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COMMITTEE ON THE EXERCISE OF THE INALIENABLE
RIGHTS OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 246th MEETING

Held at Headquarters, New York,
on Wednesday, 11 August 1999, at 10.30 a.m.

Chairman: Mr. KA (Senegal)

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The meeting was called to order at 10.40 a.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

ELECTION OF THE RAPPORTEUR OF THE COMMITTEE

2. The CHAIRMAN said that Mr. Saliba (Malta), who as Rapporteur had made an invaluable contribution to the substantive work of both the Bureau and the Committee, was leaving the United Nations to take up a new assignment. On behalf of the Committee, he wished the Ambassador success in his future endeavours. He welcomed Mr. Balzan, the new Permanent Representative of Malta to the United Nations, and nominated him for the office of Rapporteur.

3. Mr. Balzan (Malta) was elected Rapporteur by acclamation.

REPORT BY THE CHAIRMAN ON THE UNITED NATIONS INTERNATIONAL MEETING ON THE CONVENING OF THE CONFERENCE ON MEASURES TO ENFORCE THE FOURTH GENEVA CONVENTION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM, CAIRO, 14 AND 15 JUNE 1999, INCLUDING THE VISIT OF THE COMMITTEE DELEGATION TO GAZA

4. The CHAIRMAN recalled that the General Assembly, in resolution ES-10/6 adopted at its tenth emergency special session, had reiterated its recommendation that the High Contracting Parties to the fourth Geneva Convention should convene a Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, and had further recommended that the Conference should be held on 15 July 1999 at the United Nations Office at Geneva. The Committee had convened an International Meeting in Cairo on 14 and 15 June 1999 to provide an opportunity for Governments, intergovernmental and non-governmental organizations and international experts to discuss the various aspects of the fourth Geneva Convention and its enforcement in the occupied Palestinian territory, including Jerusalem, as well as the proposed Conference of the High Contracting Parties.

5. The International Meeting had been highly successful, as could be seen from the number and rank of participants, the quality of the presentations by internationally renowned experts, the seriousness of the deliberations and the interest shown by Arab and international media. The Committee's delegation, headed by the Chairman, had comprised Mr. Farhadi (Afghanistan), Mr. Ouane (Mali), Mr. Saliba (Malta) and Mr. Al-Kidwa (Observer for Palestine).

6. The expert presentations to the first plenary meeting had provided useful background information on Israeli violations of the fourth Geneva Convention and their implications under international law. The second plenary meeting had focused on the obligation and ability of the High Contracting Parties to the Geneva Conventions to take measures to ensure respect for the Convention in accordance with international humanitarian law, as well as under common

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article 1 of the Conventions. Experts speaking in the third plenary meeting had discussed viable outcomes of the proposed Conference with regard to the enforcement of the Convention in the occupied Palestinian territory, including Jerusalem. The Meeting had concluded with the adoption of a Final Document summarizing the main points raised by participants, who had strongly supported the convening of the Conference and had urged the High Contracting Parties to strive for concrete results at that Conference. A copy of the Final Document had been distributed to members of the Committee and transmitted to the Presidencies of the Movement of Non-Aligned Countries and the European Union well in advance of the Geneva Conference.

7. He expressed the Committee's sincere appreciation to the Government of the Arab Republic of Egypt for having hosted the Meeting and for ensuring its success. In view of the importance of the deliberations and the high quality of the expert presentations, the Bureau had decided to ask the Division for Palestinian Rights to publish the presentations in full in its report on the International Meeting to be issued as a publication of the Division.

8. Following the International Meeting in Cairo and in response to an invitation from the Palestinian Authority, a delegation of the Committee had visited Gaza from 16 to 18 June 1999. The delegation had inspected several United Nations Development Programme projects in Gaza City and had met with officials of the Palestinian Authority, including Chairman Yasser Arafat, and with the United Nations Special Coordinator in Gaza. He expressed appreciation for the warm hospitality extended to the Committee delegation by the Palestinian Authority.

9. Mr. AL-KIDWA (Observer for Palestine) expressed appreciation for the Committee's efforts to ensure progress towards the Palestinian people's goal of freedom and independence and for the Egyptian Government's hosting of the International Meeting in Cairo.

