Sub-Commission to review the factors and principles underlying the adoption of General Assembly resolution 1469 (XIV) and also applicable decolonization procedures, with a view to preventing discrimination in the exercise of the right of peoples to self-determination.

53. Ms. AVELLO (World Federation of Trade Unions) denounced the occupation of Iraq and the hegemonic aims of a superpower that was ready to use its military might to impose its objectives on the rest of the world. The giant demonstrations against the war in Iraq were proof that an increasing number of people throughout the world were rebelling against that tyranny. For the World Federation of Trade Unions, the aggression against Iraq, that was being presented as a war against terrorism, clearly demonstrated imperialistic intentions to expand markets; to increase profits; to control natural resources and the most important, geographically strategic zones; and to suppress any attempts at resistance. Unfortunately, that aggression risked undermining the dream of a world governed by rules and of an organization that reflected the will of all peoples, a dream that had been at the origin of the creation of the United Nations. Without the United Nations, humanity would find itself in a situation similar to the worst years that had preceded Nazism.

54. The World Federation of Trade Unions called on the Commission on Human Rights to demand an end to the illegal occupation of Iraq and the withdrawal of all foreign troops, in order to guarantee the respect of the Iraqi people's right to make a sovereign decision on their own future, by freely choosing their Government and institutions and deciding how their natural resources would be used. The Commission should also demand the effective application of the original principles behind the founding of the United Nations, such as the prohibition of the use or threat of force, non-interference in the domestic affairs of States, the peaceful settlement of disputes, and respect for the territorial integrity and independence of States in order, as stated in the Charter of the United Nations, to save humanity from the scourge of war.

55. Ms. SHAWL (International Islamic Federation of Student Organizations) denounced India's refusal to recognize the right of the Kashmiri people to self-determination. Although the Pakistani and Indian peoples had been freed from foreign rule 57 years previously, the people of the State of Jammu and Kashmir had been betrayed by the Indian Government and disappointed by the United Nations. Despite the fact that the United Nations Security Council had recognized their right to self-determination in its resolutions 47 (1948) and 80 (1950), they were continuing to suffer under Indian occupation. The late Mr. Jawaharlal Nehru, then Prime Minister of India, had said that since he had taken the issue to the United Nations and given his word of honour, India could not go back on it, and the final solution must be left to the Kashmiri people. Left with no alternative, the people of Jammu and Kashmir had sacrificed everything, including their lives, in their struggle for freedom, which had pitted them against the mighty Indian Army. That fight had been labelled "terrorism", which was an affront not only to the population concerned, but also to all nations and peoples who had won their freedom by fighting against an occupying army anywhere in the world.

56. The International Islamic Federation urged the Commission to demonstrate its solidarity with the people of Jammu and Kashmir, in order that their voice could be heard in a world where large countries such as India hid their shortcomings in the field of human rights under the garb of democracy and secularism.

57. Mr. VALDES (American Association of Jurists) reiterated his Association's firm condemnation of the attacks that had taken place in Madrid, and its solidarity with the Spanish people in their clear rejection of terrorism and war. He expressed his disappointment that the United Nations Security Council, in its resolution 1530 (2004), had lent itself to the political manipulation resulting from those events.

58. He said that the situation in Haiti involved a coup d'état, which had been started by armed criminal gangs, carried through by two great powers and endorsed a posteriori by Security Council resolution 1529 (2004), and that the repeated efforts of the Caribbean Community (CARICOM) to help restore peace and order in Haiti while maintaining respect for institutions had been headed by the international community. The Inter-American Democratic Charter, which had been established, inter alia, to ensure the stability of Governments in the continent, had remained a dead letter, and the principle of the right of peoples to self-determination had been grossly flouted.

59. The American Association of Jurists emphasized the attitude of CARICOM, which, having refused to join the occupying forces, was calling for an inquiry into the circumstances in which President Aristide had been ousted. CARICOM heads of Government had observed that the events in Haiti had set a dangerous precedent for all democratically elected leaders and for all Governments in the world. The African Union had also criticized the overthrow of President Aristide, which it had deemed unconstitutional.

60. The Commission on Human Rights should appoint a Special Rapporteur to investigate the facts and identify the people who had encouraged and equipped the armed gangs who had provided the pretext for invading and occupying the island. Such an inquiry should also take place within the inter-American framework.



