

**SUMMARY RECORD OF THE THIRD
GENERAL MEETING (CONTD.) HELD
ON THURSDAY, 3RD JULY 2008,
AT 10:00 AM**

**His Excellency Mr. Narinder Singh,
President of the Forty-Seventh Session of
AALCO in the Chair**

**A. Deportation of Palestinians and
Other Israeli Practices among Them the
Massive Immigration and Settlement of
Jews in All Occupied Territories in
Violation of International Law
Particularly the Fourth Geneva
Convention of 1949**

1. **Amb. Dr. Wafik Zaher Kamil,
Secretary-General of AALCO** in his introductory remarks recalled that AALCO in its Annual Sessions had always condemned the inhumane and illegal acts by the Occupying Power, Israel and continued to reiterate its support to the Palestinian nation, free of all occupation and its right to become a sovereign independent State. There were numerous United Nations Security Council and General Assembly Resolutions asking Israel to abide by international law, particularly international humanitarian law and human rights law. However, the Occupying Power, Israel continued its war crimes with impunity. Further, Israel had rejected the Advisory Opinion of the International Court of Justice, and was continuing with the construction of the separation wall, which was totally illegal and contrary to international law.

2. The Secretary-General stated that the recent decision of the Government of Israel for construction of Israeli settlements in East Jerusalem violated international law and its commitments under the Road Map and the Annapolis process. Further, human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory; and blockades and sanctions, particularly in the Gaza Strip were

highly condemnable. The Israel should also stop the policy of squeezing the legitimate movements and democratic initiatives of the Palestinian society.

3. The Secretary-General also highlighted the plight of Palestinian refugees resulting from the illegal occupation by the Israel. He emphasized that the Occupying Power, the Israel, should be fully responsible for the welfare and protection of the refugees in the Palestinian territory it continued to occupy, including the Gaza Strip. Finding an agreed, just and fair solution to the refugee issue in keeping with relevant United Nations resolutions, especially resolution 194 of 1948, was a prerequisite for resolving the question of Palestine and achieving a comprehensive, just and lasting peace in the Middle East. It was a welcome step that The Committee on the Exercise of the Inalienable Rights of the Palestinian People convened a *United Nations International Conference on Palestine Refugees* at the UNESCO Headquarters in Paris on 29 and 30 April 2008 and took note of the abovementioned facts.

4. Amb. Kamil informed that the AALCO Secretariat had taken note of the Annapolis Conference on Palestine (27 November 2007); the International Donor's Conference for the Palestine State (17 December 2007); and the Palestine Investment Conference, convened by the President of the Palestinian Authority, Mahmoud Abbas on 22 May 2008. Also, Secretariat took note of the United Nations International Meeting on the Question of Palestine held on 3 and 4 June, 2008, in Malta. The Meeting was held in accordance with the United Nations General Assembly mandate to mobilize international support for the Middle East peace process.

5. The **Delegate of the Islamic Republic of Iran** recalled that his country had submitted that item to the Twenty-Seventh Session of the AALCO in 1988, since then they were witnessing that Israel

continued to defy the will of the international community particularly the numerous United Nations resolutions and decisions, especially those adopted after the release of the Advisory Opinion of the International Court of Justice. The Israeli criminal acts against the Palestinians and other peoples in the region was the gravest threat currently posed to regional as well as international peace and security.

6. Indiscriminate use of military force, willfully killing, collectively punishing, racial discrimination and apartheid, family separation of the Palestinians, destroying their homes and infrastructures, trying to economically strangle them, unrelenting expansion of Jewish settlements on the occupied lands, as the new colonialism, targeted assassinations and humanitarian crisis and the withholding of funds from the Palestinian Authority, which were all prohibited under the international law, had continued during the year under review. Indeed, the frequent resorts to all these practices by the Zionist regime were the violation of rights proclaimed in the various International Human Rights Instruments and the most fundamental rules of international humanitarian law.

