



# General Assembly

Distr.: General  
24 December 2012

Original: English

---

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

### Summary record of the 345th meeting

Held at Headquarters, New York, on Monday, 8 October 2012, at 10.30 a.m.

*Chairman:* Mr. Diallo . . . . . (Senegal)

### Contents

Adoption of the agenda

Update on developments since the previous meeting of the Committee

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

Consideration of the draft report of the Committee to the General Assembly

Briefing by members of the jury of the Russell Tribunal on Palestine on the outcome  
of the fourth session of the Tribunal, held on 6 and 7 October 2012 in New York

Other matters

---

This record is subject to correction. Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

12-53762 (E)



Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



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

### **Adoption of the agenda**

1. *The agenda was adopted.*

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

2. **The Chair**, summarizing activities and developments that had taken place since the Committee's previous meeting, said that on 21 August 2012, South Africa's Cabinet had indicated that it had approved the placement of labels reading "Occupied Palestinian Territory" on goods imported from Israeli settlements. The Palestinian Authority had expressed appreciation for the initiative and had later urged the States of the European Union to follow suit.

3. On 22 August 2012, the Under-Secretary-General for Political Affairs had briefed the Security Council on the situation in the Middle East, including the Palestinian question.

4. On 31 August 2012, at the end of its summit in Tehran, the Movement of Non-Aligned Countries had issued statements about the Palestinian cause affirming the Palestinian people's lawful right to an independent State with Jerusalem as its capital and the right of return of refugees.

5. On 17 September 2012, the United Nations Special Coordinator for the Middle East had briefed the Security Council on the situation in the Middle East, including the Palestinian question. He had noted that yet another timeline set by the Quartet for reaching a settlement would lapse by the end of the year and had expressed the Secretary-General's hope that Quartet partners, in consultation with the parties, would look beyond prescriptive timelines to chart a new, credible political way forward in the coming months.

6. On 23 September 2012, the Ad Hoc Liaison Committee for the Coordination of International Assistance to the Palestinians had met at United Nations Headquarters in New York. The donors had reconfirmed the institutional readiness of the Palestinian Authority for statehood. However, they had also noted that the Palestinian economy had grown more slowly due to declining donor support, uncertainty occasioned by the Palestinian Authority's fiscal crisis and insufficient easing of Israeli restrictions.

7. On 24 September 2012, the Human Rights Council had held a debate on the human rights situation in Palestine and other occupied Arab territories. The Deputy High Commissioner for Human Rights had highlighted the need more earnestly to pursue accountability for serious violations of human rights and international humanitarian law documented by the United Nations Fact-Finding Mission on the Gaza Conflict and had noted that nearly three years after the endorsement of the Mission's recommendations by the Council not one person had been indicted for any of the documented incidents.

8. On 27 September 2012, in his address to the General Assembly, President Abbas of the Palestinian Authority had urged the General Assembly to do more to uphold its responsibilities, and had called on the Security Council urgently to adopt a resolution setting out the basis and foundations for a solution to the Israeli-Palestinian conflict that would serve as a binding reference and guide for implementing the two-State vision. Mr. Abbas had also announced that Palestine had begun intensive consultations with regional organizations and Member States with a view to encouraging the General Assembly to adopt a resolution at its current session recognizing Palestine as a non-member State of the United Nations.

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

9. **Mr. Mansour** (Observer for Palestine) said that his office was preparing a letter to be submitted that day to the Secretary-General and the President of the Security Council concerning the most recent escalations of violence by Israel against the Palestinian people, particularly in the occupied Gaza Strip. In one incident, the occupying Power had fired on some 20 Palestinian civilians, mostly women and children, causing death and injuries. The letter would also refer to the recent desecration of Palestinian churches by Israeli settlers, who had scrawled insulting, racist graffiti on them. Those violations had come on the heels of attacks against many Palestinian mosques by extremist settlers bent on spewing religious hatred.

10. A representative of the Office for the Coordination of Humanitarian Affairs (OCHA) had recently given him a copy of an atlas, which he would provide to the Chair, vividly documenting breaches of

international law by Israel, particularly in occupied East Jerusalem. Some of the maps showed locations of land confiscations, checkpoints, the route and construction of the separation wall and areas where settlers had attacked civilians and property and torched olive groves and other trees.

