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Chair: Mr. Dempsey (Vice-Chair) (Canada)

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* Items which the Committee has decided to consider together.

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In the absence of Mr. Hilale (Morocco), Mr. Dempsey (Canada), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance** (*continued*) (A/70/18 and A/70/321)
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (*continued*) (A/70/309, A/70/335, A/70/339 and A/70/367)

Agenda item 71: Right of peoples to self-determination (*continued*) (A/70/314 and A/70/330)

1. **Monsignor Grech** (Observer for the Holy See) said that racial discrimination and xenophobia were serious affronts to human dignity that impeded the building of an international community committed to the promotion of human rights. Human dignity was not conferred by any State or human law, nor was it subject to any form of social or economic status. Rather, it was inherent in every human being, regardless of their circumstances. There were over 60 million refugees, asylum seekers and internally displaced persons worldwide as a result of conflict and persecution. Fifteen new or revived conflicts had broken out in the past five years, while a number of persistent conflicts remained unresolved.

2. The number of people displaced by conflict had increased from roughly 11,000 in 2010 to the current rate of 42,500 persons daily. His delegation urged the international community to treat asylum seekers humanely and with justice. Notwithstanding the enormity of the crisis facing it, the international community must refrain from recoiling, but rather should transform the crisis into an opportunity to realize a more just and fraternal world for all.

3. The international community should do all in its power to stop non-State actors responsible for the commission of wanton violations of fundamental human rights. His delegation called on States to reconsider legislation that was conducive to xenophobia, discrimination based on religion or ethnicity, and violence. People of all religions should

respect one another and remain open to dialogue and cooperation in order to foster mutual knowledge and appreciation. Racial discrimination, xenophobia and intolerance had no place in a world committed to peace, genuine pluralism and the common good of all humanity.

4. **Mr. Azazi Amir** (Eritrea) said that Member States should promote and encourage universal respect for human rights and fundamental freedoms for all, regardless of race, sex, language or religion. Eritrea was committed to the implementation of the Durban Declaration and Programme of Action and welcomed the International Decade for People of African Descent.

5. His delegation was deeply concerned by increasing levels of racism and hostility against migrants in some countries and encouraged States to provide migrants and their families the necessary legal, economic and social protection. It had also noted with concern the growing trend of racist extremist movements and ideologies causing widespread loss of life, destruction and instability in some parts of the world. A collective and comprehensive way of addressing those issues, including an assessment of the root causes, was needed.

6. Eritrea, a multicultural country well known for its social harmony, cohesion and unity, had endured decades of war in order to assert its right to self-determination. For that reason, Eritrea unequivocally supported the right to self-determination on the basis of the principles enshrined in the Charter of the United Nations.

7. **Mr. Liang Heng** (China) said that political, legal, economic, administrative and educational measures should be taken to eliminate the causes of racism and racial discrimination and to ensure the enjoyment of genuine equality, human rights and basic freedoms for all people. China strongly supported the efforts of the international community to combat racism, promote inter-civilization and interfaith dialogue and exchange, and support the implementation of zero-tolerance policies in that regard.

8. China appreciated the efforts of the Working Group of Experts on People of African Descent and supported the role of the Durban Declaration and Programme of Action in combating racism. Efforts should be made by all parties to expedite implementation of the Durban Declaration, the

outcome document of the Durban Review Conference and the programme of activities for the implementation of the International Decade for People of African Descent.

9. His Government had consistently supported the Palestinian people in their just cause of realizing their right to self-determination and establishing their independent state. China supported greater integration of the State of Palestine into the international community and the prompt realization of a comprehensive, just and lasting peace in the Middle East. The international community and all parties concerned should work tirelessly to that end, pressing for continued progress in the Middle East peace process.

10. At the same time, the exercise of the right to self-determination should respect the purposes and principles of the Charter of the United Nations and the basic norms that governed international relations. The right to self-determination should not be distorted or abused as an excuse to break up sovereign States and incite hatred between ethnic groups. A few individuals and organizations with ulterior motives openly advocated for the separation of sovereign States under the pretext of the right to self-determination. Such acts should be condemned and opposed by all.

11. **Mr. Jaafar** (Malaysia) said that the pursuit of democracy was crucial to the realization of the right of his country's people to self-determination. With regard to the right of the Palestinian people in that regard, his Government had always been a proponent of the two-State solution, based on the 4 June 1967 borders, with East Jerusalem as the capital of the State of Palestine. Malaysia would continue to advocate for the establishment of a sovereign Palestinian State that could exist alongside Israel in peace and security. In that respect, his Government supported all international community efforts to find a just, lasting, comprehensive and peaceful settlement to the Palestinian-Israeli conflict.

12. As a member of the Security Council, the previous July Malaysia had co-organized an Arria Formula meeting on Gaza with Jordan intended to highlight the unsustainable situation on the ground and to provide the impetus necessary to bring the longest occupation in modern history to an end. Although deeply concerned that the possibility of a two-State solution seemed increasingly remote, Malaysia was

committed to a just and peaceful resolution of the conflict. The only way forward was to ensure that the Palestinians were afforded their basic rights as human beings, including their right to an independent State. The international community should strive to uphold the legitimate right to self-determination, a core principle of the United Nations.

