

4. The presence, in this zone, of persons specially protected under the Convention and this Protocol, and of police forces retained for the sole purpose of maintaining law and order is not contrary to the conditions laid down in paragraph 3.
5. The Party which is in control of such a zone shall mark it, so far as possible, by such signs as may be agreed upon, with the other Parties, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.
6. If the fighting draws near to a demilitarized zone, and if the Parties to the conflict have so agreed, none of them may use the zone for purposes related to the conduct of military operations or unilaterally revoke its status.

31. The above provisions of the Geneva Convention (1949) and its Protocol I envisage the creation of a safety zone during the course of armed conflicts. Thus such a safety zone may possibly be established during the peace time as done during the armed conflict. The above provisions of the Geneva Convention may not have a direct bearing on the concept of safety zone as proposed in the Committee's deliberations, but nevertheless they are relevant for determining the status of the safety zone as proposed by the Committee.

32. During the Twenty-eighth Session held in Nairobi in 1989<sup>7</sup> the Secretariat presented the following principles to conceptualize the framework and the status of the safety zone in the State of origin :

- (i) A safety zone shall be established with the consent of the State of origin, through a resolution or recommendation of the United Nations.
- (ii) The safety zone should be akin to a demilitarized zone or a neutral zone and immune from any type of hostile activities and may be demarcated by notification of a specified geographical area or areas.
- (iii) The safety zone should be under the international supervision, control and management to provide among others international protection to the persons residing therein.
- (iv) The United Nations may designate and authorise an international organization or agency for administration and supervision of the safety zone.
- (v) The State of origin and its neighbouring States, who are likely to receive the mass exodus or any other States as may be decided by the United Nations, be associated with the designated international organization or agency in the supervision of the safety zone.

<sup>7</sup> Doc. No. AALCC/XXVIII/89/3.

- (vi) The designated international organization or agency shall be responsible for coordination and supervision of supply and distribution of food and other essential items and ensure other facilities like supply of drinking water, civic amenities and medical care. The cost of operation may be met through voluntary contribution by States, governmental and non-governmental humanitarian organizations.
- (vii) The armed forces of the State of origin should withdraw from the designated safety zone and all government machineries whether civilian or military of the State of origin shall fully respect the special status of the zone so created.
- (viii) The authority in control of the safety zone shall provide international protection to the individuals seeking asylum therein.
- (ix) The United Nations may provide multinational security force for the purpose of maintaining law and order within the safety zone.
- (x) The persons seeking asylum in the safety zone shall be disarmed and they will not be permitted directly or indirectly to participate in any type of military insurgency activities or guerilla warfare against any State and similarly the asylum seekers in the safety zone shall not be a military target of any State.
- (xi) The individuals residing in the safety zone shall be provided with the facility to seek and enjoy asylum in any country.
- (xii) If normalization is restored in the State of origin and the international organization or agency in-charge of the safety zone is satisfied that the conditions are favourable and conducive, the persons residing in such zones shall be provided with all facilities to return to their permanent place of residence.
- (xiii) The safety zone, thus established under international supervision, shall be of temporary nature.

#### *SAFETY ZONE IN PRACTICE*

33. At the Twenty-eighth Session of the Committee held in Nairobi in 1989, the Representative of the UNHCR expressed strong reservation on the concept of safety zone and stated that the Thai proposal might lead to political complications. After lengthy discussion on the subject, the AALCC decided that the study on the question of "Establishment of a safety zone for the displaced persons" should be deferred to a future session.

34. It is, however, worth recalling that in 1989, a similar type of zone was experimented in Sri Lanka. The Madu Camps, set up in Sri Lanka with the active assistance and cooperation of the UNHCR, were for the internally displaced persons who might have become potential refugees.

