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

AND

THE DIVISION FOR PALESTINIAN RIGHTS

Information Note



UNITED NATIONS
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Mandate and objectives

The question of Palestine was first officially brought before the United Nations General Assembly in April 1947, upon a request by the United Kingdom to place the "Question of Palestine" on the Assembly's agenda in order for "the Assembly to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine" following the termination of its League of Nations' Mandate over Palestine. After months of intense deliberations and meetings, the Assembly decided to partition Palestine into two States, one Arab and one Jewish, with a special international régime (*corpus separatum*) for Jerusalem (resolution 181 (II) of 29 November 1947). Although the independence of the State of Israel was declared on 14 May 1948, the Arab State did not come into being as several wars were fought in the area and the Palestine problem continued to be discussed at the United Nations as part of the larger Middle East conflict or in the context of its refugee or human rights aspects.

It was only in 1974, as a result of the June 1967 war and the continuing military occupation by Israel of the remainder of Mandate Palestine, that the question of Palestine was reintroduced in the Assembly's agenda as a national question and the inalienable rights of the Palestinian people were reaffirmed and specified. In its resolution 3236 (XXIX) of 22 November 1974, the Assembly stated that those rights included: the right to self-determination without external interference; the right to national independence and sovereignty; and the right of Palestinians to return to their homes and property, from which they had been displaced and uprooted. The Assembly also stated that the realization of those rights was indispensable for the solution of the question of Palestine.

In its resolution 3376 (XXX) of 10 November 1975, the General Assembly, expressing grave concern that progress had not been achieved towards the exercise by the Palestinian people of its inalienable rights, decided to establish the Committee on the Exercise of the Inalienable Rights of the Palestinian People. By the same resolution the Committee was requested to consider and recommend to the Assembly a programme of implementation designed to enable the Palestinian people to exercise its rights. It was also requested to submit its report and recommendations to the Secretary-General, no later than 1 June 1976, for transmission to the Security Council.

In its first report submitted to the Security Council in June 1976, the Committee affirmed that the question of Palestine was "at the heart of the Middle East problem" and that no solution could be envisaged without fully taking into account the legitimate aspirations of the Palestinian people. The Committee urged the Council to promote action for a just solution, taking into account all the powers conferred on it by the Charter of the United Nations. The recommendations of the Committee included a two-phase plan for the return of Palestinians to their homes and property; a timetable for the withdrawal of Israeli forces from the occupied territories by 1 June 1977, with the provision, if necessary, of temporary peacekeeping forces to facilitate the process; an end to the establishment of settlements; recognition by Israel of the applicability of the Fourth Geneva Convention to the occupied territories pending withdrawal; and endorsement of the inherent right of Palestinians to self-determination, national independence and sovereignty in Palestine. The Committee also expressed the view that the United Nations had the historical duty and responsibility to render all assistance necessary to promote the economic development and prosperity of the future Palestinian entity.

The Committee's recommendations were not adopted by the Security Council, due to the negative vote of a permanent member, and have not been implemented. They were, however, endorsed by an overwhelming majority in the General Assembly, to which the Committee reports annually. The Assembly reaffirmed that a just and lasting peace in the Middle East could not be established without the achievement of a just solution of the problem of Palestine based on the attainment of the inalienable rights of the Palestinian people. The Assembly also requested the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or the Security Council, as appropriate, and to promote the greatest possible dissemination of information on its recommendations through non-governmental organizations and other appropriate means.

The Committee is the only body within the United Nations exclusively devoted to the question of Palestine.

Areas of activities

In keeping with its General Assembly mandate, the Committee's programme of work has been gradually expanded over the years.

The Assembly also established a supporting unit in the United Nations Secretariat in 1978 (later re-designated as the Division for Palestinian Rights). The Committee's programme of work includes the convening of international meetings and conferences, including meetings with civil society, in all regions of the world, with the participation, *inter alia*, of political personalities, representatives of Governments and intergovernmental organizations, United Nations officials, parliamentarians, academics and representatives of the media.