61. Security Council resolutions 1529 (2004) and 1530 (2004), which repeatedly and improperly invoked Chapter VII of the Charter of the United Nations, demonstrated once again the absolute necessity of addressing the issue of the democratization of the Security Council without further delay.
62. Mr. KIRUPAHARAN (Interfaith International) said that although it was strongly linked to human rights, the right to self-determination was currently considered to be a political issue, and the demands made by ethnic groups who wished to legitimately exercise that right were met with gunfire all over the world.
63. Interfaith International wished to make a statement regarding the right of the Tamils of Sri Lanka to self-determination: the Tamils were a people in every sense of the term: a group of individuals who, according to international law, had the right to self-determination. Since Sri Lanka had gained independence in 1948, the Tamils had gradually lost the protection that had been granted to them by the Constitution, as well as their cultural and ethnic identity. They had reacted to the situation with non-violent demonstrations, which had been suppressed for 30 years by the security forces. Since that form of protest had been ineffectual, the Tamils had been compelled to adopt a different strategy: the creation of the Liberation Tigers of Tamil Eelam in the 1980s, which had led to a bloody armed conflict that had continued for over 20 years. The Tamils of Sri Lanka were in desperate need of United Nations intervention to re-establish their right to self-determination, a right that had been theirs before the colonization of their island.
64. Mr. NZITA MBEMBA (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) paid tribute to the memory of Mr. Vieira de Mello, who, during his visit to Angola in January 2003, had told the authorities of his concerns about the violations of human rights committed by the Angolan armed forces against the civilian population of Cabinda. Mr. José Ribeiro e Castro, a Portuguese member of the European Parliament, had recently questioned the European Commission on the same violations, which had been denounced by the NGO Open Society. Following a visit to Luanda, Mr. Poul Nielson, a European Commissioner, had acknowledged that the situation, of which the European Commission was well aware, had still not been resolved, despite the development of the peace process, and that all possible measures must be taken to settle the conflict peacefully. The United States State Department had described the violations in detail in its annual report, published on 25 February 2004.
65. Since 1975, the people of Cabinda had been living in a dramatic situation caused by Portugal's illegal annexation of their territory to Angola. That territory had since been occupied by Angolan armed forces. The people of Cabinda, former protectorate of Portugal, which had already been identified by the Organization of African Unity as the thirty-ninth territory to be decolonized, were simply asking for recognition of their right to self-determination, as defined in Article 73 of Chapter XI of the Charter of the United Nations. His organization trusted that the Commission on Human Rights would at last take up the case of Cabinda.
66. Mr. BARNES (Indigenous World Association), also speaking on behalf of two other organizations, Indigenous Peoples and Nations Coalition and Na Koa Ikaika O Ka LaHui, which defended the rights of the peoples of Alaska and Hawaii to freedom and self-determination, said

he wished to make a formal protest against the domination, exploitation, occupation and illegal annexation of Alaska and Hawaii, which had been placed on the list of Non-Self-Governing Territories by United Nations General Assembly resolution 66 (I), before being withdrawn from it in 1959 by General Assembly resolution 1469 (XIV).

67. Hawaii had been a fully independent State. At one time the United States of America had recognized the tribes of Alaska as independent, refusing to acknowledge the Tsarist Russians dominion and property rights in the territory on the north-west coast. The tribes had never agreed to the annexation of Alaska, which had been voted for by United States military and civilians in 1958. Thus, Alaska remained to be decolonized. In that connection, the Commission on Human Rights must pay particular attention to the proven violations of Articles 1, 2, 55, 56, 73 and 74, in particular, of the Charter of the United Nations.

68. He recalled that, when the Netherlands had tried to infringe the principle of the right to self-determination in the case of Indonesia, Australia, the country of the Chairperson of the current session of the Commission, had opposed the attempt. Supported by that precedent, the Indigenous World Association called for a comprehensive review of the circumstances that had led to the adoption of General Assembly resolution 1469 (XIV). The Commission should review all the links that had existed between Alaska and Tsarist Russia, between Alaska and the United States, and between Hawaii and the United States. It called for the appointment of a Special Rapporteur and also requested United Nations specialized agencies to examine the absolute property rights of the indigenous peoples of Alaska, and to analyse all the elements which had been denied to the indigenous peoples of Alaska and Hawaii when their fate had been decided for them.

#### Statements in exercise of the right of reply

69. Mr. SARAN (India) denounced Pakistan's distortion of the concept of the right to self-determination to advance its agenda of territorial aggrandizement. To be able to talk about that right, Pakistan must first ensure that it was enjoyed by Pakistan's own people, which was not currently the case. The accession of Jammu and Kashmir to India was lawful and indisputable, and that state was, and would always remain, part of India. During the most recent elections the population of the State had unequivocally rejected Pakistan's claim to speak on their behalf. India was finding it increasingly difficult to tell when Pakistan was speaking on its own behalf and when it was speaking in its role as coordinator of OIC. The OIC delegations would in fact be well advised to ask themselves whether the right of reply supposedly exercised on their behalf really had their endorsement. Pakistan should devote its energy to achieving one goal: evacuating the third of the state that it was occupying illegally, as requested by United Nations resolutions, to which it made only selective reference, in order to justify its occupation. In so doing, Pakistan was making a mockery of those legal instruments and was contradicting its stated intention to enter into a dialogue with India on the issue.

70. Mr. HILALE (Observer for Morocco) said that, regarding the Moroccan Sahara, the representative of Algeria had given a selective interpretation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (United Nations General Assembly resolution 1514 (XV)) and that a more detailed analysis would have enabled him to note that

paragraphs 6 and 7 of that Declaration placed the preservation of territorial integrity and national unity before all other rights, a principle reaffirmed at the previous meeting by the representatives of India and China. Morocco was not occupying the Moroccan Sahara, but rather had reclaimed it on the basis of ancient rights and in accordance with an international agreement backed by a United Nations resolution, Security Council resolution 1495 (2003) of 31 July 2003, which had not endorsed the peace plan but had actively supported it. It was wrong to claim, as Algeria was doing, that the UNHCR confidence-building measures resulted from an agreement signed between Morocco and the Polisario Front, since they had taken over five years to negotiate, and had been supported by Morocco in the first instance. Algeria, which had hindered their implementation, had been the last to accept them.