35. In April 1990, a similar concept was tried with the Afghan refugees within Afghanistan. It was originally a United Nations Plan to create a

"Zone of Tranquillity" where Afghan refugees could be safely repatriated. The person in-charge of the U.N. Afghan Aid Programme, Prince Sadruddin Aga Khan, had set a modest goal for the repatriation efforts in 1990. His initial aim was to set up roughly half-a-dozen Tranquillity Zones and begin setting them with rural Afghans who took refuge in cities inside the country.<sup>8</sup> In fact, two such zones were established in the liberated areas of Afghanistan for the repatriated persons. The only major conceptual difference in it was that it was not established for the potential refugees within the country of origin, but was established for the refugees who opted for voluntary repatriation. The Sri Lankan experiment, however, was for the "internally displaced-cum-potential refugees" and this is similar to what the AALCC has been discussing concerning the safety zone concept. These camps were established with the consent of the country of origin. During discussion the AALCC Secretariat has emphasized that no safety zone should be established without the consent of the country of origin.

36. However, in 1991, soon after the war in Iraq, certain countries unilaterally established some zones within Iraq and called them as "Safe Haven"—an enclave for the Iraqi Kurdish people.

37. The Iraqi Kurds who had revolted against Baghdad feared persecution and left to neighbouring countries in Islamic Republic of Iran and Turkey. To curtail the outflow of the refugees, it was planned to establish some zones within Iraq where the internally displaced persons who were likely to become potential refugees and also a large number of Kurds who had already crossed over to Turkey, would be facilitated to come back to Iraq within such established zones where they would be provided protection and relief.

38. The "Safe Haven" or the "Enclave Plan" envisaged the creation of a U.N. protected enclave in the northern Iraq bordering Turkey. The Plan also envisaged a multi-national military force to protect the Kurds in the enclave. It was hoped that Iraq would accept the plan in which case the enclave could be managed by the U.N. civilian personnel only. The situation took a new turn when the United States agreed to implement the Plan.

39. The U.N. Secretary-General, however, was of the opinion that for such plans, firstly, Iraq's consent was absolutely mandatory and secondly, the mandate of the Security Council was needed for the lawful establishment of refugee camps in the Iraqi territory. Whether Security Council Resolution 688 and, in particular, paragraphs 3 and 6 granted unimpeded authority to member States concerned to establish such relief operations with the threat or use of force is still debatable. This resolution stated :

"3. *Insists* that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations;"

<sup>8</sup> For details see : *News Week*, April 23, 1990, p. 15.

"6. *Appeals* to all Member States and to all humanitarian organizations to contribute to these humanitarian relief efforts."

40. Nevertheless, the U.N. Security Council Resolution 688, mandated the Secretary-General *inter alia* to pursue humanitarian efforts in Iraq and to use all the resources at his disposal to address urgently the critical needs of the refugees and displaced Iraqi population. A Memorandum of Understanding regarding the Iraq's civilian population and the establishment of U.N. Sub-Offices and Humanitarian Centres (UNHUCs) in Iraq was signed on April 18, 1991. Further, the MOU's Annex regarding the deployment in Iraq of a U.N. Guards Contingent was signed on May 25, 1991.<sup>9</sup>

41. Whatever may be the purpose and goal of the "Safe Haven" or Safety Zone it would lose its credibility the moment it is implemented without the consent of the country concerned or with the threat of or use of force. The agreement of May 25, 1991 granted the U.N. the right to post United Nations Guards with bare minimum side-arms, to take over the security of the 'Safe Haven' established by the Allied forces.

42. The refugee camps which were established and now controlled by United Nations Sub-Offices and Humanitarian Centres (UNHUCs) are accordingly with the consent of Iraq and also through the U.N. initiative. These two fundamental aspects had been advocated by the AALCC in 1989 at its Twenty-eighth Session.

43. While considering the gravity of the refugee problem in modern age, the idea of creation of a safety zone should be looked at as another possible avenue to give further substance to the humanitarian aspects of the refugee law. Nevertheless one should be cautious that in future no safety zone or enclave plan is imposed upon any State thus violating the tenets of international law and the principles and purposes of the United Nations. The principles as proposed by the AALCC Secretariat during the Nairobi Session might be given serious consideration in respect to the establishment of safety zones in the future.

<sup>9</sup> U.N. Documents S/22663, May 31, 1991.