13. **Mr. Habib** (Indonesia) said that Indonesia strongly condemned any manifestation of religious intolerance, incitement or violence against persons or communities on the basis of ethnicity, religion or beliefs. The spread of extremist political parties, movements and groups around the world had led to a worrying increase in the number of acts of race-based violence and hate speech. All countries and stakeholders should be vigilant in that regard and step up efforts to address those trends. Fostering intercultural dialogue, encouraging tolerance and respect for diversity were fundamental to combating racial discrimination and related intolerance.

14. States should respect the commitments made in accordance with the outcome document of the Durban Review Conference and take appropriate measures to reflect the multicultural character of their societies, including through national legislation. To combat the use of the Internet and social media to promote racist values, States should adopt countermeasures, which could include encouraging the mass media to promote a culture of peace and tolerance. The media had the critical responsibility to ensure that the voices of minority groups were heard.

15. One of the world's most diverse countries, Indonesia had strengthened national mechanisms to promote and protect all citizens from acts of discrimination, including by mandating the National Human Rights Commission to identify potential breaches of Indonesia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and investigate allegations of acts of discrimination. The Government had facilitated the establishment of a forum to promote harmony among devout members of society and to discuss and promote solutions regarding issues that affected them. It had also partnered with some 22 other Governments to conduct interfaith dialogues, in addition to actively participating in similar United Nations sponsored dialogues.

16. Indonesia was a strong supporter of the Working Group of Experts on People of African Descent. The international community should continue efforts to fully implement the recommendations contained in the programme of activities for the International Decade for People of African Descent. The International Convention on the Elimination of All Forms of Racial Discrimination should serve as the normative basis for international efforts to eliminate racial discrimination.

17. **Ms. Rasheed** (Observer for the State of Palestine) said that for Palestinians living in the occupied State of Palestine, including East Jerusalem, the right to self-determination only existed in principle. There was a host of Israeli policies and practices that continued to undermine the right of the Palestinian people to self-determination, the most obvious of which was the continued construction of settlements and related infrastructure, in grave breach of international law.

18. Despite widespread condemnation and calls to cease its activities, Israel had continued to expropriate Palestinian land and property; transfer hundreds of thousands of its settlers to the occupied lands; fragment Palestinian land through the construction of a massive wall; forcibly transfer thousands of Palestinian civilians; and plan and construct other infrastructure to serve the illegal settlements, including segregated Israeli-only roads. Settlement building had intensified each year, with a 40 per cent increase in 2014 in comparison to the previous year.

19. There were currently nearly 600,000 settlers living in the West Bank, including East Jerusalem, compared to 192,768 in 2009. That illegal and destructive campaign cast serious doubts on the prospects for the two-State solution, which had led the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to state that the impact of Israeli settlements on the territorial contiguity of Palestinian land and on the environment and natural resources could be irreversible.

20. Violence by Israeli settlers against Palestinians was also on the rise. The United Nations Relief and Works Agency for Palestine Refugees in the Near East had recorded 719 incidents of Israeli settler violence in 2014, 203 of which had occurred in and around the Al-Aqsa mosque in East Jerusalem. Moreover, settlers continued to destroy Palestinian orchards and agricultural fields. In 2014, over 10,596 trees had been

uprooted, burned or sprayed with toxic chemicals, leading to the loss of production and exposure of soils to degradation.

21. The constant failure of the occupying Power to hold illegal settlers accountable for their terrorist crimes had served to encourage further attacks with complete impunity. Eighty-five per cent of the aforementioned Wall was being built on Occupied Palestinian Territory. It should be recalled that the International Court of Justice had concluded that construction of the Wall, along with previous measures taken by the occupying Power, severely impeded the exercise by the Palestinian people of its right to self-determination. Israel had, therefore, failed to uphold its obligation to respect that right.

22. Whether through periods of peace negotiations or unrest and conflict, Israel had never ceased its settlement activities. Countless other policies and practices also undermined the right of the Palestinian people to self-determination, including the revocation of residency rights of Palestinians in East Jerusalem, the closure regime in the West Bank, the demolition and/or confiscation of Palestinian structures and the eviction of inhabitants, control of the population registry, the use and exploitation of Palestinian natural resources, and the blockade of more than 1.8 million Palestinians in Gaza. Undoubtedly, Israel's illegal and unsustainable practices and policies were destroying the prospects for peace.

23. **Mr. Hannigan** (Iceland) said that racism, racial discrimination, xenophobia and related intolerance must be combated at all levels. To that end, it was essential to work towards universal adherence to and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and he urged all States which had not yet done so to become parties to the Convention.

24. The massive movement of people in flight from conflict or extreme want made the fight against racism more urgent. In Europe, in particular, there had been an increase in hate speech in political discourse, in the media and online. Racism and related intolerance must be combated in all areas of life to avoid divisiveness and continue to build strong, resilient societies in Europe. Education systems must be proactive in teaching tolerance and respect, and the world of sport must ensure that expressions of racism were not tolerated and that positive role models were brought to

the fore. The media must not be manipulated by those instigating hatred of certain groups, and politicians carried a heavy burden of responsibility in addressing that issue. As social media made everyone a potential broadcaster, individuals must ensure that they contributed to a discourse free of racial prejudice and which encouraged tolerance and respect.