10. The delegation of Palestine believed that the International Meeting had helped achieve the goal of convening the Conference of the High Contracting Parties to the Fourth Geneva Convention, which had indeed been held at the United Nations Office at Geneva on 15 July 1999. Convening the Conference had been no simple task: various parties had caused repeated delays and a massive campaign of misinformation and pressure had been waged, particularly in the days and weeks between the International Meeting and the Conference itself.

11. A short but important statement had been issued at the Conference, reflecting the common understanding reached by the High Contracting Parties participating in the Conference. The statement reaffirmed the applicability of the fourth Geneva Convention to the occupied Palestinian territory, including East Jerusalem, and reiterated the need for full respect for the provisions of the Convention in that territory. The Conference had then adjourned on the understanding that it would reconvene in the light of consultations on developments in the humanitarian situation in the occupied Palestinian territory.

12. The Conference had been the first conference in the history of the Geneva Conventions to be convened to consider a specific breach of the Convention

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relative to the Protection of Civilian Persons in Time of War. As such, it had been an extremely important development for Palestine and for international humanitarian law. Although his delegation had not achieved all that it had hoped for at the Conference, that did not detract from the importance of what had been achieved.

13. He had addressed letters to all the High Contracting Parties both to explain the Palestinian side's understanding of what had happened at the Conference and its intentions for the future and to thank those delegations which had participated in the Conference. His delegation was also grateful to the Committee, the Group of Arab States and the Non-Aligned Movement: the unwavering support of the many friends of the Palestinian people had played a crucial role in efforts to convene the Conference.

14. The Palestinian side intended to make sure that there was serious follow-up to the Conference, with a view to ensuring that the occupying Power respected all the Convention's provisions.

15. The CHAIRMAN suggested that the Committee should take note of his report on the United Nations International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem.

16. It was so decided.

REPORT BY THE CHAIRMAN ON THE RECENT MEETINGS OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE AND THE ORGANIZATION OF AFRICAN UNITY

17. The CHAIRMAN reported that he had represented the Committee at the twenty-sixth Ministerial Meeting of the Organization of the Islamic Conference (OIC), on the theme "Peace and Development", held in Ouagadougou from 28 June to 3 July 1999. Out of 51 draft resolutions on political matters, there had been six relating to Palestine, specifically: the question of Palestine and the Arab-Israeli conflict; the city of Al-Quds al-Sharif; the occupied Syrian Golan; the Israeli occupation of south Lebanon; the Fund for Al-Quds and its waqf; and the current status of the Middle East peace process. The text of those resolutions would be made available to Committee members.

18. Concerning Palestine and the Middle East peace process, the Ministerial Meeting had reaffirmed all previous resolutions on the question of Palestine and had expressed complete solidarity with the Palestine Liberation Organization (PLO) in its struggle to recover the inalienable national rights of the Palestinian people to self-determination, independence and a capital in Al-Quds al-Sharif. The Meeting had also reiterated its support for the Middle East peace process and for the implementation of all agreements signed pursuant to the Madrid and Oslo agreements and the relevant resolutions of the Security Council and General Assembly.

19. The Meeting had called on all States members of OIC to participate actively in the forthcoming Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Al-Quds.

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20. The Meeting had requested the Security Council to reactivate the International Supervision and Control Committee set up pursuant to Security Council resolution 446 (1979) to prevent the establishment of settlements in Al-Quds and the other occupied Palestinian territories. It had called upon the OIC member States to recognize the State of Palestine as soon as it was proclaimed and to give it every support in exercising its sovereignty. Lastly, the Meeting had called for a greater United Nations contribution towards bringing the peace process to a successful conclusion and had stressed the continuing responsibility of the United Nations for the question of Palestine. In its final communiqué, the Meeting had devoted 12 paragraphs to the situation in the Middle East and the situation in occupied Palestine in particular.

21. In his capacity as Chairman of the Committee, he had met with Mr. Farouk Kadoumi, head of the PLO foreign relations department, while attending the Ministerial Meeting, in order to review a number of issues having to do with the situation on the ground in Palestine. He had met with other delegations to go over preparations for the Geneva Conference and had reported to them on the results of the International Meeting held in Cairo. He had also discussed with them the Bethlehem 2000 project and the festivities that would begin there on 19 December 1999 and last until Easter 2001.