### III. DEPORTATION OF PALESTINIANS IN VIOLATION OF INTERNATIONAL LAW, PARTICULARLY THE GENEVA CONVENTION OF 1949 AND THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS FROM SOVIET UNION IN THE OCCUPIED TERRITORIES

#### (i) INTRODUCTION

1. An item entitled the "Deportation of Palestinians in Violation of International Law, particularly the Geneva Convention of 1949" was first taken up by the AALCC consequent upon a reference made by the Delegation of the Islamic Republic of Iran at the Twenty-seventh Session of the Committee, held in Singapore in March 1988. At that Session the Delegate of the Islamic Republic of Iran in his introductory statement pointed out that the Zionist entity (Israel) had deported a number of Palestinians from Palestine as a brutal response to the upheaval by the people in the occupied territory. The deportation, both in the past and in recent times, of people from the occupied territory constituted a severe violation of the principles of international law and also violated, in letter and spirit, the provisions of such international instruments and conventions as the Hague Conventions of 1899 and 1907, the Charter of the United Nations, 1945 and the Geneva Convention relative to Protection of Civilian Persons in Time of War, 1949, all of which either implicitly or explicitly prohibited deportation as a form of punishment or a deterrent factor especially in an occupied territory. The Islamic Republic of Iran's primary interest, at that stage, was related to two basic issues viz.

- (i) the enunciation of the duties, commitments and obligations of occupying forces, in accordance with international law; and
- (ii) their violation by the Zionist entity in Palestine.

It accordingly requested the Committee to consider the item. After a preliminary exchange of views at that Session<sup>1</sup> the AALCC called upon the Government of the Islamic Republic of Iran to furnish the Secretariat with a memorandum which it (the Secretariat) might take as a basis to conduct its study and accordingly directed the Secretariat to conduct a study of the matter.

2. The Islamic Republic of Iran accordingly submitted a memorandum to the AALCC Secretariat<sup>2</sup> whereby it called upon the Secretariat : (i) to

<sup>1</sup> For details of the deliberation see the Verbatim Record of the Plenary Meeting of the Twenty-seventh Session of the AALCC held in Singapore, March 1988.

<sup>2</sup> The full text of the Memorandum of the Government of the Islamic Republic of Iran drafted in the form of a Report entitled Deportation of the Residents of Occupied Territories from the standpoint of International Law may be found in AALCC Doc. No. AALCC/XXVIII/89/2.

study the fact that in accordance with international law, the deportation of the residents of the occupied territories is illegal and condemned; and (ii) requested the examination of the violations by the occupation regime which has not been recognised by many of the member States of the international community including Iran. The memorandum also requested the Secretariat to submit "an interim report to the member States before embarking on carrying out its comprehensive studies".<sup>3</sup>

3. A preliminary report prepared by the Secretariat was accordingly considered at the Twenty-eighth Session of the AALCC held at Nairobi in 1989. That report while finding that deportation of Palestinians from occupied territories was in flagrant violation of international law invited attention to the following :

- (i) Contemporary international humanitarian law as codified in the four Geneva Conventions of August 1949 and the two additional protocols of 1977 thereto;
- (ii) The corpus of *opinio juris* which has over the years underscored the applicability, in the Palestinian territories occupied by Israel, of the provisions of the Geneva Convention relative to Protection of Civilian Persons in Time of War, 1949; and
- (iii) Consideration of the course of action for the future work of the Committee on the subject.

4. In the course of deliberations on the preliminary report the member States *inter alia* :

- (i) Agreed that the Israeli authorities were acting in flagrant violation of international law in deporting Palestinians from the occupied territories; and
- (ii) Affirmed the inalienable right of the Palestinian people to self-determination and the right to return to their land.

The Secretariat was also directed to forge cooperation between the AALCC and the PLO, the Organisation of Islamic Countries (OIC), the League of Arab States (LAS) and the Organisation of African Unity (OAU) in dealing with this plight, and to prepare an indepth study on legal aspects of the subject including the question of payment of compensation and to convene a meeting of Legal Advisors of Member States to examine and review the Report.<sup>4</sup>

5. While it had not been possible in the intervening period to convene an inter-sessional meeting of legal experts, the Secretariat pursuant to the

<sup>3</sup> *Ibid.*, paragraph 13 at pp. 47-48.