7. The Wall that Israel was building in Palestinian territory, which its construction accelerated during the reported period, was clearly illegal. The International Court of Justice in its Advisory Opinion of 9 July 2004, asserted that it would be contrary to international law and that Israel was under obligation to discontinue construction of the Wall and to dismantle those sections that had already been built forthwith. The Wall had serious humanitarian consequences for Palestinians living within the closed zone, i.e. the area between the Green Line and the Wall. They were cut off from places of employment, schools, universities and specialized medical care, and community life was seriously fragmented. Moreover, they did not have 24-hour access to emergency health services.

8. According to different documents, that condemned the persistent Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which resulted in the loss of more than 125 lives and hundreds of injuries among Palestinian civilians, including women, children and infants, the Israeli bombardment of Palestinian homes and the killing of civilians therein and at the Israeli policy of inflicting collective punishment against the civilian population, which was contrary to international humanitarian law. It was necessary for bringing the perpetrators to justice and urgent international action to put an immediate end to the grave violations committed by the occupying Power, Israel, in the Occupied Palestinian Territory, including the series of incessant and repeated Israeli military attacks and incursions therein and the siege of the occupied Gaza Strip; reiterated its call for immediate protection of the Palestinian people in the Occupied Palestinian Territory in compliance with international human rights law and international humanitarian law.

9. Moreover, as a result of the Israeli regime's blockade of the Gaza Strip, the humanitarian and economic situation there has deteriorated to a dangerous extent. On 9 August 2007, the United Nations warned that Gaza could face an economic meltdown with "disastrous consequences" unless its main crossings were reopened. In this regard, the Deputy Chief of the United Nations Relief and Works Agency warned that "Gaza risks becoming a virtually 100 percent aid dependent, closed down and isolated community within a matter of months or weeks, if the present regime of closure continues." It was therefore high time for the international community to urgently weigh in to counter the Israeli regime's inhumane policies and practices in imposing humanitarian disaster on the defenseless Palestinian people in the Gaza

Strip and elsewhere in the Palestinian territories.

10. The delegate pointed out that the Israeli regime had violated a number of rights proclaimed in the various International Human Rights Instruments. (the International Covenant on Civil and Political Rights, particularly the right to life (art. 6), freedom from torture, inhuman or degrading treatment (art. 7), freedom from arbitrary arrest and detention (art. 9), freedom of movement (art. 12) and the right of children to protection (art. 24). It has also violated rights contained in the International Covenant on Economic, Social and Cultural Rights, notably “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing”, freedom from hunger, and the right to food (art. 11) and the right to health (art. 12)).

11. Zionist regime had, in addition, violated the most fundamental rules of international humanitarian law, which constituted war crimes in terms of article 147 of the Fourth Geneva Convention and article 85 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol I). These included direct attacks against civilians and civilian objects and attacks which fail to distinguish between military targets and civilians and civilian objects (arts. 48, 51 (4) and 52 (1) of Protocol I); the excessive use of force arising from disproportionate attacks on civilians and civilian objects (arts. 51 (4) and 51 (5) of Protocol I); the spreading of terror among the civilian population (art. 33 of the Fourth Geneva Convention and art. 51 (2) of Protocol I) and the destruction of property not justified by military necessity (art. 53 of the Fourth Geneva Convention). Above all, Israeli regime had violated the prohibition on collective punishment of an occupied people contained in article 33 of the Fourth Geneva Convention. The indiscriminate and

excessive use of force against civilians and civilian objects, the destruction of electricity and water supplies, the bombardment of public buildings, the restrictions on freedom of movement and the consequences that these actions have had upon public health, food, family life and the psychological well-being of the Palestinian people constituted a gross form of collective punishment.

12. The delegate of the Islamic Republic of Iran said that it was indeed unfortunate that while the Israeli regime had grown more brazen at every turn in its war crimes and crimes against humanity, yet the Security Council, because of the unqualified support rendered to the Israeli regime by the United States, had remained unable and incapacitated to take any meaningful action to counter these atrocities.