11. An Arab ministerial committee, whose members included the Secretary-General of the League of Arab States and the Minister for Foreign Affairs of Palestine, had been established to hold consultations with a view to enabling Palestine to become a non-member observer State of the United Nations during the current session of the General Assembly. His delegation was also consulting many countries to seek a common understanding on the content of a draft resolution to be put before the General Assembly at its current session. Further consultations among countries and political groups would then follow to draft and refine the text and determine the timing of its submission, with a view to securing as many affirmative votes as possible in the General Assembly.

12. The Committee's input during that entire process and in advancing the cause of justice for the Palestinian people was very important, and he looked forward to the Chair's participation on the Committee's behalf in the discussion in the Security Council on 15 October 2012 of the situation in the Middle East, including the Palestinian question.

13. For reasons that were familiar to the Committee, Israel had blocked past Security Council efforts to send a fact-finding mission to investigate attacks by the occupying Power in Palestinian territory. Similarly, Israel had prevented a Ministerial Meeting of the Committee on Palestine of the Non-Aligned Movement that had convened in Ramallah from witnessing first-hand the situation in the Occupied Palestinian Territory. He expressed his gratitude to those ministers who had come to Ramallah for the meeting.

14. In November 2012, the Human Rights Council planned to dispatch an independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory. The mission would persevere even if Israel attempted to obstruct its effort as well. With the support of the Committee and other interested parties, his delegation would continue to explore creative ways to enable

international bodies to view first-hand and widely publicize the plight of the Palestinian people living in the Occupied Territory.

15. He welcomed the two trainees from the Ministry of Foreign Affairs of the Palestinian Authority who were present at the meeting. Thus far more than 30 Palestinian diplomats had graduated from the programme that had been established to teach Palestinian Foreign Ministry personnel in New York during the General Assembly the necessary skills to enable them to establish the infrastructure of the State of Palestine. The United Nations Conference on Trade and Development was training diplomats from other Palestinian ministries, and Palestinians had been among the persons trained by the Economic and Social Commission for Western Asia in preparation for the United Nations Conference on Sustainable Development.

16. Pointing out that the Church of the Nativity in Bethlehem had been declared a World Heritage Site, he said that Palestine was considering the possibility of asking the United Nations Educational, Scientific and Cultural Organization to help Palestinians enhance their capabilities with respect to the preparation of additional sites in Palestine for inclusion on the World Heritage List before Palestine secured its independence and after it had put an end to the Israeli occupation. The support of the Chair would be valuable in that regard.

17. **The Chair** welcomed the new Palestinian trainees on behalf of the Committee.

18. He said that he fully agreed with the Observer for Palestine that it was imperative to marshal support from all friends of Palestine with a view to devising the most effective approach for ensuring that Palestine was granted the status of non-member Observer State of the United Nations during the current session of the General Assembly.

19. **Mr. Khalil** (Observer for Egypt) said that the Committee was meeting at a very important time for the Palestinian cause. He agreed with the Chair's remarks regarding the dark prospects for progress in some areas of concern.

20. In his capacity as Chair of the Arab Group, he encouraged the Palestinian Authority to take all possible measures and engage in consultations, in keeping with the circumstances and needs of the

Palestinian people, in order to achieve its objectives regarding its membership status in the United Nations. He was confident that all members of the Committee fully endorsed that course of action.

21. He welcomed the Palestinian trainees and expressed the hope that they would soon be able to witness Palestine's accession to membership in the United Nations as a non-member State.

**Consideration of the draft report of the Committee to the General Assembly (A/AC.183/2-12/CRP.2)**

22. **Mr. Grima** (Malta), Rapporteur, introducing the draft report of the Committee, said that in accordance with established practice the Secretariat would continue to update the report, as necessary, in consultation with the Rapporteur, in order to reflect any new developments which might take place before it was forwarded to the General Assembly.

23. **The Chair** invited the Committee to consider the draft report chapter by chapter.

24. *Chapters I to VII were adopted.*

25. **The Chair** said that he took it that the Committee wished to adopt the draft report as a whole.

26. *The draft report, as a whole, was adopted.*

*The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.*

**Briefing by members of the jury of the Russell Tribunal on Palestine on the outcome of the fourth session of the Tribunal, held on 6 and 7 October 2012 in New York**

27. **The Chair** said that the Russell Tribunal on Palestine was an international people's tribunal created by a large group of citizens involved in the promotion of peace and justice in the Middle East. Members of the International Support Committee of the Tribunal included Nobel Peace Prize laureates, a former United Nations Secretary-General, two former Heads of State, other persons who had held high political office, many representatives of civil society, and individuals from other walks of life. Following sessions in Barcelona, London and Cape Town, the Tribunal had held its fourth session in New York the previous weekend.