<sup>4</sup> For details see the Verbatim Record of the Fourth Plenary Meeting of the Twenty-eighth Session of the Asian-African Legal Consultative Committee, Nairobi, Kenya, 13-18 February, 1989.

decision of the AALCC at its Twenty-ninth Session, prepared a brief<sup>5</sup> which sought to establish that payment of compensation for deportation is both a matter of customary international law of State responsibility as well as an express stipulation of international humanitarian law as codified in the Hague Regulations of 1907, and the Fourth Geneva Convention of 1949.

6. In introducing the item, and the documents prepared by the Secretariat thereon, at the Twenty-ninth Session of the AALCC held at Beijing in March 1990, the Secretary-General expressed the view that the future work on the topic may require to be taken in progressive stages with regard to the undertaking of further studies as well as the examination of the relevant international instruments. Reference was also made to the massive immigration of Jews from the Soviet Union and their settlement in the Palestinian occupied territories.

7. In the debate that followed several delegates expressed the view that the Secretariat should focus on the legal aspects of Israel's immigration policy and the settlement of Soviet Jews in the occupied territories. At the closure of the debate on the matter it was decided that the Secretariat should make a comprehensive study taking into consideration all the legal aspects of the matter and the resettlement in violation of international law by the State of Israel of a large number of emigrants in Palestine. The AALCC also once again directed the Secretariat to convene an inter-sessional meeting on the inalienable rights of the Palestinian people, if financially feasible, or, if an invitation to this effect was forthcoming from a member State.

8. Introducing the item at the Thirtieth Session of the AALCC held in Cairo in April 1991, the Secretary-General noted that while it had not been possible to convene an inter-sessional meeting of legal experts, the Secretariat had prepared a brief which examined the Israeli settlement policy in occupied territories as well as the question of massive emigration of Jews to Israel. The brief prepared by the Secretariat also examined the question of the right of return of the Palestinian people to their home and hearth.<sup>6</sup>

9. The Secretary-General proposed that while considering the future work on the subject, the AALCC may, perhaps, wish to reiterate its decision to hold an inter-sessional meeting of Legal Advisors of Member States which may *inter alia* deliberate on such legal aspects of the problem on which the future work may require to be undertaken. The AALCC may also wish to direct the future work on the subject within the context of the preparation for the proposed International Peace Conference to be held at the end of the Decade of International Law, since the subject would be particularly pertinent for consideration at the proposed International Conference.

<sup>5</sup> See AALCC/XXIX/90/10.

<sup>6</sup> See Doc. No. AALCC/XXX/91/Cairo/11. Also included in that brief was an overview of United Nations Regional Seminar on the Inalienable Rights of the Palestinian People held in 1990.

10. The AALCC at its Thirtieth Session having taken note of the Secretariat study on 'The Deportation of Palestinians in Violation of International Law, particularly the Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in the Occupied Territories' after due deliberation, expressed its concern at the continuing denial and deprivation of the inalienable human rights of the Palestinian people including the right of self-determination and right to return and the establishment of their independent State on their national soil. The AALCC requested the Secretary-General to continue to monitor the events and developments in the occupied territories of Palestine and decided to convene an inter-sessional meeting of the AALCC to consider Israel's policies of immigration and settlement, if financially feasible, or, if an invitation to host such a meeting was received from a Member State. The AALCC also decided to include the item in the agenda of its Thirty-first Session.

#### *Discussions and Decisions Taken at the Islamabad Session*

The Thirty-first Session of the AALCC was held in Islamabad (Pakistan) from 25th January to 1st of February 1992. At that session, the subject was taken up for further discussions on the basis of a study presented by the Secretariat contained in document No. AALCC/XXXI/92/Islamabad/11 which is reproduced in this publication.