13. The **Delegate of the State of Qatar**¹ condemned the Israeli practices of perpetuating war crimes in the West Bank and Gaza. Israel was engaged in illegal acts in the Occupied Palestinian Territories, including deportation of Palestinians, confiscation of the occupied land, erecting new settlements in the territories, which was in total violation of international law and principles. The delegate highlighted the international law violations, including genocide and war crimes, committed by Israel, including international humanitarian law and human rights law. The delegate emphasized on the ICJ Advisory Opinion on the *Legal Consequences of the Construction of Wall in the Occupied Palestinian Territory*. The delegate brought to the attention of the delegates regarding the Meeting of the Arab Ministers of Justice, held on invitation by the Minister of Justice of Palestine, reiterated the importance of taking all legal steps in fighting the Palestinian case.

¹ Statement delivered in Arabic. Unofficial translation from the interpreter's version.

14. The **Delegate of the Republic of Indonesia** at the outset, expressed, their saddened commiseration with regard to the situation of Middle East, particularly in Palestine, due to the continuing deterioration from severe consequences of continuous illegal Jewish settlement activities over the Occupied Palestinian Territory for more than 35 years. Israeli illegal settlement construction had served not only to facilitate territorial acquisition and to justify the continuing presence of Israel armed forces on Palestinian lands, but also to limit the territorial contiguity of areas populated by Palestinian and thereby to preclude the establishment of a viable independent Palestinian State.

15. Apart from the above-mentioned acts; Israel had also resorted systematically to deportation of Palestinians since 1967 onwards. After being cut off by Jewish settlement and systematic deportation, the Palestinian population would become a minority thus difficult to form a territorial integrity and political continuity.

16. The delegate pointed out that despite earnest efforts by the International Community to resolve the Israel-Palestine conflict and bring the ever elusive peace in the Middle East, recent developments in the region unfortunately, once again revealed that Israel continued with its inhumane and totally unacceptable actions and policies in the Occupied Palestinian Territory. Indonesia was of the view to reiterate the importance of the safety and well-being of all civilians in the Occupied Palestinian Territory. The acts of violence and terror against civilian, including the extrajudicial executions and the excessive use of force engaged by Israel, was in consistent and relentless defiance of international law.

17. The delegate stated that the item of Deportation of Palestinians had been on the agenda to be discussed among AALCO Member States since its Twenty-Seventh Session Annual Meeting (Singapore, 1988).

A lot of progress and development was achieved within those years, but still there were lots of hostility occurring in Palestine territory which obstructed the efforts of maintaining peace and security.

18. The delegate stated that the development of Jewish settlement in the Occupied Palestinian Territory continued to take place. As of January 2008, there were 66 Jewish settlements built at Jabal Abu Ghneim, Jerusalem. This condition comes into worse due to the isolation of Gaza Strip after the Israeli Security Cabinet declared Gaza Strip as "Hostile Territory" on 19 September 2007, resulting in the stranding of 6000 Palestinian refugees at Rafah-Gaza border. On such circumstances, it was inconceivable that the continuous illegal Jewish settlement and related access isolation of Occupied Palestine Territory could be considered as an infringement on applicability of International Humanitarian Law. Israel was a party of the Fourth Geneva Convention of 1949 and two international covenants which were International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Social, Economic and Cultural Rights (ICESCR). However, Israel refused to apply the Fourth Geneva Convention to the Occupied Palestine Territory even though international community called on the Israeli Government to "accept *de jure* application of the Fourth Geneva Convention" in Palestine.

19. The Delegate stated that, in justifying its flagrant systematic violations of fundamental general principles of humanitarian law, Israel had taken position that, since Article 2 of the Fourth Geneva Convention stated that the Convention applied only to occupation of the territory of the High Contracting Party, and since the West Bank and Gaza Strip were not within the recognized territory of any High Contracting Party, Israel was not legally bound to the apply the Convention to those places. Israel further argued that it did not

gain control of the West Bank and Gaza Strip in an aggressive war, but as a result of defensive actions, and therefore it was not subject to Occupiers Law.