28. *At the invitation of the Chairman, Mr. Mansfield (Queen's Counsel and barrister), Mr. Hessel (Honorary Ambassador of France, author and philosopher) and*

*Mr. Dugard (Professor of Law, Leiden University, the Netherlands, and former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), members of the jury of the Russell Tribunal on Palestine; and Ms. Bennis (US Campaign to End the Israeli Occupation), an expert witness who had addressed the Tribunal, took places at the Committee table.*

29. **Mr. Mansfield** (Queen's Counsel and barrister) said that the draft executive summary in English of the findings of the fourth session of the Tribunal had been distributed to the Committee. The final, expanded version would be transmitted to the Committee within one month and a French version would be provided as well.

30. He emphasized that the major objective of the Tribunal's fourth session had been to galvanize the United Nations so that it would take to heart its crucial obligation to uphold the rule of law.

31. Reading out substantial portions of the draft executive summary, he drew particular attention to the sections that addressed the responsibility of the United Nations for the failure to prevent Israel's violations of international law, including the construction of the separation wall, the illegality of which had been confirmed by the International Court of Justice in its 2004 advisory opinion in respect of the legal consequences of the construction of a wall in the Occupied Palestinian Territory. He underscored the importance of the opinion, which the United Nations itself had requested of the Court yet had failed to enforce.

32. As stated in the draft executive summary, the United Nations must do more than simply condemn Israel's violations of international law; it must take action as well. The Security Council had handed over the responsibility for peace-making in the Middle East to the Quartet, which had failed effectively to oppose those violations. It was clear that the United States determined the responses of the Quartet, a situation that raised serious questions about the good faith of the Quartet. As a member of the Quartet, the United Nations bore responsibility for its failures.

33. Reading out some of the conclusions of the Tribunal and its suggestions regarding the way forward, he pointed out that one recommendation called for the abolition of the veto by the five permanent members of the Security Council. He noted

in that connection that the majority of the vetoes cast by the United States in the Security Council related to violations committed by Israel in Palestine.

34. He emphasized that failure by the United Nations to take action would cause the international community to lose faith in the Organization and to question its legitimacy and integrity and the legitimacy and integrity of the rule of law itself. A vast credibility gap existed, and the emergency in Palestine must be addressed immediately.

35. **Mr. Hessel** (Honorary Ambassador of France, author and philosopher) asked the Chair to transmit the Tribunal's findings to the Presidents of the General Assembly and the Security Council, the Human Rights Council and all other United Nations bodies that had been grappling for so many years with the unresolved Israeli-Palestinian conflict.

36. One priority of the Tribunal had been to ensure the truthfulness of the facts presented in its findings. The facts were indeed truthful, reflecting the results of an in-depth analysis by highly capable lawyers, experts and witnesses, as had been the case at the Tribunal's previous sessions. Another priority had been thoroughly to articulate the relevant law: not only that enshrined in the Charter of the United Nations, the foundation of international law, but also the substantial body of law that had emerged over the years from the work of many United Nations organs.

37. Although that complete body of law clearly explained the reasons why the violations committed in Palestine were incompatible with international law, obstacles impeded efforts to give effect to the law. The difficulty arose from the fact that the United Nations was an intergovernmental body, despite the fact that the Charter began with the words "We the peoples". The only way the people could gain access to the United Nations was through their Governments' missions to the Organization.

38. While nongovernmental organizations continued to exert commendable pressure on Governments to do what was expected of them under the Charter and other key international instruments, their efforts had not been sufficient to date to compel Governments to rise to the challenge. However, significant movements were under way in many countries, and not only in those with a tradition of democratic activism, and some had even managed to rid themselves of their tyrants.

39. Against that background, the Tribunal believed that the Palestinian people had the right to expect the international community to embrace their cause with far greater determination and vigour than it had shown during the past 60 years and, in so doing, transform its declarations of support into concrete results.

40. **The Chair** assured Mr. Hessel that the Tribunal's findings would be transmitted as he had requested.

41. **Mr. Dugard** (Professor of International Law, Leiden University, the Netherlands, and former United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that the Russell Tribunal believed that the United Nations, as the successor to the League of Nations, remained bound by the sacred trust undertaken in respect of Palestine by the League and the United Kingdom and reaffirmed by the International Court of Justice in its advisory opinion of 2004. Accordingly, the United Nations should promote the self-determination and independence of the Palestinian people.