Ongoing cooperation was established with a wide network of civil society organizations (CSOs) working on the various aspects of the question of Palestine. The Committee is also maintaining a programme of publications covering United Nations activities with regard to the question of Palestine and related issues, as well as an annual training programme for staff of the Palestinian Authority. To commemorate the 1947 resolution of the General Assembly partitioning Palestine, 29 November was designated as the International Day of Solidarity with the Palestinian People, in observance of which the Committee holds annual special meetings and other events at United Nations Headquarters, with similar activities taking place at the United Nations Offices at Geneva and Vienna, under the Committee's sponsorship.

Membership and officers

[As of 7 September 2010], the Committee is composed of 24 Members: ¹

Afghanistan, Belarus, Cuba, Cyprus, Guinea, Guyana, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Malta, Namibia, Nicaragua, Nigeria, Pakistan, Senegal, Sierra Leone, South Africa, Tunisia, Turkey, Ukraine, and Venezuela.

On the basis of General Assembly resolutions 3210 (XXIX) and 3237 (XXIX) of 1974 and a decision taken by the Committee in 1976, the PLO, as the representative of the Palestinian people and the principal party to the question of Palestine, was invited to participate in the Committee's deliberations as an observer. ²

A total of 24 Observers participate in the work of the Committee:

Algeria, Bangladesh, Bulgaria, China, Ecuador, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Niger, Qatar, Sri Lanka, Syrian Arab Republic, United Arab Emirates, Viet Nam, Yemen, African Union, League of Arab States, Organization of the Islamic Conference and Palestine.

The following Members of the Committee, comprising its Bureau, were elected on 21 January 2010: the Permanent Representative of Senegal to the United Nations as Chairman; the Permanent Representative of Afghanistan to the United Nations and the Permanent Representative of Cuba to the United Nations as Vice-Chairmen; and the Permanent Representative of Malta to the United Nations as Rapporteur.

The Committee's position on permanent status and other relevant issues

Permanent settlement and the two-State solution

The Committee has consistently supported all international efforts aimed at pursuing peace negotiations as a way of ending the occupation and resolving the question of Palestine in all its aspects on the basis of international law and United Nations resolutions. The Committee welcomed the 1991 Madrid peace process, as well as the 1993 Declaration of Principles and subsequent agreements reached by Israel and the PLO. In 2002, the Committee welcomed the affirmation of a vision of a region where two States, Israel and Palestine, would live side by side within secure and recognized borders, as set out in Security Council resolution 1397 (2002). The Committee urged the swift realization of that objective, through a concrete step-by-step mechanism covering the political, economic and security fields within a specified time frame. In this respect, the Committee also welcomed the peace initiative adopted by the Arab States at their summit in Beirut on 28 March 2002 and asked Israel to reciprocate in good faith.

The Committee supports the continuing efforts of the diplomatic Quartet, consisting of the United States of America, the Russian Federation, the European Union and the United Nations, particularly for promoting a peace plan entitled "A performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict", which was endorsed by the Security Council in its resolution 1515 (2003). The Committee urged the Quartet and the international community to help the parties implement their obligations under the plan, relating notably to questions of security and the freezing of settlement activity.

In the view of the Committee, the Road Map offers a way to achieve a comprehensive, just and lasting settlement of the question of Palestine, in accordance with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and the principle of a permanent two-State solution based on the 1967 borders, the realization of the inalienable rights of the Palestinian people, and the right of all States in the region to live in peace and security. The Committee believes that in order to realize the two-State solution, the parties must respect all previously signed agreements and commitments.

Borders

The Committee fully supports the solution to the conflict with two States, Israel and Palestine, living side by side in peace and security within mutually recognized borders. The Committee's position is that the two-State solution can only be achieved on the basis of the pre-1967 borders (the "Green Line"). The Committee is of the view that any changes to the 1949 Armistice Lines can only be made through negotiations and agreements between the parties. The Committee stresses that, until the issue has been resolved through negotiations in a comprehensive and mutually acceptable manner, the parties must desist from introducing any unilateral *de facto* changes on the ground.

