



# General Assembly

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

### Summary record of the 370th meeting

Held at Headquarters, New York, on Thursday, 4 June 2015, at 10 a.m.

*Chair:* Mr. Seck ..... (Senegal)

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*The meeting was called to order at 10.15 a.m.*

### **Adoption of the agenda**

1. *The agenda was adopted.*

### **Update on developments since the previous meeting of the Committee**

2. **The Chair** said that the United Nations Round Table on Legal Aspects of the Question of Palestine had been held in The Hague, under the auspices of the Committee, from 20 to 22 May 2015. The International Media Seminar on Peace in the Middle East had been held in Astana on 26 and 27 May 2015. On 2 June 2015, a high-level conference entitled “UNRWA@65: Sustaining Human Development and Protecting Rights of Palestine Refugees” had been held to mark the sixty-fifth anniversary of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

### **The situation in the Occupied Palestinian Territory, including East Jerusalem, and developments in the political process**

3. **Mr. Mansour** (Observer for the State of Palestine) said that there had been no progress in alleviating the suffering of the Palestinian people in the Occupied Territory. The blockade of Gaza was still in place and the pace of reconstruction was very anaemic. There was a catch-22 situation in which the Palestinian national consensus Government needed money and tools to be able to exercise its role as a Government, particularly in the Gaza Strip, but some donor countries were reluctant to disburse what they had pledged because they wanted to see the Government assert its authority first. Only if the international community succeeded in pressuring the occupying authority to lift the blockade and allow the movement of people and goods in and out of the Gaza Strip could a massive reconstruction of the Gaza Strip take place.

4. East Jerusalem was severed from the rest of the Occupied Territory, and the situation of its 300,000 Palestinian inhabitants was difficult as a result of the wall, the settlements and the other segregationist policies of the occupying authority. Conversely, the millions of Palestinians in the rest of the Occupied Territory were deprived of access to Jerusalem, which had always been the engine of the Palestinian

economy. The situation in Area C of the West Bank was also very difficult for the Palestinians living there.

5. A political breakthrough was no longer possible because the recent Israeli election had resulted in the formation of an extremist right-wing Government with a majority of one seat in the Knesset. As articulated by Prime Minister Netanyahu on the eve of the election, the Government was hostile to peace and against a two-State solution.

6. France was taking the lead in defending the two-State solution in the Security Council. Its proposal had three components, the first of which was the concept of time limits, which Palestine believed should apply to both the negotiations and the occupation. The second component consisted of terms of reference and parameters; namely, two States based on the 1967 borders, with East Jerusalem as the capital of the State of Palestine and West Jerusalem as the capital of Israel, and a just solution to the refugee question on the basis of international law and relevant United Nations resolutions. The third component was the collective process, which involved the Security Council, especially the five permanent members; Arab countries; Israel; and Palestine.

7. The collective process proposed by France and supported by Palestine followed on the achievements of other collective processes at the global level, such as the negotiations on the Iranian nuclear programme; the high-level Geneva Conferences on Syria; and the collective approach to the Ukrainian issue. Direct bilateral negotiations between Palestine and Israel had been unsuccessful for the past 20 years and had created many illegal situations on the ground, in particular with regard to settlements, and should be avoided going forward.

8. He hoped that in the near future it would become clearer whether there would be a way to move forward politically through that approach, or whether a significant member of the Security Council would continue to oppose the Council's involvement. In the latter case, another option would be to call for the convening of an international conference to implement the Arab Peace Initiative, which enjoyed global support. It would also be possible to draw upon the strength of the General Assembly, if necessary, including in relation to legal issues. The discussions held at the United Nations Round Table on Legal Aspects of the Question of Palestine would be taken

into account in determining what legal means were available to seek justice for the Palestinian people, fight impunity and expose those who had committed and continued to commit war crimes against the Palestinian people.

9. **The Chair** said that the international community must ensure that its attention was not completely consumed by the multiplicity of conflict situations in the Middle East, to the detriment of the cause of the Palestinian people. He asked what role the Quartet should play in the collective process with regard to the Palestinian question.

10. **Mr. Mansour** (Observer for the State of Palestine) said he agreed that the upheavals in the Middle East should not obscure the Palestinian question. All those involved in the alliance against terrorist groups such as the Islamic State in Iraq and the Levant (ISIL) should include justice for the Palestinian people in their strategies because the issue was used by extremists as a recruitment tool.

11. Collective processes were showing signs of success, specifically with regard to the Iranian issue, and should be supported by the international community. States should defend the two-State solution through the collective process in the Security Council and by recognizing the State of Palestine. The collective process was superseding the Quartet approach and had better chances of success because all interested parties were able to participate.

12. **Mr. Emvula** (Namibia) asked whether the recent statements made by the Israeli Prime Minister with regard to the earlier statements he had made prior to the elections were perceived as a shift in his position or the result of pressure brought to bear by the internal situation in Israel, and whether those more recent statements could be used for the purpose of promoting the Palestinian cause. Secondly, he asked whether the French initiative would take the form of discussions or a Security Council resolution and how that process would differ from the long-standing peace process carried out by the Quartet and others.