25. Iceland reiterated its support for the realization of the inalienable right of the Palestinian people to self-determination, including the application of the State of Palestine for full membership of the United Nations. His country also supported all efforts undertaken under the auspices of the Secretary-General to achieve a just, lasting and mutually acceptable political solution in Western Sahara, which was long overdue.

26. **Ms. Rasheed** (Observer for the State of Palestine) said that people living in the Occupied Palestinian Territory continued to live under an increased level of racism, racial discrimination, xenophobia and related intolerance. Since 1967, through a prolonged foreign military occupation with elements of colonialism and apartheid, the occupying Power had institutionalized racism and discrimination, the most glaring example of which had been its illegal attempt to Judaize the West Bank, in particular East Jerusalem.

27. The report made by the Economic and Social Commission for Western Asia to the Economic and Social Council had confirmed that many of Israel's policies related to settlement activity in the Occupied Palestinian Territory amounted to "de facto segregation". That included cases of inequality and separation between Palestinians and Israeli settlers relating to the use of roads and infrastructure or access to basic services and water resources. Such separation was concretized by the implementation of a complex combination of movement restrictions consisting of the Wall, roadblocks, the obligation to use separate roads and a permit regime that only impacted the Palestinian population. Moreover, the report noted that a legal regime of segregation was operating in the Occupied Palestinian Territory, enabling the establishment and consolidation of settlements, whereby Israeli laws applied personally to Israelis in the West Bank to give them preferential legal status over Palestinians.

28. The Committee on the Elimination of Racial Discrimination had censured Israel in connection with its general recommendation 19 (1995) on racial

segregation and apartheid and had urged Israel to take immediate measures to prohibit and eradicate policies and practices of racial segregation and apartheid, which violated Palestinians' rights to non-discrimination, equality before the law, and equal protection under the law. Israel's persistent violation of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid was ample proof that Israel intended to continue its apartheid-like policies at the expense of an entire people and ultimately at the expense of peace.

29. Israel's de facto segregation was particularly disconcerting due to the spike in racist and xenophobic acts, manifestations and discourse, especially by Israeli settlers against Palestinians. Israeli settlers responsible for attacking Palestinians and their property enjoyed a high degree of impunity despite the fact that settler attacks and intimidation regularly took place during daylight hours, the identities of perpetrators were well known or could be easily determined, there was video and photographic footage of the incidents, and Israeli security forces were frequently at the scene during such events.

30. The rise in settler attacks had come amidst an outburst of anti-Arab racism in Israel, which had been fuelled by direct incitement by Israeli Government officials calling on Israelis to take up arms against Palestinians and shoot to kill. The same culture of hate and incitement had resulted in Israeli settlers committing terrorist attacks, such as burning sleeping families alive in their homes, and had emboldened occupying Israeli forces to execute Palestinians, refuse them medical care and allow settlers to kick their lifeless bodies. Israeli occupying forces had also openly threatened the lives of Palestinians living in a refugee camp in Bethlehem. Sadly, such examples were the norm, and even the Israeli President had stated that Israel was suffering from an epidemic of violence that must be treated. Furthermore, although the Palestinian citizens of Israel constituted one fifth of the Israeli population, there were currently more than 60 Israeli laws which discriminated against them in all areas of life.

31. The epidemic of violence among the Israeli occupying forces, the settler population and certain groups and individuals in Israeli society must be condemned and stopped. The international community should increase its efforts and take the necessary steps

towards bringing an end to all Israeli violations, and pursue accountability and justice for Israeli crimes against the Palestinian civilian population. In accordance with its obligations under international law and relevant United Nations resolutions, Israel must end its occupation and allow the Palestinian people to live in freedom in an independent State of Palestine with East Jerusalem as its capital.

32. **Mr. Nina** (Albania) said that Roma people still faced discrimination on multiple grounds, which often had a negative impact on the entire community. Their vulnerability to discrimination could be further affected by their gender or age. Measures to improve the situation of the Roma therefore remained high on the Albanian Government's agenda.

33. Education was a national priority which contributed to inclusion, reduction of poverty, protection of children from social risks and social cohesion. There were legal measures to tackle the school drop-out rate of children, and a national initiative and plan of action had been implemented in that regard. Roma children who dropped out of school were identified and included in part-time schools and measures for integrating students at risk into the regular school system. The number of Roma children in the education system was increasing, and there were legislative, administrative and institutional measures to guarantee their inclusion. Free textbooks and the enrolment of Roma children in compulsory education were believed to have contributed to that progress.

34. The Government attached great importance to collaboration with different United Nations agencies regarding the promotion and protection of the rights of the Roma community. Under the One United Nations programme, there would be increased and more equitable access to quality basic services, among other areas of intervention in accordance with the objectives of the Decade of Roma Inclusion. The situation of Roma and marginalized groups had also been chosen as a priority area for joint collaboration and was the focus of the United Nations Development Programme's Empowering Vulnerable Local Communities project.