11. The Secretary-General while introducing the Secretariat study entitled 'Deportation of Palestinians in violation of International Law, particularly the Geneva Convention of 1949 and the Massive Immigration of Jews from the Soviet Union in the Occupied Territories' (Doc. No. AALCC/XXXI/Islamabad/92/11) recalled that this matter was placed on the work programme of the AALCC following upon a reference made by the Government of Islamic Republic of Iran, at the Twenty-seventh Session of the Committee held in Singapore in 1988. He briefly outlined the subsequent studies undertaken relating to this topic which *inter alia*, established that payment of compensation for deportation was both a matter of customary international law of State responsibility as well as an explicit stipulation of contemporary international law as codified in the Hague Convention of 1907, the Fourth Geneva Convention of 1949 as well as the 1977 Protocols thereto.

Referring to the discussion held during the Twenty-ninth Session in Beijing, relating to the massive immigration of Jews from the Soviet Union and the Israeli practice of settlement of the Jews in occupied Palestinian territories, the Secretary-General recalled the decision of the AALCC to convene an inter-sessional meeting of legal experts on this topic. He also referred to the decision of the AALCC at its Thirtieth Session, expressing concern at the continuing denial and deprivation of the inalienable human rights of the Palestinian people, to continue to monitor the events and developments in the occupied territories. He informed the Committee that though it had not been possible in the intervening period to convene an inter-sessional meeting to consider this item, the AALCC Secretariat had prepared the study presented during the current Session monitoring the

events and developments in the occupied territories of Palestine. He also pointed out that reference had also been made in the study to the Middle East Peace Conference held in October 1991 and the events preceding the Conference.

Referring to the future work programme on this topic, the Secretary-General pointed out that the question of 'Deportation of Palestinians' needed to be studied in a wider perspective, with special emphasis on human rights. This aspect, according to him, should be considered and the AALCC Secretariat could be mandated to assist the Member States to prepare for the Middle East Peace Conference at which substantial question of the future of the State of Palestine would be considered.

12. The *Delegate of Palestine*, while making his preliminary statement, thanked the AALCC Secretariat and the Secretary-General for the study prepared on this item. He described in great detail the sufferings of Palestinians inflicted by the oppressive Israeli regime. He made references to :

- (i) the act of deportation of Palestinians in violation of all norms of international law;
- (ii) confiscation of their property; and
- (iii) settling of emigrating Russian Jews in the Occupied Territories.

This, he referred, as the 'core of the Palestinian tragedy'. He said that the manifestation of Zionism through the oppressive Israeli regime was too evident in its act of deporting and confiscation of properties, and was comparable to the crimes of Nazis.

He noted that in the last one year more than 1100 leaders of Palestinians had been detained in camps. Despite these oppressive measures the valiant battle of Palestinians, *Intifadah*, had entered its fifth year. The Delegate further stated that the Zionist occupation had been initiating measures to destroy the infrastructure of Palestinian economy and to transform the historical and cultural identities of the Palestinians.

These measures, the Delegate pointed out, were a proof of Israel's glaring violation of international law, as specified in the United Nations Security Council Resolution 726. He also referred to the violations as mentioned in the Geneva Convention of 1949. Article 4 of this Convention, he said, particularly obligated States 'to protect inhabitants and not to deport them', even during an armed conflict.

He said that Israel had continued to confiscate the lands of Palestinians on the West Bank. More than one million Jews had settled there, more than 60,000 settlements had come up there to house nearly 7,50,000 Jews. He referred to the increasing atrocities, cutting of trees, burning of fields and houses by the occupied military. While referring to the emigration of Jews, he requested the AALCC to examine the question of Jews migrating to other countries, especially to Europe. He also referred to the aid and support extended by U.S.A. contradicting its own policy of peace in the

Middle East and violating UN Security Council Resolution 565. He said that any such unwarranted help would hamper the Middle East Peace Talks.

In December 1988, the United Nations Session in Geneva called for peace and the recognition of the cause of the Palestinians on the basis of various UN resolutions. The PLO, according to him, had accepted these initiatives and had been working towards its realisation. For the PLO the Middle East Talks were important, as it could provide them an opportunity to regain their political future. Unfortunately, the policy and the measures adopted by Israel had hindered the progress of the talks. While Madrid Peace Talks were on, Jews were continued to be settled in the Occupied Territories. Twelve Palestinians were deported. He also referred to the talks underway in Moscow and the right of the Palestinian delegation to decide whether to participate therein or not.