20. Contrary to Israel refusal, the delegate of Indonesia underlined the fact that Fourth Geneva Convention applied on all cases of partial or total occupation of territory, even if the said occupation met with no armed resistance. Consistent with the provisions of the United Nation Security Council Resolution 681 (1990) and the United Nations General Assembly Resolution 56/60, Indonesia considered that the claim of non-applicability of international humanitarian law in the Occupied Palestine Territory, including East Jerusalem should be categorically rejected. This was so since the purposes and objectives of the Fourth Geneva Convention were to protect civilian inhabitants of territory which comes under foreign control, the Convention does not concern itself with the nature of the force which brought about the occupation.

21. Therefore, the delegate reiterated that Israel was under legal obligations to fully and effectively respect the Fourth Geneva Convention as well as Additional Protocol I to the Geneva Conventions of the Occupied Palestine Territory. Consequently, Israel was under legal obligations to stop its grave breaches of international human rights law, including to stop the continuous illegal Jewish settlement and related access isolation of Occupied Palestine Territory and to bring all the perpetrators of the human rights atrocities to justice. International jurisprudence clearly supported this view.

22. Aside from the long-winded debate on how to resolute conflict of Israel-Palestine through the measures of International Law, Indonesia was of the view that to resolute those conflict another measures should be taken. Therefore, Indonesia, co-jointly with South Africa,

would host a ministerial-level conference for Asian and African countries to discuss technical assistance for Palestine and to plan for its future independence. Indonesia planned to hold the conference from 14 July to 15 July 2008 and would bring together envoys from some 100 countries to discuss a list of capacity building projects for Palestine in the fields of governance, infrastructure, economy, security, health and also sports. The main objective was how Asian and African countries design programs to empower Palestine and its institutions, so that the occupied Palestine would be ready to be a future independent state that co-exists peacefully with its neighbors. The idea was to reinvigorate the spirit of the 1955 Asia-Africa Conference held in Bandung, which sought independence for all countries on the continent of Asia and Africa, including Palestine.

23. The delegate stated that with a view to achieving a comprehensive, just and equitable solution, Indonesia expressed her determination to bring an end to bloodshed, suffering and decades of conflict between both parties, to usher in a new era of peace, based on freedom, security, justice, dignity, respect and mutual recognition, to propagate a culture of peace and non-violence. In this respect, Indonesia believed that lasting peace in the Middle East required Israel to respect its obligations and works for the real will of peace and security, and be bound to the relevant principles of international law and impartial implementation of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, in particular those provisions of the Convention that require an occupying power to protect the status quo, human rights and prospects for self-determination of the occupied people.

24. The delegate called upon AALCO as a legal body to urge International Community to take legal action to address all of the above mentioned serious violations

and grave breaches of international law including international humanitarian law being committed by Israel as the occupying power against the Palestinian people and urge Israel to seize all the offered opportunities for peace.

25. The **Delegate of Malaysia** reiterated its previous positions on the issues concerning the plight of the Palestinian people. The delegate noted with regret that there had been little progress in terms of the Palestinian peoples right to self-determination and their inalienable right in Palestine. Israeli military excesses of violence, use of disproportionate force against Palestinians, whether civilians or armed groups continue to result in indiscriminate and disproportionate injury, loss of life and destruction, coercive migration and deportation., All these acts and policies were clear violation of the Fourth Geneva Convention of 1949 and human rights law.

26. The delegate of Malaysia also noted with concern that Israel continued to bluntly disregard the numerous United Nations resolutions as well as the individual and collective calls from the international community to comply with its legal and humanitarian obligations under international law. The lack of international enforcement had emboldened Israel to suppress the rights of the Palestinian people to self-determination with impunity. Further, Israel had effectively discounted the Advisory Opinion of the International Court of Justice (ICJ) in the case concerning *the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* and the decisions therein.

27. The delegate noted that while Security Council Resolution 242 of 22 November 1967 together with the principle of returning land in exchange for peace was the basis of the Middle East peace process, an alarming portion of the OPT remained under occupation. Malaysia therefore

strongly urged AALCO Member States to enhance their efforts in seeking the enforcement of existing UN Resolutions on Palestine. Members should also continue to strive for a lasting peace in the Middle East without requiring Palestine and its peoples to surrender sovereignty over the lands it was granted by the United Nations in 1948.