35. Access to rights had been facilitated through the resolution of over 1,700 administrative and legal civil registration cases, the adoption of three legal acts to facilitate the civil registration of Roma children, and training in civil registration procedures for the relevant authorities. Consequently, social and public services,

such as health care, employment services, economic aid and pension schemes, had become more accessible for certain vulnerable Roma individuals. Although nations had successfully addressed and eliminated various aspects of hate and its violent impact, anti-Semitic ideas, expressions and violence had unfortunately survived and developed. Like all other forms of hate and discrimination, anti-Semitism was unacceptable and Albania would always combat it.

36. In spite of the upcoming fiftieth anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination, its principles were far from being implemented. Condemning and combating contemporary forms of extremist ideologies, including neo-Nazism, must be a priority for the entire international community. All expressions of such ideologies should be tackled by taking effective measures at all levels, in particular through full implementation of the Convention. It would be unfortunate if common efforts against discrimination faced the same divisive approaches as in previous years with draft resolutions which sought to dilute the significance of combating racism. Albania would not support such initiatives, which were contrary to its steadfast commitment to the global fight against racism, racial discrimination, xenophobia and related intolerance.

37. **Mr. Kataria** (India) said that the nurturing of multicultural, democratic and pluralistic traditions; the inculcation of tolerance and respect of diversity; and the implementation of appropriate educational and legislative strategies could provide the surest guarantee against xenophobia and racial prejudice and discrimination, in the full and effective implementation of the Durban Programme of Action. Based on principles of peaceful coexistence and tolerance, India was the best example of a multi-religious, multi-ethnic and multicultural society. The Constitution established equality for all people and prohibited discrimination on the grounds of, inter alia, race.

38. The adoption of the 2030 Agenda for Sustainable Development provided an opportune time to renew commitments made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001. Respect, equality, solidarity, tolerance and peace must continue to be the basis for societies. Palestine remained the unfinished task in the realization of the right of peoples to self-determination. India was steadfast in its support

for a negotiated solution, resulting in a sovereign, independent, viable and united State of Palestine with East Jerusalem as its capital.

39. The United Nations and other international forums should not be used to selectively redefine some of the basic principles of the Charter, such as self-determination, and to abuse them for subversive political agendas to encourage secession and undermine pluralistic and democratic States. In that context, the representative of Pakistan had made unwarranted references to the Indian state of Jammu and Kashmir, which was an integral part of the Union of India. The people of that state had exercised their right to self-determination at the time of India's independence and had since regularly participated in free, fair and open elections at all levels, which had been subject to the scrutiny of international media and opinion.

40. There had been a record voter turnout of 65 per cent in the 2014 election in Jammu and Kashmir, despite threats from Pakistan-based terror groups. It was all the more ironical that the Pakistani delegate had made such comments given his country's illegal occupation of part of Jammu and Kashmir and its consistent denial of human rights in the occupied territory. Pakistan should first stop human rights violations in Pakistan-occupied Jammu and Kashmir and ensure the right to self-determination for the victims, before sermonizing others on the subject.

41. **Ms. Mammadova** (Azerbaijan) said that, as a multi-ethnic and multi-religious country, Azerbaijan continued to contribute to global efforts to combat racism and discrimination. Protection of equality and non-discrimination were set forth in national legislation, and, in accordance with the Constitution, the State guaranteed the universal equality of people's rights and liberties. The inadmissibility of restricting human and citizenship rights based on, inter alia, racial or national grounds was safeguarded by the criminal procedural court and relevant normative acts.

42. Racism, xenophobia and related intolerance were often among the root causes of armed conflict, human rights violations and abuses and the consequent forced displacement of populations. It was critical to pay greater attention to, inter alia, the persistence of racial prejudice and negative stereotypes, hate speech by public officials and the media, and discrimination and targeted attacks against minority groups. Pervasive

racism and racial discrimination were ubiquitous, and practices such as State policies of ethnic cleansing were incompatible with a culture of peace and should be combated.

43. Particular attention should be given to the implementation of discriminatory policies and practices during foreign military occupation, including those aimed at altering the demographic balance of the occupied territories and preventing forcibly displaced persons from returning to their homes. It was crucial for justice, truth and reconciliation mechanisms to address the legacy of human rights violations and abuses committed during conflicts. There could be no sustainable peace if justice was neglected and the suffering of the victims was denied. Those responsible for war crimes, genocide, ethnic cleansing and crimes against humanity must be held accountable.

44. It was internationally recognized that Nagorny Karabakh and seven surrounding districts of Azerbaijan were under illegal Armenian occupation. Armenia's continued use of force against Azerbaijan's sovereignty and territorial integrity violated the Charter of the United Nations. Armenia was a mono-ethnic country and had achieved that situation by expelling all other groups, including Azerbaijanis, which was an integral part of Armenia's policy of hatred based on historical, cultural and racial prejudices.