He said that the *Intifadah* would continue; and 'wave after wave' of Palestinians would participate in it. In conclusion, he made six observations for the consideration of the AALCC. These were :

- (i) Motion of thanks to the Secretary-General and the AALCC Secretariat for the preparation of the study;
- (ii) Request to the Secretary-General to follow up and expand this study so as to underline its negative consequences and to reach a just solution;
- (iii) To table this item at the next session;
- (iv) To study and consider the issue of deportation as a part of human rights;
- (v) Convening of an inter-sessional meeting to discuss the question of continued deportation; and
- (vi) Declaration by the AALCC affirming the legitimate cause and fight of the Palestinians and denouncing the oppressive policies of the Israeli regime.

13. The *Delegate of the Islamic Republic of Iran* expressed his delegation's gratitude to the AALCC Secretariat for the excellent study. Referring to the study he confirmed that the deportation of Palestinians from their homeland was in contravention of the Hague Convention of 1907, the Charter of the United Nations and the Geneva Convention relating to the Protection of Civilian Persons in Time of War, 1949, all of which prohibited deportation as a form of punishment, especially in an occupied territory. He stated that his delegation had brought to the notice of the member States of AALCC at the earlier session, the negative consequences of establishing Jewish settlements, particularly in the West Bank of Jordan River and Gaza Strip, as well as change in the demographic composition of Palestine. He said that this problem was serious and the UN General Assembly had taken note of this in the following resolutions : 45/73/E, 45/73/G, 45/74/A, 45/74/B,

45/74/E, 45/74/F. These resolutions deal with the legitimate rights of Palestinians.

The Delegate referred to the decisions adopted by other international and regional organisations, namely, the Organisation of African Unity (OAU), the Arab League and the Non-Aligned Movement. Referring to the recent expulsion of twelve Palestinians from their homeland, he said that the UN Security Council on 6th January 1992 adopted resolution 726, condemning this and demanded the occupying power to ensure the safe and immediate return of all those who were deported.

Stating his delegation's view on the deportation of Palestinians, mass immigration of Jews to the occupied territories, the establishment of settlements for them and the demographic alterations in these territories, he said that these were part of the same issue and needed a comprehensive study. He said this was not the only case of demographic alterations; he referred to Security Council Resolution 677 which was adopted on 28 November 1990, condemning such efforts to alter demographic compositions. These concerns, he noted, were gradually being accepted as a principle of international law, and requested the AALCC Secretariat to pay due attention to this matter. He also referred to the Conference on Palestine, held in Tehran in October 1991, with the participation of Palestine and the parliamentarians from various countries.

14. The *Delegate of Syria* appreciating the statements delivered by the Delegates of Palestine and Iran, condemned the policies of Israel, especially in the South of Lebanon. He requested Russia, in the changed international circumstances, to take steps to restrict the immigration of Russian Jews and termed this as against human rights. He insisted that all parties should be given their legitimate rights. Referring to the Middle East Peace Talks in Moscow, he said that Syria was not participating in the talks. The delegate pointed out that it would serve no purpose when those who matter did not attend the Moscow Talks.

15. The *Delegate of Sudan* agreed with the suggestions put forward by the Delegate of Palestine. He also referred to the hardships faced by the Palestinians and queried as to what could be the legal responsibility for all this.

16. The *Delegate of Libya*, thanking the AALCC Secretariat for the study, referred to the crimes of firing and burning committed with regard to the legal documents in the Courts of *'Holy Quds'*. He said that he would agree and second every suggestion made by the Delegation of Palestine.

17. The *Delegate of the People's Republic of China*, reiterating the contents and conclusions of the Secretariat's study, termed 'deportation of Palestinians' as a violation of human rights. He hoped that the Middle East Peace Talks would herald an era of peace. He regretted that while peace talks were underway, the deportation of Palestinians and settlement in the occupied

territories had continued in violation of international law. He emphasized that the People's Republic of China consistently and resolutely supported the legitimate rights of the Palestinians.