22. After the OIC meeting, he had attended the meetings of the Council of Ministers and the Assembly of Heads of State and Government of the Organization of African Unity (OAU). Two agenda items had dealt specifically with the question of Palestine and the situation in the Middle East.

23. Mr. Salim Salim, the Secretary-General of OAU, had submitted two reports highlighting the reasons for the impasse in the peace process and stating that the policies of the Netanyahu Government had cast a pall over all prospects for peace, whether in Palestine, south Lebanon or the Golan. He had expressed the hope that the new Israeli Government would try to remedy that situation by resuming peace talks.

24. The PLO representative, Mr. Farouk Kadoumi, in addressing the Council of Ministers, had reviewed the difficulties occasioned by the Netanyahu Government's refusal to implement the peace agreements, particularly the agreement which Mr. Netanyahu had himself signed at Wye River. Mr. Kadoumi had also drawn attention to the provocative action being taken by Israel in illegally extending settlements and constructing new ones, particularly in Jerusalem.

25. The Council of Ministers had reaffirmed that all the African countries would continue to support the Palestinian people's struggle to recover its rights and had expressed the hope that future negotiations would help to find a just and comprehensive solution that took the Palestinians' inalienable national rights fully into account.

26. The OAU Council of Ministers and the Assembly of Heads of State and Government had adopted a resolution, the text of which would be made available to members of the Committee, on the question of Palestine and on the Middle East. The resolution unambiguously reaffirmed OAU support for the Palestinian people's struggle for independence; called for peace talks to be resumed as soon

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as possible between the parties; demanded that Israel immediately halt its confiscation of Palestinian land, particularly in and around Jerusalem; and appealed to OAU member States to participate, as High Contracting Parties, in the forthcoming Conference on Measures to Enforce the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem.

27. While attending the OAU meetings, he had had an audience, in his capacity as Chairman of the Committee, with Chairman Yasser Arafat, at which they had discussed preparations for the Geneva Conference and the status of the Bethlehem 2000 project.

28. He noted that, while representatives of the Committee were normally invited to meetings of OIC and OAU as observers, on the occasions in question the Government of Senegal had included them in its own delegation to enable them to participate in the work of the relevant drafting committee and ensure that the Committee's concerns were reflected in the draft resolutions that were produced.

29. He suggested that the Committee should take note of his report on the recent meetings of the Organization of the Islamic Conference and the Organization of African Unity.

30. It was so decided.

DEVELOPMENTS IN THE MIDDLE EAST PEACE PROCESS AND THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM, AS WELL AS OTHER POLITICAL DEVELOPMENTS

31. The CHAIRMAN, noting that a number of very important developments in the peace process had occurred since the Committee's previous meeting, invited the Observer for Palestine to comment on them.

32. Mr. AL-KIDWA (Observer for Palestine) said that some of the confusion about the important developments which had taken place in Palestine had been caused by the international media, and some by Israel's positions. While claiming to be committed to the Wye River Memorandum, Israel, and the Israeli Prime Minister in particular, were proposing to forgo the third phase of Israel's redeployment on the West Bank. Israel's proposals were being presented as minor adjustments to the Wye River Memorandum, when in fact they abrogated it and even negated one of the basic tenets of the Israeli-Palestinian Interim Agreement of 1995 and the Declaration of Principles of 1993.

33. The Wye River Memorandum detailed the steps to be taken to facilitate the implementation of the Israeli-Palestinian Interim Agreement of 1995 and other interim agreements, including the 1997 Note for the Record on Hebron. Those steps were to have been carried out over a 12-week period in a parallel, phased manner, according to a time-frame which was also part of the Memorandum. Prime Minister Netanyahu had frozen implementation of the Memorandum before the second phase of Israeli redeployment, despite the personal intervention of the United States President and the fact that the United States President had travelled to Gaza in December 1998 to witness the meeting amending the PLO Charter.