45. The Armenian Government made it impossible to promote understanding and reconciliation between the Armenian and Azerbaijani peoples by misusing the education system and controlling the media, systematically cultivating hatred and racial intolerance against non-Armenians. High-ranking Armenian officials, including the former and incumbent Presidents, had made inflammatory statements promoting ideas such as the racial inferiority of other nations. It was necessary to strengthen efforts to effectively address challenges to human rights and democracy and insist at all levels that the inherent dignity and inalienable rights of all should be recognized.

46. **Mr. Sargsyan** (Armenia) said that condemning State-sanctioned violence against individuals would permit the victims of aggression to defend themselves and could help pre-empt such violence by informing the perpetrator that assaults would be met with resistance. Effective international resistance could help

deter the spread of extreme discrimination, which could, if unchecked, result in irreversible horrors.

47. Self-determination for Nagorny Karabakh was the only viable way for the indigenous Armenian population living in that region to escape discrimination and oppression. The peaceful settlement of the Nagorny Karabakh conflict through negotiations in an agreed format and based on the principles of international law, including the right of peoples to self-determination, was imperative and supported by the international community. However, the peace process continued to face the challenges of war mongering, hate propaganda, the arms race, the refusal to implement confidence-building measures and mounting cases of ceasefire violations by Azerbaijan. His delegation was hopeful that the imperative of peace would prevail.

48. Aggressive responses by States to the peaceful aspirations of peoples to exercise their right to self-determination only legitimized such aspirations and deprived the aggressor of any claim to authority over such peoples. Armenia joined Nagorny Karabakh's call to the international community to recognize its right to self-determination free of discrimination, harassment, constant threats of war and extermination. It was regrettable that Azerbaijan was again attempting to spread misinformation and distort facts, and his delegation rejected all the allegations made against Armenia. The Azerbaijani delegation's statements lacked the sincere will to address the clear violations of minority rights and the repression of civil society, peace advocates and the free media by the authorities in Azerbaijan.

49. **Mr. Al-Otoom** (Jordan) said that the right to self-determination was indispensable to the enjoyment of other rights. No pretext could be invoked to prevent a people from exercising that internationally recognized right. His delegation remained convinced that granting people the right of self-determination would have a positive impact on international peace and stability. The Palestinian people's right to establish an independent, sovereign, viable and territorially contiguous State of Palestine with East Jerusalem as its capital, in accordance with the 4 June 1967 borders, must be upheld.

50. Jordan therefore called for Israel to halt its unilateral actions — including the demolition of homes, land confiscation and the killing of

innocents — which aimed to pre-empt the results of negotiations on crucial issues, chief among them Israeli settlement activity. That would enable the return to serious, good-faith negotiations with a view to achieving a just and lasting peace.

51. **Ms. Aicha** (Niger) said that Niger, a party to the International Convention on the Elimination of All Forms of Racial Discrimination, had always combated all forms of racism, xenophobia and intolerance. Its Constitution recognized the equality of all citizens, prohibited proponents of a particular religion or belief from claiming political power or interfering in the affairs of State and banned the creation of political parties along ethnic or regionalist lines or for the purpose of advancing a particular ethnic group, region or religion.

52. Furthermore, under the country's penal code any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that was likely to set individuals against each other was punishable by one to five years' imprisonment and restricted residence. Niger was committed to the implementation of the Durban Declaration and Programme of Action, which was the global framework for efforts to prevent racism, hatred, xenophobia, racial discrimination and intolerance.

53. **Mr. Njie** (Gambia) said that, while there was a general consensus concerning the inhumane nature of slavery and the negative impact of colonialism on the development of the African continent and the progress of people of African descent, the international community had replaced resolutions calling for measures to address the devastating effects of slavery with mere declarations. The Committee should give full consideration to the moral and sociological dimensions of slavery and adopt resolutions calling for concrete action by the Member States and the relevant United Nations bodies.

54. In that connection, he urged delegations to vote in favour of the draft resolution on slavery, colonialism, reparations and restitution that his delegation was drawing up. Furthermore, in view of the upcoming fifteenth anniversary of their adoption, a second review conference on the implementation of the Durban Declaration and Programme of Action should take place 2016 in order to take stock of measures taken and determine the way forward, as too little had

been accomplished since their adoption. A thorough review of the Declaration and the adoption of the Gambian draft resolution would pave the way for justice, enable all nations and peoples to enjoy equality and freedom, and put an end to the enduring psychological effects of racism, slavery and colonialism.

55. **Mr. Faye** (Senegal) said that issues concerning the right of peoples to self-determination and racism, racial discrimination, xenophobia and related intolerance posed major challenges to the implementation of the 2030 Agenda for Sustainable Development. It was unfortunate that the international community had not yet been able to find a solution to the plight of the Palestinian people, whose legitimate aspirations to self-determination had been obstructed for almost 60 years and who continued to face numerous violations of their rights, including restricted access to water, expulsion, confiscation of land, restrictions on freedom of movement and violence, as a result of the expansion of Israeli settlements in the West Bank, including East Jerusalem.