18. The *Delegate of Egypt*, emphasising the importance of this item, stated that the credibility of the international legality was in question as regards the violations of international law in the occupied territories. He said that international legality was the tradition of the AALCC. He urged that this item should continue on the agenda and the study should be extended to cover interim measures, compensation etc.

19. The *Delegate of Pakistan* endorsed the views expressed by earlier speakers condemning the deportation of Palestinians in flagrant violation of international law and Geneva Convention of 1949. Supporting the establishment of an independent State of Palestine, the Delegate expressed his opposition to :

- (a) Israel's policy of expansion and annexation of the occupied Arab territories including the Gaza Strip, the West Bank and the Golan Heights especially through the establishment of new Jewish settlements;
- (b) the continued occupation of the southern territories of Lebanon;
- (c) the repressive measures adopted against the population of the Arab occupied territories;
- (d) the persistent violation by Israel of the Geneva Convention of 1949 and the Hague Regulations 1907.
- (e) the desecration of holy places especially the excavations adjacent to the Dome of the Rock which threatens the Holy Al-Aqsa Mosque; and
- (f) forcible expulsion of Arabs from the occupied territories.

20. The *Delegate of Indonesia* condemned the deportation of Palestinians and urged the AALCC to study the legal aspects of Israel's oppressive policies. He extended support of his country's delegation for *Intifadah*.

21. The *Delegate of Iraq*, welcoming the consensus opposing the oppressive Israeli activities in the occupied territories, thanked the AALCC Secretariat for the study. He referred to the UN resolutions on this aspect and their consistent violation by the Zionist regime. He also referred to his country's sufferings, as it fought against the Zionist forces. He supported the suggestions put forward by the Palestine delegation.

22. The *Delegate of Yemen* supported the Secretariat's study and condemned the deportation of Palestinians in violation of international law. He also supported the six suggestions put forward by the Delegate of Palestine.

23. The *Delegate of India* termed the act of deportation as a political act and extended India's steadfast and unqualified support for the cause of

Palestinians. He said that the Middle East Peace Talks would not succeed without the Palestinian participation in it. He said that India was in constant touch with Palestine for the success of the Peace Talks. At the legal level, he contended that it was in violation of Geneva Conventions and also in violation of Human Rights.

24. The *Observer from Algeria* extended his country's support to the cause of Palestine and suggested that recommendations should be adopted for the homeland of the Palestinians.

25. The *Delegate of Uganda* referring to his country's consistent stand extended support for the sovereign homeland of Palestinians.

26. The *Delegate of D.P.R. Korea* supported the proposals put forward by the Palestine Delegation. Further, he called for the implementation of the United Nations resolutions on this matter.

27. The *Delegate of Japan* deplored the deportation of Palestinians in violation of international law while the negotiations were going on. Such deportations, according to him, would not help in reaching any solution.

28. The *Observer from Russia*, referring to the matter of emigration of the Jews from Russia, stated that this issue had two aspects :

- (i) the emigration of the Jewish population from Russia to Israel;
- (ii) the question of settlement of these people upon their arrival in Israel.

He argued that emigration of Jews from Russia was in full conformity with the existing international law, especially that on the human rights – right of everyone to leave one's country. As to the second, he emphasized that the Russian Government issued exit visas to the Jewish population to move to Israel, but not to the occupied territories. The Russian Government, he pointed out, informed the emigrants about the non-recognition of the occupied territories by the international community and that it was illegal and dangerous to settle there.

29. The *Delegate of Sierra Leone* referred to the question of self-determination. He extended support to the legitimate rights of Palestinians. He agreed that the activities of Israel were a massive violation of the whole corpus of International Law. He concurred with the findings and the legal framework prepared by the Secretariat. Referring to the UN Resolution 181 for the creation of two States, Palestine and Israel, he insisted on the right of Palestinians to return to their homeland. Further, he requested the U.N. General Assembly to ask for the opinion of the World Court about the activities of Israel, and to ask the Security Council to implement the decision of the World Court.