42. The United Nations had failed to implement the Court's findings in the advisory opinion, which had emphasized the illegality of the construction of the wall in Palestinian territory. The Court had also unanimously confirmed that the building of settlements in the territory was contrary to international law and had underscored the applicability to the Occupied Territory of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the major international human rights conventions.

43. The Tribunal was particularly concerned that the Secretary-General, as the United Nations member of the Quartet, had failed to acknowledge the existence of the advisory opinion, let alone the fact that it was binding on the Organization.

44. It was extraordinary that although the Quartet had been entrusted by the Security Council with the responsibility for peace-making in the Middle East, its decision-making was largely dominated by the United States, which had vetoed the Security Council resolution dealing with the illegality of settlements. It was also very strange that the Quartet had never expressly endorsed the advisory opinion of the Court and that its envoy had been allowed to lobby against Palestinian statehood when the Palestinian Authority had applied for admission to the United Nations the previous year.

45. The Quartet also regularly made innocuous statements concerning the Middle East, most of which showed a clear bias in favour of Israel. For instance, the Quartet had never concerned itself with the violations of international humanitarian law that had occurred in Operation Cast Lead and had never referred to the Fact-Finding Mission on the Gaza Conflict.

46. The time had come for the General Assembly, perhaps at the initiative of the Committee, to raise its voice regarding the activities of the Quartet and its failures to act, in order to ensure that the Quartet carried out its task properly. Above all, the General Assembly should more closely monitor the Quartet, paying particular attention to the disappointing role played thus far by the Secretary-General in that body.

47. **Ms. Vivas Mendoza** (Bolivarian Republic of Venezuela) said that her delegation fully endorsed the conclusions of the Russell Tribunal set out in its draft executive summary. As her country had asserted in other forums, Israel's impunity with respect to the conflict in Palestine undermined the peace process in the Middle East as well as the legitimacy of the United Nations. The Organization must tackle the very difficult task of creating the preconditions for peace by reforming the Security Council and its veto process. Little progress had been made during more than 18 years of efforts to achieve those objectives.

48. As Mr. Hessel had reminded the Committee, the United Nations was more a reflection of the will of Governments than of the will of the people. That situation reflected a global lack of democracy. Accordingly, the United Nations required a genuine people's agenda in order to achieve progress towards peace in the Middle East and resolve the conflict in the Occupied Palestinian territory.

49. **Mr. Mansour** (Observer for Palestine) thanked the members of the jury of the Russell Commission on Palestine for their very insightful presentations. There was broad agreement within the United Nations system with respect to many of the points raised by the Tribunal's representatives, one of which was that justification for the continued existence of the Quartet was fading owing to the Quartet's increasing ineffectiveness as exemplified by its failure to implement some of the measures it ostensibly supported, such as the road map.

50. He emphasized that the Security Council's refusal to take firm action and invoke Chapter VII of the Charter in order to compel Israel to comply with international law and its obligations under international humanitarian law and human rights norms encouraged Israel to continue acting with impunity in the Occupied Palestinian Territory. Indeed, the entire international community, by failing to muster the political will to bring Israel into compliance, would put the Palestinian leadership and people in the position of having to act on their own. Palestine was seeking to upgrade its status in the General Assembly precisely because it wished to send Israel a strong message, namely that if Israel did not comply with its obligations the Palestinian leadership would be compelled to bring the case before the International Criminal Court.

51. The Palestinian leadership strongly urged the international community to suggest feasible solutions that would bring Israel into compliance with its obligations under international law. If none was put forward, the Palestinian people would have no other option but to take matters into their own hands, as they had done when they had unleashed the first intifada, bringing Israel to its knees.

52. The Palestinian Authority deeply appreciated the work of nongovernmental organizations, civil society, experts and distinguished individuals, including the Russell Tribunal on Palestine, in support of the struggle of the Palestinian people for justice and independence.

53. **Ms. Rubiales de Chamorro** (Nicaragua) said that her delegation fully agreed with the draft conclusions the Tribunal on Palestine had reached at its recent session, in particular its comments regarding the role of the Quartet.

54. As a peace-loving nation, her country had often turned to the International Court of Justice to seek solutions for the peaceful settlement of disputes. It was essential to ensure respect for the opinions of the Court; failure to do so undermined that institution and encouraged impunity.