28. The **Delegate of Japan** stated that since the 1993 Oslo Agreement, it had been Japan's firm belief that Middle East Peace would be achieved only by the establishment of a viable Palestinian state which lives in co-existence and co-prosperity with Israel. Thus, Japan had been extending assistance to Palestinians in such areas as humanitarian assistance, assistance for reforms, confidence-building and assistance for a self-sustainable Palestinian economy.

29. On the occasion of the International Conference of the Donors for Palestinian State held in Paris last December, Japan announced that it would provide 150 million US dollars in assistance in the coming years which would center on a support for the Palestinian Reform and Development Program, the implementation of the "Corridor for Peace and Prosperity" initiative, and humanitarian assistance. When this assistance would be implemented, Japan's assistance to the Palestinians would total 1.1 billion US dollars.

30. The delegate said that Japan was deeply concerned about the situation in the Gaza Strip, and understands that it was of critical importance to restore law and order in the area, and to involve the Palestinians in the Peace Process under the strong leadership of President Mahmoud Abbas of the Palestinian Authority. Japan recently decided to extend humanitarian assistance totaling 12 million US dollars to the Palestinians mainly for the Gaza Strip to improve the dire humanitarian situation. Japan had thus already implemented approximately 27 million US dollars of

assistance in total since the Paris Donors Conference.

31. The delegate of Japan stated that his country welcomed the recent resumption of indirect talks between Syria and Israel under the auspices of Turkey and highly appreciated mediation efforts by the Prime Minister of Turkey. With regard to the construction of a wall in the Occupied Territory, Japan had submitted to the ICJ the written statement which stated among other things that the construction of "the Barrier" was negatively affecting the livelihood of Palestinians; the construction of "the Barrier" inside the "Green Line" appeared to be in contradiction to relevant provisions of international law; in a general sense the acquisition of land by force was not admissible and measures taken under such "acquisition" do not constitute a basis for obtaining territorial title under international law.

32. The **Delegate of the Democratic People's Republic of Korea** expressed his concern with the continuous Israeli practices such as deportation of Palestinians, massive immigration and settlement of Jews in all occupied territories in violation of international law. The recent developments in Gaza, continued Israeli atrocities on the Palestinians and the construction of settlements were clearly the acts of violating international humanitarian and human rights law. If the Middle East question was to be resolved fairly as soon as possible, the US anti-Arab and one sided pro-Israel policy should be terminated and Israel must withdraw from all occupied Arab land.

33. The delegate urged that the international community must seek and take necessary measures pressurizing Israel to respect relevant international laws and to comply with its obligations towards international community. The delegate expressed his delegation's unwavering support and solidarity with the struggle of Palestinian people to recover their legitimate

national rights for establishing an independent sovereign state of Palestine including the right to self determination, right to return home, and the efforts of Arab people for establishing an everlasting peace in the Middle East.

34. The **Delegate of the Arab Republic of Egypt**² strongly condemned Israeli policies and practices towards Palestinian people in the Occupied Palestinian Territory, in total violation of international law, including international humanitarian and human rights law. Israel is building up new settlements in the occupied territories in total disregard to United Nations Security Council and General Assembly Resolutions. The delegate urged the Asian and African countries to support all their efforts to put pressure on Israel for serious negotiations and find a way out.

35. The **Delegate of the State of Kuwait**³ congratulated the AALCO for taking up that item in its agenda. The delegate highlighted the significance of the topic. The delegate pointed out that Israel were not heeding to the international community and international law. AALCO was an effective Organization and many of the Member States were in a position to put pressure on Israel to comply with the United Nations Resolutions. The delegate emphasized on the Meeting of the League of Arab States and decision to have an Ad Hoc Committee to collect documents and literature regarding Israeli violations and to fight the Palestinian case.

36. The **Delegate of Ghana** was of the view that Israel and Palestine could co-exist as two sovereign States under the various United Nations Resolutions. The Road Map for peace could bring to an end the

² Statement delivered in Arabic. Unofficial translation from the interpreter's version.

³ Statement made in Arabic. Unofficial translation from the interpreter's version.

hostilities in the area and also ensure peace in the Middle East.