56. That litany of human rights violations was a serious threat to the implementation of the two-State solution that the faltering peace process continued to aim for, despite the Israeli policy of *fait accompli*. The recent clashes over access to the Al-Aqsa mosque compound were indicative of the dangerous situation in the Occupied Palestinian Territories. Negotiations must be resumed, with the universal support of the international community. Senegal was committed to the implementation of the two-State solution, based on the June 1967 borders and with East Jerusalem as the capital of the State of Palestine.

57. The world was experiencing a resurgence in racism, which was primarily aimed at people of African descent, immigrants, indigenous peoples, asylum seekers, refugees, displaced persons and religious minorities. While knowledge of and respect for the cultural diversity and heritage of people of African descent had improved during the first year of the International Decade for People of African Descent, further efforts were required to ensure access to justice and the enjoyment of economic, social and cultural rights. In particular, there was a need to address the issue of racial profiling. A viable solution must also be found to the global migrant crisis. Such a solution must not be based on security concerns alone or determined unilaterally; it should promote

development, respect for human rights and cooperation between States of origin, transit and destination.

Statements made in exercise of the right of reply

58. **Ms. Simovich** (Israel) said that the Observer for the State of Palestine had deliberately ignored the murderous wave of Palestinian terrorism that was being directed against Israeli citizens. The Palestinian victim narrative was a powerful tool and a useful way to exempt those portrayed as victims from any responsibility for their actions. For that reason, Palestine continued to use its education system and media to teach children to hate Israelis from a very young age. That very week, 76-year-old Richard Lakin had died after being brutally attacked on a bus in Jerusalem. He had not been a settler or a soldier but rather a devoted peace and human rights activist who had worked as a teacher of both Arab and Jewish children.

59. On 2 November 2015, a 19-year-old Palestinian had wounded three people, including an 80-year-old woman, in a stabbing attack in Rishon Lezion. In October 2015, 10 Israelis had been murdered and an additional 135 injured by Palestinians. The lives of Israeli children were in constant danger from Palestinian terrorists, some of whom were children themselves, sent to kill them for no other reason than that they were Israeli. The right to self-determination should not be achieved by sending Israeli children, women and elderly persons to their deaths or by continuous incitement to violence and hatred.

60. Furthermore, repeating the same narrative with complete disregard for the reality on the ground was no way to promote a just solution to the conflict that would enable Israeli and Palestinian civilians to enjoy peace and security. Only if Palestine ceased to incite violence, refrained from sending its children to kill Israeli children and agreed to resume negotiations could a solution guaranteeing better lives for everyone on both sides be achieved.

61. **Mr. Diyar Khan** (Pakistan) said that the legal and factual background of the situation in Jammu and Kashmir was clear and well-documented. They were not an integral part of Indian territory; the United Nations Security Council had adopted several resolutions that declared them a disputed territory between Pakistan and India and called for a settlement

of that dispute through a free and impartial plebiscite under the auspices of the United Nations.

62. With regard to the claim that Kashmiris had exercised their right to self-determination through elections, it was well-known that all elections held in Indian-occupied Kashmir had been rejected by the Security Council, the people of Kashmir, and the Kashmiri leadership. Moreover, the Security Council resolutions had clarified that no electoral exercise conducted by the Indian authorities in Jammu and Kashmir could substitute for a free and impartial plebiscite under the auspices of the United Nations.

63. The Indian delegation would not succeed in diverting attention from the right of the people of Jammu and Kashmir to self-determination by making allegations of terrorism aimed at preventing Pakistan from bringing the issue before the United Nations. His Government would accept the results of a plebiscite to determine the status of Jammu and Kashmir, which would clarify once and for all which country was the occupying force, and he called on India to do the same.

64. **Ms. Mammadova** (Azerbaijan) said that the representative of Armenia's comments were illustrative of that country's deliberate efforts to mislead the international community. It should be recalled that Armenia's attempts to achieve the unilateral secession of Nagorny Karabakh from Azerbaijan had never been legitimate or peaceful, nor had Armenia's claims been consistent with the applicable national or international legal norms. The unlawfulness within the Soviet legal system of any attempts aimed at either unification of Nagorny Karabakh with Armenia or its secession from Azerbaijan without Azerbaijan's consent had been confirmed at the highest constitutional level. Accordingly, Azerbaijan had been entitled to achieve independence within the territorial boundaries in existence during the Soviet era.

65. In 1993, the Security Council had adopted four resolutions condemning the use of force against Azerbaijan and the occupation of its territories and demanding the immediate, full and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan. The Council had confirmed that Nagorny Karabakh was part of Azerbaijan and had reaffirmed respect for the sovereignty and territorial integrity of Azerbaijan and the inviolability of its international borders. In other words, what the representative of Armenia had

described as the exercise of the right to self-determination by the ethnic Armenian group residing in Azerbaijan had been unequivocally qualified by the Security Council and other authoritative international bodies as the illegal use of force by Armenia, also involving the commission of other crimes of serious concern to the international community.

66. With regard to the Armenian representative's comments on hate speech, it should be noted that high-ranking Armenian officials openly promoted racist ideas such as the innate ethnic superiority of Armenians and the concept of so-called ethnic incompatibility. The 2014 threat by the President of Armenia to carry out ballistic missile attacks against Azerbaijan was just one example of the warmongering statements made by the country's leadership. The international community, including the United Nations, had repeatedly expressed its serious concern regarding the prevailing spirit of intolerance in Armenia and the discriminatory policies and practices pursued by its Government.