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34. He described the phases of Israeli redeployment set out in the Memorandum, the third of which was to have taken place only six weeks after the Memorandum was signed. That phase involved about 7.1 per cent of the West Bank, about half the total area from which Israel was required to redeploy under the Memorandum. It seemed that the new Prime Minister, Mr. Barak, wanted to avoid redeploying from that 7.1 per cent. As a result, the negotiations associated with the third phase of redeployment, which were to have been held in a special committee established pursuant to the Memorandum, would not take place.

35. Mr. Barak was thus negating the whole concept of further redeployment during the transitional period. Instead, he wanted to move directly to final settlement negotiations and was proposing that the last phase of Israeli redeployment should be combined with a final settlement. That was what former Prime Minister Netanyahu had proposed, prior to the conclusion of the Wye River Memorandum, in calling for "accelerated" negotiations on a final settlement. However, that option had been ruled out and the Wye River Memorandum had been concluded with help from the United States. The difference between Mr. Netanyahu and Mr. Barak was that Mr. Barak was making his proposal for "accelerated" negotiations after the Wye River Memorandum had been concluded rather than before it, which to his delegation's mind was even worse.

36. If Mr. Barak realized that his proposal was too extreme and that no Palestinian would accept it, he might try to postpone only the transfer of 7.1 per cent of the West Bank from shared control to Palestinian control, or he might try to impose a new time-frame, or attempt to renegotiate the existing time-frame. Any of those manoeuvres would be accompanied by threatening statements about Palestinian obligations and about future difficulties or stumbling blocks that might arise if full implementation of the Memorandum were pursued. The situation, therefore, was not promising. However, the Palestinian side still hoped to see Israel change its position.

37. A meeting had taken place on 9 August 1999 between Mr. Barak and Mr. Mahmoud Abbas, during which Mr. Abbas had reiterated the Palestinian position insisting on full implementation of the Wye River Memorandum. Another such meeting was taking place that very day, and the Palestinian side were hoping that the Israeli position might have changed to one of readiness to implement existing agreements. So far, however, the Palestinian side had heard no expression of commitment to those agreements from the Israeli side during the current round of meetings.

38. For the Palestinian side, the situation was clear: as a matter of principle, the Wye River Memorandum must be implemented in full and could not be renegotiated, either in its substance or in its time-frame. The Palestinian side hoped that the Israelis too would take that position, so that the Middle East peace process could be brought back on track.

39. Complicating the situation even further were a number of actions taken by the Israelis with regard to settlement activities, in gross violation of the relevant resolutions of the Security Council and the General Assembly and of international law, specifically, the fourth Geneva Convention. In that connection, he cited a letter which he had addressed to the Secretary-General on 5 August 1999 (A/53/1032-S/1999/854). He believed that the 31 settler

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encampments established since the signing of the Wye River Memorandum had been set up in response to the call by the former Foreign Minister of Israel, Mr. Sharon, for hilltops to be "grabbed" in order to prevent any Israeli withdrawal. The Palestinian side believed that so serious a violation of the fourth Geneva Convention called for further action by the High Contracting Parties and that the Conference of the High Contracting Parties should be reconvened if the recent violations were not reversed.

40. Illegal construction by the Israelis in Jebel Abu Ghneim, which had prompted the tenth emergency special session of the General Assembly, was continuing, as was construction in Ras al-Amud, a heavily populated Arab neighbourhood within the original municipal boundary of East Jerusalem. Those were serious, dangerous developments, whether as harbingers of a negative Israeli position at a later stage or as consequences of the momentum created by the previous Israeli Government, and they must be monitored very closely.

41. The Palestinian side remained open-minded and continued to hope that the mandate which the Israeli electorate had given the new Prime Minister would be reflected in a changed political position and in progress in the peace process. Such progress could not, however, take place on the basis proposed by Mr. Barak and in the face of continuing illegal actions by the Israelis. Until the Israelis complied fully with the Wye River Memorandum and ceased their illegal actions, the Palestinian side would continue to need the support of the international community in reaffirming the positions of principle enshrined in the resolutions of the Security Council and the General Assembly, which were in turn based on international law as it related to all aspects of the question of Palestine, including final settlement issues such as the status of Jerusalem, settlements, refugees and borders.

The meeting rose at 11.45 a.m.

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