37. The **Delegate of the Syrian Arab Republic** highlighted the resolutions of the United Nations General Assembly and Security Council, Non-Aligned Movement, and the Organization of the Islamic Conference. However, Israel continued to challenge all these resolutions. The delegate emphasized on the flagrant violations committed by the Israel on the Occupied Palestinian Territory, including confiscating Palestinian land, illegal settlements in the OPT, and the Syrian Golan, oppression and deportation of the Palestinians and the construction of the separation wall. The delegate encouraged the Secretariat to continue with its reporting the Member States the violation of international law, including humanitarian and human rights law committed by Israel in the Occupied Palestinian Territories.

38. The **Delegate of Republic of South Africa** submitted their written statement to the Secretariat for the Official Records.

39. The **Delegate of Republic of South Africa**⁴ informed that his country was of the view that the Middle East region had a strategic importance based on its influence on global peace and security as well as its critical resources. They Africa believed that until a comprehensive, just and permanent solution to the Israeli-Palestinian conflict was found, the Middle East region would not be able to realise its full potential and would remain a key source of instability and thus a threat to world peace and security.

40. The Delegate stated that the South African policy on the Middle East Peace Process was informed by the following principles:

- The inalienable right of the Palestinian people to self-determination and independence, which entails a principled position against the military occupation of the Palestinian people and their land;
- The right of both the people of Israel and Palestine to live in safety within internationally recognised borders;
- A belief that there can be no military solution to the conflict and that peaceful negotiation is the only means of ensuring lasting peace, security and stability; and
- A commitment to multilateralism in order to secure a sustainable solution and a rules-based international order.

41. The Delegate reiterated South Africa's commitment to multilateralism and respect for the role of the United Nations (UN) in furthering global peace and security entails that their policy on the Middle East Peace Process would be based on the all the relevant UN Security Council resolutions, including UNSC resolutions 242, 338, 1397 and 1515 (Quartet Road Map) as well as the Oslo frame of reference.

42. South Africa's support for the two-state solution, as opposed to a unitary state, does not ignore the serious implications that the construction of the Separation Wall – partly being built on the 1949 West Bank Armistice Line (Green Line), but mostly inside the occupied West Bank – has for Palestinian state building. The Delegate emphasized that Israel's continued construction of the Separation Wall runs contrary to the will of the international community, as reflected in UNGA Resolution A/Res -10/L.10 of 21 October 2003. Furthermore, the South African Government did not believe that the construction of the Separation Wall represented a legitimate security measure. The Separation Wall, with a total projected

⁴ The Delegate of Republic of South Africa had handed over to the Secretariat their written statement which is being reported here.

length of 700 kilometres, twice the length of the Green Line, would effectively become a *de facto* border. In this regard, South Africa had presented a written legal argument to the International Court of Justice (ICJ), and also participated in the oral deliberations in The Hague on 23 February 2004.

43. The presence of the settlements in the West Bank, with their accompanying military infrastructure, system of by-pass roads, restriction on and isolation of Palestinian population centres, and depletion of the natural resources, strongly argue against a viable Palestinian state. The South African Government, post 1994, had consistently condemned the presence and expansion of settlements as being in violation of international law, in particular Article 49, paragraph 6 of the Fourth Geneva Convention.

44. Israel's policy of extra-judicial killings was in violation of international law that protects basic human rights, such as the right to a free and fair trial. The policy also violated the Fourth Geneva Convention, to which Israel is a High Contracting Party.

45. The Delegate observed that while Israel had legitimate security concerns, but limits must be placed on the violation of human rights in the name of counter-terrorism. He stressed that Israel's response to suicide bombings and Palestinian violence was disproportionate and on occasion so remote from the interests of security, that it assumed the character of punishment, humiliation and conquest.

46. The Delegate stated that South Africa strongly condemned the Israeli Government's policy of collective punishment and the consistent destruction of Palestinian infrastructure as a means of weakening the Palestinian National Authority (PNA) and its efforts towards state building. At the same time, it would continue to condemn Palestinian suicide bombings, rocket and mortar attacks and all

other forms of violence against civilians by all parties involved in the conflict.

Thereafter, the next topic was taken up.