55. A two-State solution to the Israeli-Palestinian conflict was long overdue. The Security Council had failed to agree to compel Israel to honour its obligations regarding Palestine, thereby encouraging Israel to act with impunity. It was therefore now up to the General Assembly, functioning as a people's assembly, to ensure that the work of the International

Court of Justice received a proper hearing. The Palestinian people should also step up their own efforts within the Occupied Palestinian Territory to complement the General Assembly's actions. In that connection, she pointed out that international assistance coupled with internal efforts had helped her country to free itself from tyranny.

56. Her delegation looked forward to receiving the final version of the Tribunal's findings in order to help determine how best to advance the Palestinian cause, for which it pledged its full support.

57. **Mr. Núñez Mosquera** (Cuba) thanked the members of the jury of the Russell Tribunal for addressing the Committee and said that their statements underscored the need for the Committee to continue its efforts to increase awareness of the inalienable rights of the Palestinian people. He drew attention in that connection to the Tribunal's conclusion calling for the mobilization of international public opinion for that purpose. Similar work would be carried out by the Ministerial Meeting of the Committee on Palestine of the Non-Aligned Movement, as discussed at the Movement's summit in Tehran in August 2012.

58. He agreed with the representatives of Venezuela and Nicaragua regarding the importance of reforming the United Nations, as called for by the Russell Tribunal in its conclusions. The continuing failure to make progress towards the establishment of a State of Palestine within the pre-1967 borders, with East Jerusalem as its capital, clearly demonstrated the need to abolish the veto in the Security Council. The members of the Committee should reach out individually to promote agreement on the required reforms, namely the democratization of the Security Council, the removal of the veto, and the enhancement of the role of the General Assembly.

59. **Mr. Apakan** (Turkey) said that the presence of the members of the jury of the Russell Tribunal on Palestine provided encouragement to the Committee as it pursued its work to promote the cause of justice for the Palestinian people and the rule of law. The findings and conclusions of the Tribunal were an important contribution to the work of the United Nations and appropriate action should be taken to bring them to the attention of the General Assembly for a thorough debate.

60. **Ms. Bennis** (US Campaign to End the Israeli Occupation) said that she greatly respected the Committee and appreciated its work in partnering with civil society in support of human rights, Palestinian rights in particular.

61. She urged the Committee to take seriously the need for it to lead the General Assembly, the most democratic component of the United Nations, in reinvigorating the Organization's longstanding and long unmet commitment to bring an end to the Israeli occupation, Israeli apartheid and Israeli denials of international law and human rights. In 1982 and 1983, the General Assembly, reflecting the work of the international movement against apartheid in South Africa at the time, had adopted a number of resolutions in response to Israeli aggression in the Occupied Palestinian Territory calling for boycotts and divestment from Israeli companies and, most specifically, an arms embargo. The General Assembly should now adopt a resolution along the lines of relevant provisions in those earlier resolutions.

62. She also emphasized that the United Nations was not responding to the destabilizing arms glut in the Middle East, where there was one nuclear-weapon State that was neither acknowledged nor under United Nations observation. That situation underscored the urgency of adopting the type of resolution she had recommended. Some States had already moved towards limiting their arms trade with Israel, a reflection of the efforts of international civil society in recent years to spur action in that regard.

63. **The Chair** said that the Committee applauded the commitment of the Russell Tribunal on Palestine to holding Israel legally accountable for its violations of international law committed against the Palestinian people. The Committee looked forward to continuing its cooperation with the Tribunal towards their common goal of bringing long overdue justice to the Palestinian people.

64. *Mr. Mansfield (Queen's Counsel and barrister), Mr. Hessel (Honorary Ambassador of France, author and philosopher) and Mr. Dugard (Professor of Law, Leiden University, the Netherlands, and former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), members of the jury of the Russell Tribunal on Palestine; and Ms. Bennis (US Campaign to End the Israeli Occupation), withdrew.*

**Other matters**

65. **The Chair** said that the information session organized by the Division for Palestinian Rights for staff of the Permanent Missions of Committee members and observers had been held on 4 October 2012. He thanked the participants and the Division on the Committee's behalf.

66. In conclusion, he reminded delegations that the International Day of Solidarity with the Palestinian People would take place on 29 November 2012 and invited all members of the Committee and observers to be represented at the commemorative meeting to be held on that occasion, as customary, at the ambassadorial level.

*The meeting rose at 12.55 p.m.*