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## Special Political and Decolonization Committee (Fourth Committee)

### Summary record of the 22nd meeting

Held at Headquarters, New York, on Tuesday, 13 November 2007, at 10 a.m.

*Chairman:* Mr. Mohamad . . . . . (Sudan)

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*The meeting was called to order at 10.20 a.m.*

**Agenda item 33: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories** (*continued*) (A/62/330-334 and 360)

1. **Mr. Chowdhury** (India) said that the observance of human rights in the occupied Palestinian territories and the Syrian Golan was deteriorating, to the despair of the people there, creating fertile ground for the extremism in the Palestinian ranks that had originally prompted the financial embargo against the Palestinian Authority, an embargo which had itself caused such economic and social harm.

2. India strongly condemned all acts of terrorism, provocation and incitement to violence. Equally, it had always criticized harsh and disproportionate retaliatory measures and any suggestion of collective punishment. The international community must exhort all parties to exercise utmost restraint and carry forward the ongoing negotiations towards a peaceful solution. The contours of the solution were well known: the goal was to achieve, in a reasonable time frame, a sovereign, independent and viable Palestinian State, within well-defined and secure borders, living side by side and at peace with Israel.

3. What emerged from the report of the Special Committee (A/62/360) was the failure to raise the human-rights standards of the Palestinians and other Arabs in the occupied territories in nine essential areas, including the right to life. The list of rights violations was long, and the absence of action to address them was depressing. As Israel continued to build the separation wall — even after the International Court of Justice had condemned it — thereby altering the status quo and appropriating more fertile Palestinian land, free access to the occupied Palestinian territories had been drastically curtailed. Israel must desist from such actions; it must also stop the expansion of settlements in the occupied territories and restore the Palestinians' freedom of movement. Security concerns did not justify the hardship caused by such measures, and by Israel's resorting to mass arrests, arbitrary detentions, curtailment of basic services and disproportionate use of force. Such steps only empowered extremists at the expense of moderates on both sides.

4. India hoped that international assistance and a rightful share of revenues would soon be restored to the Palestinian Authority, essential if it was to provide effective governance. All Palestinian parties must comply fully with the requirements of the road map as elaborated by the Quartet and act to prevent indiscriminate attacks against civilians. At the same time, the Palestinian groups had to resolve their internal differences.

5. While the United Nations should publicize the lamentable situation of human rights in the occupied territories, it must also find ways of addressing the growing humanitarian crisis in an unstable region before it was too late. The Special Committee's mandate should be renewed in that same context. India hoped that in the weeks ahead the Quartet and the regional parties would help de-escalate the situation, bring an end to the cycle of violence and counter-violence and create an atmosphere conducive to resuming direct negotiations on bringing peace to that sorely troubled land.

6. **Mr. Algahrah** (Saudi Arabia) said that all humanitarian organizations operating in the occupied Arab territories had chronicled the extent of the repression practised by the Israeli occupation authorities. All evidence indicated that Israel had not lived up to any of its responsibilities as the occupying Power under international law. The continued building of the separation wall was stark evidence of Israel's disregard for General Assembly resolution 181 (II) of 1948. Israel's claim that the wall was for its defence was simply an excuse to alter the geopolitical reality so as to consolidate its control over water resources, keep all settlements within Israel and ensure that East Jerusalem would remain under its control forever.

7. Israel bore full responsibility for its practices within the Occupied Palestinian Territory, practices that had created an environment in which the living were no better off than the dead and that were breeding generations of hateful, vengeful persons. He was pained and saddened that Israel was allowed to continue its long-standing criminal actions in respect of East Jerusalem and the Al-Aqsa Mosque, despite the international community's knowledge of the extent of those actions and its recognition of the danger they posed. Saudi Arabia strongly condemned the excavations being carried out at the Al-Aqsa Mosque as well as all efforts to Judaize the city of Jerusalem and strip it of its Islamic identity. It also condemned

Israeli practices in the occupied Syrian Golan and supported the recommendation of the Special Committee urging the Security Council to consider sanctions against Israel if it persisted in paying no attention to its international legal obligations.

8. **Ms. El Alaoui** (Morocco) said that the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/62/275) indicated that the situation had deteriorated sharply over the past few years as a result of the continued violation of international law by Israeli occupation forces. Those violations included extrajudicial killings, sieges, the destruction of property, settlement expansion, the seizure of land and the continued construction of the separation wall.