71. The representative of Algeria, who enjoyed listing the resolutions and reports on the issue, had neglected to mention statistics on the 29-year illegal confinement, at Tindouf, of people who had been forcibly displaced from the Moroccan Sahara. Their enjoyment of the right to self-determination primarily entailed the opening of the camps, the right to freedom of movement and the right to choose their place of residence. Fortunately UNHCR had recently managed to make a breakthrough and to allow some of those people to visit their families.

72. Mr. LEVY (Observer for Israel) noted that once again most of the meeting had been spent launching attacks against Israel and its actions in Palestine, rather than concentrating on the agenda item at hand. He wondered whether the attitude of the representatives of Arab countries might not be explained by the hope of diverting their colleagues' attention away from subjects that would be embarrassing for those countries. Recalling the recommendation that had been made by the Chairperson on the use of certain words, he observed that the adjective "racist" as applied to the security fence was inaccurate from a factual perspective, and only served to exacerbate a conflict that was complex enough already. To those who wished to know why Israel was not planning to simply withdraw from Palestine in order to bring an end to the conflict, he said that the process initiated in 1993, and which had been marked by a series of agreements concluded in good faith by Israel in order to negotiate a permanent status for Palestine, could not succeed unless the opposing party was prepared to actively combat terrorism and end incitement to the use of terrorism, to confiscate illegal weapons and to hold persons guilty of terrorist acts in detention, none of which had been done. His delegation would have expected the spokesmen of the Arab countries to specifically condemn terrorism and suicide attacks against civilians, rather than reacting to Israel's proposals, as the Arab League had done, in a manner that could be described as systematic obstructionism.

73. Mr. HUSSAIN (Pakistan), responding to the representative of India, re-stated Pakistan's position, based on Security Council resolutions. He recalled the statements made by Mr. Nehru, former Indian Prime Minister, who on several occasions had said that the question of Kashmir's union with India must be settled by a plebiscite, supervised by an impartial body such as the United Nations. He invited the representative of India to reflect on those statements.

74. Mr. LAZHAR SOUALEM (Observer for Algeria) said that the Moroccan delegation had given a restrictive interpretation of the resolutions adopted by the United Nations. Moreover, Morocco could not claim to be making a nation happy against its will. By giving propaganda speeches, the Moroccan delegation was deviating from the item under discussion, and was attempting to turn a question currently in the hands of the Security Council into a bilateral issue.

75. Mr. RAMLAWI (Observer for Palestine) said that the observer for Israel persisted in trying to mislead the Commission, by having it believe that Israel wished to resolve its conflict with Palestine. It could only put an end to that conflict by withdrawing from Palestinian territory, rather than remaining there and continuing to commit multiple violations of international law and human rights. He challenged the use of the term “disputed territories”, which had been chosen by Israel to describe the territories that, as all United Nations bodies and the whole world knew, had been occupied since 1967.

76. Mr. HILALE (Observer for Morocco), replying to Algeria’s previous statement, said that General Assembly resolution 1514 (XV) (Declaration on the Granting of Independence to Colonial Countries and Peoples) to which he had referred, expressed the will of the international community in giving pride of place to the right to territorial integrity and the right to preserve the national unity of a country. Morocco was proud to strive for the happiness of the populations imprisoned at Tindouf, unlike Algeria, which was trying to retain those populations by force, in order to use them as pawns on the political chessboard. Algeria was the only country in the world that wanted to keep refugees, while all the other countries, particularly those in Asia, were trying to “get rid of” their own refugees. He observed furthermore that the population flow always went from Tindouf to the Moroccan Sahara, and never in the other direction. The issue of the Moroccan Sahara was truly bilateral, and needed a political solution. Morocco hoped that Algeria would one day realize that it had taken the whole of the Arab Maghreb hostage for 30 years. When that day came, it would be possible to really get down to building the Greater Maghreb.

77. Mr. LAZHAR SOUALEM (Observer for Algeria) recalled that Algeria and Morocco, along with Mauritania, had been the principal sponsors of the draft resolutions submitted to the General Assembly to call for the exercise of the right to self-determination during the Spanish colonization. He took issue with the statement made by the representative of Morocco to the effect that Asian countries wished to “get rid of” their refugees. That attitude did not reflect the culture or ethics of Algeria, or of the rest of the world, in respect of asylum. Meetings between the Polisario Front and the Kingdom of Morocco had taken place in Geneva itself and were continuing to be held in Europe. Trying to give those issues a bilateral character demonstrated bad faith and lack of goodwill. Algeria had supported the claims of peoples to self-determination all over the world, and that fundamental right must be respected by all countries without exception, including by a neighbouring Arab country such as Morocco.

The meeting rose at 6 p.m.