67. **Mr. Joshi** (India) said that the remarks made by the representative of Pakistan were out of context and constituted clear interference in the internal affairs of India; as such, he rejected them in their entirety. The people of Jammu and Kashmir had exercised their right to self-determination when India gained independence, so there could be no doubt that they had already peacefully determined their destiny in accordance with democratic principles and practices. The 65 per cent voter turnout in 2014, which had been achieved in spite of Pakistan-backed terror threats surrounding the election, underscored the ignorance of the representative of Pakistan.

68. The main obstacle to the enjoyment of human rights in Kashmir, and India as a whole, was Pakistani support for terrorist groups in Jammu and Kashmir. Pakistan's terrorist activities were also making dialogue with India impossible. India remained ready to resolve all issues with Pakistan through a bilateral dialogue in an atmosphere free of terror and violence and would respond to a serious and credible response from Pakistan. Lastly, he urged the delegation of Pakistan to cease its futile efforts to distract the Committee's attention from the important cause of self-determination, particularly as it pertained to the Palestinian people.

69. **Ms. Rasheed** (Observer for the State of Palestine) said that the Israeli representative's remarks were aimed at distorting the reality that the current situation had been sparked not by a single incident but instead by Israel's ruthless, belligerent occupation of Palestinian land, which for decades had subjugated, dehumanized and dispossessed Palestinians, in violation of international law and scores of United Nations resolutions. The root cause was systematically ignored by Israeli political leaders, who falsely characterized the conflict as one of a so-called war on terror that could only be addressed by security measures, force and collective punishment, with utter disregard for human rights and dignity. With their incendiary rhetoric, those leaders, including some religious leaders, had recklessly cultivated a culture of hate against Palestinians, who were subjected to excessive use of violence, harassment, intimidation and humiliation by occupation forces and the terrorist settlers whom they protected.

70. It was not the Palestinian people who were incited; the occupation in itself constituted incitement. Left to witness devastating wars in the Gaza Strip, the constant expansion of colonial settlements and continuous aggression in occupied East Jerusalem, Palestinians were utterly frustrated and hopeless. Meanwhile, terrorist settlers enjoyed impunity for burning families alive, while Palestinian civilians were extrajudicially executed without consequence for acts of violence and desperation.

71. Palestinian involvement in the negotiation process for over two decades had only led to more land being stolen and more human rights violations and Palestinian lives being lost. Israel's destructive actions made a mockery of international support for the two-State solution, diminished the viability of two States and prevented a real peace agreement from being reached. While the Palestinian people were fighting for their lives, Israel's fight to maintain the occupation was the main problem.

72. **Mr. Sargsyan** (Armenia) said that his delegation categorically rejected the spurious allegations made by the representative of Azerbaijan. In Azerbaijan, cases of racism and discrimination against religious minorities were on the rise, and the national ombudsperson functioned as a Government tool that disseminated hatred against Armenia and minorities in the country. As a result, minorities had refrained from bringing complaints to the ombudsperson out of fear of

reprisal. Intellectuals of the Talish minority had been arrested for innocuous activity in cases characterized by human rights defenders as politically motivated.

73. Moreover, the country's leader had publicly threatened to relaunch the war against Armenia and the Nagorny Karabakh region and to ethnically cleanse Armenians from Azerbaijan. He had also claimed all of Armenia's sovereign territory and praised an unrepentant murderer serving a life sentence for killing an Armenian officer. Moreover, the Government of Azerbaijan had a zero tolerance policy towards peace advocates, intellectuals and human rights defenders who promoted reconciliation, jailing them on fabricated charges or forcing them to flee the country.

74. Unlike in Azerbaijan, the rights of minorities were upheld in Armenia, whose efforts to promote minority education and culture had been noted by the European Commission against Racism and Intolerance, an independent human rights monitoring body. Reports had shown that there was no hostility towards ethnic minorities in his country. With regard to the right of self-determination, there was no limit to the number of times that it could be exercised, as attested to by the many German-, Arabic- and English-speaking countries in existence. In fact, the leaders of Azerbaijan and Turkey often declared that they were one nation but two States. In closing, he urged Azerbaijan to focus on its own deplorable acts of violence against minorities, put an end to reprisals and intimidation and ensure the development of civil society.

75. **Mr. Diyar Khan** (Pakistan) reiterated that Security Council resolutions recognized the disputed nature of Jammu and Kashmir and called for the dispute to be settled through the exercise of self-determination under a United Nations-administered plebiscite. The Indian delegation had attempted to muddle the concept of self-determination with allegations of terrorism. Security Council resolutions had also clearly stipulated that any elections held in the territory under Indian control would not be a substitute for the exercise of self-determination under United Nations supervision.

76. Moreover, given the nature of the dispute, his delegation was not interfering in Indian internal affairs by raising the issue in the United Nations. It was India that had initially brought the issue of Jammu and Kashmir to the Organization. Pakistan fully respected

the territorial integrity of India — a country nine times its size — when it came to its integral parts, but Kashmir was not one of them. Lastly, the allegations of terrorism were clearly intended to divert attention from the right to self-determination of the people of Kashmir.