9. The wall had restricted the Palestinians' freedom of movement within the West Bank and had cut them off from their sources of livelihood; as a result, many businesses had been forced to shut down and thousands of people had been forced to leave their homes. The enforced isolation of the Palestinians in the West Bank had been paralleled by a financial and economic siege of Gaza that had resulted in unprecedented levels of poverty and unemployment and a severe deterioration in the humanitarian situation.

10. He said that his country always strived to advance the peace process, which would have the ultimate goal of creating a Palestinian State and returning the Golan to the Syrian Arab Republic. In order to achieve that goal, it was vital to hasten the implementation of all relevant Security Council resolutions, the road map, the Arab peace initiative and the principle of land for peace. In that connection, he hoped that the upcoming international conference to be held in Annapolis, Maryland, would revitalize the peace process.

11. **Mr. Elsherbini** (Egypt) said that the international community was at a significant crossroads in the Middle East peace process. The continued refusal of Israel, the occupying Power, not to allow either the Special Committee or the fact-finding mission of the Human Rights Council to enter the Occupied Palestinian Territory was cause for increasing concern and was part of Israel's attempts to prevent both bodies from uncovering the truth about the human-rights situation in the West Bank, Gaza and the Golan.

12. Those efforts had failed: the report of the Special Committee had clearly highlighted the extent of the

dire humanitarian situation in the Occupied Palestinian Territory and had reminded Israel of its responsibilities under international humanitarian law. In that connection, his delegation supported the Special Committee's recommendations and wished to emphasize several points. First, the continued occupation itself was a violation of human rights. Second, the Israeli authorities had regularly violated all human rights guaranteed to the Palestinian people under various international human-rights instruments. Third, the separation wall was designed to isolate the Palestinian people, destroy their political, economic and social unity, and compromise the territorial integrity of any future Palestinian State. Fourth, Israel had continued to seize vast areas of Palestinian land as part of its settlement-construction policy. Fifth, Israel had continued its illegal efforts to annex the occupied Syrian Golan and to alter its character and legal status. In that connection, his country reiterated its rejection of all Israeli measures and practices in the occupied Syrian Golan.

13. Israel would never achieve its security so long as it continued to usurp the rights of the Palestinian people. The deteriorating humanitarian situation had only increased their resolve to reclaim their legitimate rights. Consequently, the international community should seize any opportunity to restart the peace process. He hoped that Israel would take advantage of the upcoming international conference in order to reach agreement on the principal elements of the peace process, leading to the establishment of an independent Palestinian State before the end of 2008.

14. Egypt, in coordination with the relevant international and regional parties, would continue to make every effort to bring about a two-State solution and to achieve comprehensive peace in the region.

15. **Mr. Khair** (Jordan) said that the international community had stood silent in the face of the deteriorating humanitarian situation in Gaza and the collective punishment imposed on the Palestinians living there. Gaza, as a result of the closure imposed by Israel, could become completely dependent on aid within months. Such actions jeopardized the prospects for peace and threatened to precipitate a worldwide crisis. It was the responsibility of Israel and the international community to ensure that the Palestinian people did not succumb to despair and to restore their faith in the peace process.

16. His country was greatly concerned over the separation wall not only because of its illegality and its profound effect on the basic rights and liberties of the Palestinian people, but because the wall had a direct impact on Jordan's national interests. He stressed that the construction of the wall ought to be viewed as a continuation of more than four decades of Israeli occupation.

17. His country also condemned Israel's expansion of its settlements and the construction of bypass roads that impeded the movement of the Palestinians. All Israeli settlement activities, including the natural growth of existing settlements, should be stopped immediately and completely. Their continuation of any settlement activity would impede the creation of a viable Palestinian State and threaten the possibility of the peaceful resolution of the Israeli-Palestinian conflict.

18. The Israeli settlements were one of the primary factors blocking negotiations between the Israelis and the Palestinians. Keeping the settlements would have grave consequences for both sides. He therefore strongly urged Israel to dismantle all its settlements and to implement the road map.

19. If Israel truly wanted to achieve peace, it should immediately stop all settlement activity and cease all activities that affected the status of East Jerusalem, including excavations at the Haram al-Sharif, or that violated international law.

20. The upcoming international conference should serve as the starting point for comprehensive negotiations between the parties, leading to a final-status agreement according to a specific timetable and to the establishment of an independent Palestinian State. All of the parties concerned, particularly the Palestinians and the Israelis, should understand that the failure of the conference would threaten regional stability and the chances for success of the entire peace process.