13. **Mr. Mansour** (Observer for the State of Palestine) said that Palestinians had been aware of the Israeli Prime Minister's true beliefs even before he had uttered the two infamous statements on the eve of the election: the assertion that there would not be a Palestinian State on his watch, and a racist statement about the Palestinian Arabs who were citizens of the

State of Israel. The Prime Minister's recent reversal clearly was not genuine, because such a reversal would displease the small extreme right-wing part of his coalition and lead to the demise of his Government.

14. The French initiative would take the form of a draft resolution similar to the one circulated by the French delegation in October 2014. The French Minister for Foreign Affairs was consulting extensively with a special Arab ministerial committee that was following up on the issue. Efforts were being made to build consensus on the draft resolution, but the United States delegation was still non-committal. The French initiative represented a shift from an American-led to a European-led approach. It was important for all European countries to support the French initiative in order to create enough momentum to push the United States to allow the Security Council to assume its responsibility in that regard.

#### **United Nations Round Table on Legal Aspects of the Question of Palestine, The Hague, 20-22 May 2015**

15. **Mr. Tanin** (Afghanistan), Vice-Chair, said that the theme chosen for the United Nations Round Table on Legal Aspects of the Question of Palestine had been "Available mechanisms to ensure accountability for violations of international law". He had presided over the Round Table on behalf of the Chair of the Committee. The participants in the Round Table, which had been organized as a diplomatic and legal capacity-building event for the State of Palestine, had included international legal experts and 25 Palestinian cadres from relevant Palestinian ministries and from diplomatic missions in Geneva, The Hague, New York and Vienna.

16. The discussions had focused in particular on the Geneva Conventions, the International Court of Justice and the International Criminal Court in relation to the question of Palestine. In his remarks at the event, he had recalled that the accession of the State of Palestine to the Rome Statute of the International Criminal Court, the Geneva Conventions and a number of other international treaties, together with the 2004 advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, had constituted landmarks in the Palestinian people's struggle to achieve and exercise their inalienable rights to sovereignty and self-determination and in the

Palestinian State's path to becoming a full-fledged member of the international community.

17. The participating experts had noted that the State of Palestine could rely on different legal options to promote its rights. The Geneva Conventions clearly defined the obligations of the occupier and the rights of the occupied. The advantages and disadvantages of referring cases to the International Criminal Court and ways to address the issue of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, under international law had been discussed. Several experts had noted that new legal opinions and rulings could promote further positive changes in international public opinion and the emergence of a new discourse on Palestine.

18. Many participants had said that the failure of Israel, the United Nations and the international community to respond adequately to the 2004 advisory opinion had had negative consequences on the primacy and applicability of international law. They had welcomed Palestine's use of international law as a reaffirmation of the tenet that legal mechanisms were a better means of resolving conflicts than force or "surrender" to an unjust reality.

19. The right to self-determination had been covered by the 2004 advisory opinion, but the refugees' rights to return and compensation had not been fully addressed. In that regard, the promotion of individual refugee rights should be promoted together with collective national rights.

20. **Mr. Emvula** (Namibia) recalled the recent acceptance of the State of Palestine as a member of the International Criminal Court and asked whether there had been any attempt to enforce the 2004 advisory opinion of the International Court of Justice, particularly with regard to the responsibilities and obligations of the occupying Power and the rights of the occupied.

21. **Mr. Mansour** (Observer for the State of Palestine) said that the legal experts at the Round Table had discussed the issue of whether the advisory opinion on Palestine could benefit from the three advisory opinions on the question of Namibia, as well as the possibility of seeking another advisory opinion on the legal implications of the prolongation of the occupation. In addition, they had discussed the ways in which Israeli officials or members of the armed forces could be prosecuted by the International Criminal

Court for war crimes in the last war in the Gaza Strip or the continuing crime of transfer of the population by the occupier in the case of settlements, which was considered a war crime under the Rome Statute. The technicalities of how that could be done, in light of the ongoing preliminary examination by the Prosecutor of the Court, had also been discussed in detail. The legal experts had accepted an invitation to serve as an ad hoc advisory body, on a standby and pro bono basis, to continue to help the Palestinian State as it moved forward.

#### **United Nations International Meeting in Support of Israeli-Palestinian Peace, Moscow, 1 and 2 July 2015**

22. **The Chair** drew attention to working paper No. 4, which contained the provisional programme of the forthcoming United Nations International Meeting in Support of Israeli-Palestinian Peace. The theme of the Meeting would be "The two-State solution: a key prerequisite for achieving peace and stability in the Middle East". He took it that the Committee wished to approve the provisional programme.

23. *It was so decided.*

24. **Mr. Mansour** (Observer for the State of Palestine) said that the Meeting would be an important, high-profile political event. He hoped that the participants would include high-level personalities such as the Secretary-General of the League of Arab States, the Secretary-General of the Organization of Islamic Cooperation and other key players. The Minister for Foreign Affairs of Palestine and other high-level Palestinian officials would participate. He welcomed the provisional programme of the Meeting, but suggested that the wording of the agenda for the second plenary meeting should be changed to emphasize the implementation of the Arab Peace Initiative rather than the revitalization of the Quartet.

*The meeting rose at 11.15 a.m.*