77. **Ms. Mammadova** (Azerbaijan) noted that the late Pope John Paul II had hailed the tolerance that he had found during the visit to her country. Armenia sought to divert the attention of the international community from the urgent need to address the problems caused by its continuing aggression against Azerbaijan. Security Council resolutions had declared Armenian claims to the territory of Azerbaijan null and void, and other international organizations had called for an end to the occupation of Azerbaijani lands.

78. In accordance with international law, the principle of self-determination applied to three categories of peoples, namely, peoples of sovereign States, peoples of colonially formed territorial units and peoples under foreign domination, subjugation and exploitation, including foreign military occupation. The members of the Armenian ethnic minority group living in the Nagorny Karabakh region of Azerbaijan did not fit into any of those categories and would therefore never be considered an independent subject with the right to self-determination. By contrast, Armenia had expelled thousands of people from their places of permanent residence, occupied Azerbaijani territories and committed other serious crimes during the war, making it responsible for gross violations of the right to self-determination of the people of Azerbaijan.

79. **Mr. Joshi** (India) said that the relevant international principles affirmed that self-determination was a right that applied to the peoples of non-self-governing colonies and trust territories. Its exercise enabled all segments of a society to participate in choosing a form of government for themselves. There was no room to distort or misinterpret the right to self-determination as the right of a group on the basis of religious, racial or any other such criteria and use it to undermine the sovereignty and territorial integrity of any State. Pakistan should give the matter greater thought before making baseless allegations against India.

80. **Mr. Sargsyan** (Armenia) said that the representative of Azerbaijan should read carefully the

Security Council resolution that she had referred to. The resolution did not contain a single word on aggression by the Republic of Armenia. On the contrary, it was Azerbaijan that had repeatedly violated Security Council resolutions by refusing to establish confidence-building measures between conflicting parties, promoting warmongering at the highest level and, most recently, using heavy artillery to target civilian infrastructure and institutions along the Armenia-Azerbaijan border and the contact line with the Nagorny Karabakh region.

81. Azerbaijan should follow the example of the Nagorny Karabakh authorities, which had received international fact-finding missions. Their reports indicated that Azerbaijan's allegations of an organized settlement policy were baseless. In the 1990s, Armenia, Azerbaijan and Nagorny Karabakh had received thousands of refugees. Although Armenia had had a higher proportion of refugees and displaced persons than Azerbaijan, his country had never politicized their plight and had devoted its limited resources to helping them integrate into society.

82. If the leadership of Azerbaijan had been sincerely interested in finding sustainable solutions for its refugee and internally displaced population, it would have done so in the previous two decades. In closing, he reminded the delegation of Azerbaijan that the return of both Armenian and Nagorny Karabakh refugees — a principle Azerbaijan effectively rejected — was a basic element of the peaceful settlement of the Nagorny Karabakh conflict.

83. **Ms. Simovich** (Israel) said that she had failed to hear a single utterance in her Palestinian colleague's remarks attempting to deal with Palestinian responsibility or future efforts to stop the massacre of Israeli civilians. What did Israeli children, women and aged persons have to do with settler violence or occupation? She reiterated that using the words "occupation" and "settlement" could not replace a serious effort to take responsibility for the lives of children, both Israeli and Palestinian. Attempting to turn the conflict into a religious one would have dangerous repercussions. Instead of inciting and teaching their children to become martyrs, Palestinians should educate them so that they would be able to create a better future for themselves.

84. **Ms. Rasheed** (Observer for the State of Palestine) said that Palestinians in the West Bank and

the Gaza Strip suffered under a system of total oppression. The occupation was the source of all the violations and ills witnessed for decades. Instead of calling on their Government to end occupation and settler colonialism, Israelis had allowed the occupation to continue. Israel was therefore responsible for events on the ground. It attempted to break the spirit of the Palestinian people through such crimes as the demolition of homes, the seizure of Palestinian land, arrest and detention and excessive use of force, some of which amounted to war crimes and had led to the deaths of innocent Palestinian civilians, including children.

85. Her Government categorically rejected the Israeli Government's accusation of incitement and its characterization of the recent escalation as a wave of terror resulting from it. While the leadership of the State of Palestine had pledged to pursue all legal means to end the illegal occupation and the threat that it posed to peace and security, its Israeli counterpart actively and intentionally incited violence and instability. Such incitement took many forms: occupying forces were told there were no restrictions on their actions; elected officials urged residents to carry guns; terrorist settlers screamed "death to Arabs" in the streets and desecrated mosques and churches; and soldiers threatened to gas populations for throwing stones.

86. After 48 years, Israel must uphold international law by ending its occupation. Doing so would pave the way for the just solution that the Palestinian people had been denied for too long. No amount of oppression by the occupying Power would quell the Palestinian people's resistance to occupation, as it would never surrender the right to live a free and dignified life in its own State of Palestine with East Jerusalem as its capital.

The meeting rose at 12.05 p.m.