21. **Mr. Yun Yong Il** (Democratic People's Republic of Korea) said that the Israeli occupation of Arab territories had inflicted immeasurable suffering upon the Palestinian and other Arab peoples. Palestinians were being deprived of their fundamental human rights, including the right to an independent State, the right of refugees to return to their homes, and the right to work and to receive education and medical treatment. The extension of Israeli settlements, the

construction of the separation wall and the installation of checkpoints by Israel in the Occupied Territory were denying the people even their right to free movement. Israel had gone so far as to close all the crossing points into the Gaza Strip, block its economic activities and restrict the access of United Nations humanitarian agencies, gravely jeopardizing the very existence of the inhabitants.

22. Although the international community had tried to resolve the Middle East conflict so as to ensure human rights, peace and security, no action had proved effective and Israel had challenged it more openly, spurred on by certain countries that backed it politically, militarily and logistically and were using the Middle East issue for their dishonest political purposes. His delegation stood in firm solidarity with the Palestinian people in their just struggle to achieve an independent State with East Jerusalem as its capital, and with all Arab people in their struggle for a fair solution to the Middle East conflict.

23. **Mr. Ali** (Sudan) said that the report of the Special Committee had painted a clear picture of the suffering of the Palestinian people and other Arabs of the occupied territories. As the Palestinian people continued their valiant struggle to exercise their legitimate right to establish a Palestinian State, they looked to the international community and the United Nations to compel Israel to fulfil its obligations under international law.

24. He said that it was important to renew the mandate of the Special Committee in view of the role it played in reminding the community of nations of its duty to protect the Palestinians living under occupation and to help them establish an independent State. Only a just and peaceful resolution of the question of Palestine, based on Security Council resolutions and the Arab peace initiative, would end their suffering and halt the Arab-Israeli conflict. His delegation supported all efforts aimed at achieving such a solution.

25. **Ms. Malcata** (Portugal), speaking on behalf of the European Union; the candidate countries, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Ukraine, said that the European Union welcomed the new opportunity for progress towards Israeli-Palestinian peace. It commended the efforts of the Palestinian President and

the Israeli Prime Minister, and encouraged them to be courageous in their political dialogue so that it would lead to meaningful final-status negotiations and their shared goal of a two-State solution, with the establishment of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. The European Union expressed full support for the upcoming international meeting, which would provide a crucial opportunity to support a comprehensive peace process.

26. In the meantime, the parties must desist from any action that threatened such a solution and must cooperate more with each other. Stopping both parties from committing any acts of violence and terror was of the utmost importance. The European Union remained concerned at the civilian casualties caused by Israeli incursions into Palestinian areas, and strongly condemned the firing of rockets by Palestinian militias into Israeli territory. While recognizing Israel's right to self-defence, the European Union called on it to exercise the utmost restraint and not to engage in disproportionate or unlawful action.

27. In view of the advisory opinion of the International Court of Justice, Israel must also halt and reverse the construction of the separation barrier in the Occupied Palestinian Territory, including in and around Jerusalem, wherever it diverged from the 1949 Armistice Line and was contrary to international law. Israeli settlement activities in and around East Jerusalem and in the rest of the West Bank were also contrary to international law and to Israeli commitments under the road map and must be stopped, and any new plans for settlement expansion must be abandoned. The European Union would not recognize any changes to the pre-1967 borders other than those agreed to by the parties.

28. It strongly condemned the violent events in Gaza and was gravely concerned over the humanitarian situation there. Emergency and humanitarian assistance and essential services must be allowed to continue uninterrupted. The potentially severe consequences of any reduction in the supply of electricity and fuel to Gaza were deeply troubling. The 2005 Israeli-Palestinian Agreement on Movement and Access must be implemented in full, and the parties must work urgently to reopen the Gaza crossings for both humanitarian and commercial reasons.

29. The European Union once again urged the immediate release of the abducted Israeli soldier and of Palestinian legislators in Israeli custody. It was determined to help resolve the Israeli-Palestinian conflict as part of bringing peace and stability to the Middle East.

#### *Rights of reply*

30. **Mr. Kedar** (Israel) suggested that the General Assembly-mandated outreach programme of the Department of Public Information on Holocaust remembrance and education should be able to enlighten the representative who had at the previous meeting compared the Israeli policy to that of Nazi Germany as to the dark reality of the worst period of modern history.