30. The *Delegate of Sri Lanka* supported and associated with the sentiments expressed by the preceding speakers and requested the AALCC to update the study on this aspect.

31. The *Delegate of Ghana* called for the resolution of the political will to heal the injury inflicted on the Palestinians. He referred to U.N. resolutions especially 242 and 338, and insisted that these resolutions must be implemented.

32. The *Delegate of Jordan* appealed to the AALCC to support the suggestions put forward by the Delegation of Palestine and condemn the oppressive policy of Israel in the occupied territories.

33. The *Delegate of Sudan* referring to the statement made by the observer from Russia asked whether the right of the Russian Jews to emigrate and the right of the Palestinians not to be deported were contradictory. He requested the Secretariat to look into the legal implications of this question.

34. The *Delegate of Palestine* thanked all the speakers who had offered their support to the cause of the Palestinian people.

35. After further deliberations, the following resolution was adopted by the AALCC subject to reservations being made by the Delegation of Japan and the Observer for Russia in regard to specific parts of the resolution :

**"Deportation of Palestinians in violation of International Law, particularly the Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in the occupied territories"**<sup>7</sup>

The *Asian-African Legal Consultative Committee*, at its Thirty-first Session having taken note of the Secretariat study on "The Deportation of Palestinians in violation of International Law, particularly the Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in the Occupied Territories" (Doc. No. AALCC/XXXI/ Islamabad/92/11) as well as the United Nations Security Council Resolution of January 1992 adopted unanimously :

- Expresses its concern at the continuing denial and deprivation of the inalienable human rights of the Palestinian people including *inter alia* the right of self-determination and right to return and the establishment of their independent State on their national soil;
- Expresses its appreciation to the Secretary-General of the AALCC for the comprehensive study prepared for the Session;
- Requests the Secretary-General of the AALCC to continue to monitor the events and developments in the occupied territories of Palestine;

<sup>7</sup> The Delegation of Japan expressed its reservation on paragraph 12 of this Decision on the issue saying "Urges ECOSOC to request the International Court of Justice to give an Advisory Opinion on the legality of the Israel's actions and policy of settlement in the occupied territories in violation of International Law and consequences of violation of the U.N. Security Council Resolutions No. 242 and 338 and legal obligations of member countries of the United Nations in this matter". The Japanese Delegation also expressed its view that Southern Lebanon could not be regarded an "Occupied territory".

- Decides to convene an inter-sessional meeting of the AALCC to consider Israel's policies of immigration and settlement, if financially feasible, or if an invitation to host such a meeting is received from a Member State;
- Supports the just cause of the Palestinian people and the national, political and inalienable human rights of the Palestinian people;
- Condemns the Israeli policy in the occupied territories and their deportation of Palestinians and annexation of the Palestinian lands against the rights of the Palestinian people;
- Strongly condemns Israel's policy of immigration and settlement of Jews in Palestinian and other Arab occupied territories and Southern Lebanon and Syrian Golan Heights in flagrant violation and contravention of human rights;
- Demands that Israel respect the principles of international law and all international conventions which have a bearing on the matter;
- Condemns also Israel's policy of appropriation and illegal exploitation of the natural resources of the occupied territories in contravention of the principles of permanent sovereignty over natural resources;
- Requests the Secretary-General to study the question of the forced changes in the demographic composition of the occupied territories including Jerusalem, the West Bank and the Gaza Strip;
- Urges ECOSOC to request the International Court of Justice to give an Advisory Opinion on the legality of the Israel's actions and policy of settlement in the occupied territories in violation of International Law and consequences of violations of the U.N. Security Council Resolutions No. 242 and 338 and legal obligations of member countries of the United Nations in this matter;
- Requests the Russian Government to take appropriate measures which the Russian Government deems just to discourage the settlement of the Russian Jewish immigrants in the occupied territories in violation of international law;<sup>8</sup> and
- Decides to include the item "Deportation of Palestinians in violation of International Law, particularly the Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in the Occupied Territory" in the agenda of its Thirty-second Session.

<sup>8</sup> The Observer for Russia expressed his reservation on this paragraph as restricting emigration would be violative of human rights.