31. Referring to the remark of the Observer for Palestine at the previous meeting that his Government's declaration of Gaza as a "hostile entity" was a pretext to distort the context of Israeli occupation, he asked how else one was to define an area that was controlled by a terrorist group whose declared aim was to destroy Israel and from which rockets and mortars were deliberately targeting Israeli towns and villages daily. Furthermore, to attack Israel's human rights record without once mentioning the day-to-day acts and threats of terrorism against Israeli citizens was surely a prime example of distortion of context.

32. His Government's policy, like that of the Observer for Palestine, was based on the vision of a two-State solution. It was the duty of their respective leaders to overcome the difficulties and arrive at understanding based on genuine negotiation and mutual compromises. But progress would be difficult and slow as long as one side to the conflict was of the opinion that all the virtue, all the righteousness and all the legality belonged to it while the other side had the monopoly on evil, illegitimacy and criminal behaviour. By the same token, the mandate and annual report of the Special Committee did nothing to help the Palestinians yet went a long way to making peace that much harder to achieve.

33. **Mr. Taleb** (Syrian Arab Republic) said that the similarities between Israeli practices in the occupied territories and those of the Nazis were numerous. It seemed that the representative of Israel had failed to realize that isolating an entire territory of 1.5 million

people and cutting its supplies of water, electricity and fuel was a war crime under international law.

**Agenda item 29: Assistance in mine action** (*continued*)  
(A/C.4/62/L.6\*\*)

*Draft resolution A/C.4/62/L.6\*\**

34. **The Chairman** invited the Committee to take action on draft resolution A/C.4/62/L.6\*\* on assistance in mine action. Announcing a minor editorial change, he said that no programme-budget implications were anticipated.

35. **Mr. Rees** (United States of America) said that while he intended to support the draft resolution, he believed that its impact was weakened by inconsistencies in the wording, which signalled that the use of only anti-personnel mines should be curtailed while it declared that funds should be provided for the clearance of all mines and explosive remnants of war.

36. As the world's largest mine-action donor, the United States did not discriminate between anti-personnel landmines and anti-vehicle mines when providing clearance assistance, and certainly did not want countries to continue to lay one type of mine even as they stopped using the other. All mines and explosive remnants of war that threatened civilians should be cleared.

37. A coordinated mine-action effort could eliminate the most pressing effects of landmines and explosive remnants of war fairly soon. The focus must remain on removing the threat posed to civilian populations regardless of the type of mine or ordnance that created it. The goal must be a world that was "impact free". His delegation was pleased at the addition of new language in the draft text recognizing the tenth anniversary of the United Nations Mine Action Service and its coordinating role, and it similarly appreciated the role of the United Nations Mine Action Team in general.

38. In the past 15 years, large acres of land had been cleared, casualty rates had decreased, refugees had returned, and accident survivors had been provided with rehabilitation and reintegration services. The United States was pleased to announce that the cumulative United States contribution to mine action since 1993 had been over \$1.2 billion, a clear sign of

its commitment. It took great pride in its bilateral assistance and its support of innovative public-private partnerships. Civil society had embraced mine action, and private organizations were a welcome part of the partnership programme as they raised awareness and millions of dollars for programmes around the world.

39. Scarce resources must be used where they would generate the highest returns. A strategic framework must be constructed to sustain mine-affected countries' efforts and allow donors to know that performance goals were being tracked and funds well spent. Mine-affected countries must be encouraged to take national ownership of their programmes by formulating sound national plans with well-defined goals, developing local capacity and allocating resources judiciously. If all worked together, the reality of an impact-free world could be achieved in years, not decades.

40. *Draft resolution A/C.4/62/L.6\*\* on assistance in mine action was adopted.*

41. **Mr. Cobanoglu** (Turkey), speaking in explanation of position on the draft resolution just adopted, said that his delegation had joined the consensus because of the vision of a world free of anti-personnel landmines. Turkey was committed to fulfilling its obligations under the relevant international conventions and supported United Nations efforts to strengthen mine action.

42. With regard, however, to the last preambular paragraph, his delegation believed strongly that the consent of the countries concerned should always be sought regarding any outside engagement with non-State actors, since the rights and obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and in the Nairobi Action Plan 2005-2009 applied only to States parties. Also, engagement with non-State actors within the scope of that Convention must not serve the purposes of terrorist organizations by indirectly giving them publicity and credence. It was incumbent on all Members of the United Nations to take steps to prevent and criminalize the transfer and use of mines by non-State actors.

*The meeting rose at 11.35 a.m.*

\*\* Second reissue for technical reasons.