The separation wall

The Committee has come out strongly against the construction by Israel of the separation wall and its accompanying structures and obstacles in the Occupied Palestinian Territory, including East Jerusalem, in deviation of the pre-1967 border, which has been accompanied by destruction and confiscation of Palestinian land and property and the displacement of thousands of Palestinian families. The Committee welcomed the 9 July 2004 Advisory Opinion of the International Court of Justice (ICJ), which had clearly determined that the construction of the wall was illegal under international law. The Committee also welcomed General Assembly resolution A/RES/ES-10/15 adopted on 20 July 2004, acknowledging the Advisory Opinion and demanding that Israel comply with its legal obligations as mentioned in the Opinion. The Committee is seriously concerned that through the construction of this barrier, allegedly for security reasons, the Government of Israel is in fact aimed at the *de facto* annexation of more Palestinian land and at unilaterally defining the borders of a future Palestinian State, prejudging the outcome of the permanent status negotiations. The Committee's position is that Israel has no right to build any such separation structures on Palestinian land. The construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, must cease immediately and the wall and its accompanying structures erected to date must be dismantled, in line with the ICJ Advisory Opinion and the relevant General Assembly resolutions. All legislative and regulatory acts adopted in connection with its construction must be repealed or rendered ineffective. Israel is obliged to make reparation to the Palestinian population for all damage caused by the construction. In this regard, the Committee fully supports the mandate of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory and calls for its full implementation without delay.

Settlements

The Committee's position is that the presence and construction of Israeli settlements in the Occupied West Bank and East Jerusalem is illegal under international law, contravenes Israel's obligations under the Road Map and constitutes a serious obstacle to the peace process. Article 49 of the Fourth Geneva Convention strictly prohibits such colonization, stipulating that "*The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies*". This position was reaffirmed in Security Council resolution 465 (1980), which determined that Israel's policy and practices of settling parts of its population and new immigrants in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, constituted a flagrant violation of the Convention. The Committee has called for an immediate and complete freeze of settlement activity based on Israel's obligations under international law and in accordance with the Road Map as well as the Annapolis Joint Understanding, which unequivocally called for an end to settlement expansion, including the so-called "natural growth". Implementation by the Government of Israel of this requirement is a crucial indicator of its political will to resume serious negotiations on all permanent status issues leading to a two-State solution of the conflict.

Jerusalem

The Committee does not recognize Israel's claim that the entire city of Jerusalem is its capital. In this regard, East Jerusalem is recognized as an integral part of the Palestinian Territory occupied by Israel since 1967. The Committee considers that a negotiated solution on the status of Jerusalem that takes account of the political and religious concerns of all sides is a prerequisite for a solution to the Israeli-Palestinian conflict and lasting peace in the entire region. It should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the Palestinian people and peoples of all religions and nationalities. Any agreement that does not include East Jerusalem as the capital of a future Palestinian State will not lead to sustainable Israeli-Palestinian peace. The Committee reiterates that East Jerusalem is part of the Occupied Palestinian Territory and that Israel, the occupying Power, is fully bound by the provisions of international law, including the Fourth Geneva Convention. Israel's annexation of East Jerusalem has not been and will not be recognized by the international community. The position of the Committee is that government-sanctioned settlement construction, transfer of settlers, house demolitions, evictions of Palestinian residents and other action aimed at altering or purporting to alter the legal status and physical and demographic character of the city constitute violations of international law and must be ceased and rescinded.

Palestine refugees

The question of Palestine refugees is a critical element of the Israeli-Palestinian conflict. Its fair and just resolution on the basis

of General Assembly resolution 194 (III) of 11 December 1948 will be an essential prerequisite for Palestinian-Israeli as well as regional peace. The Committee considers that a durable solution to the Palestine refugee problem can only be achieved in the context of the inalienable right of return to the homes and property from which the Palestinians have been displaced over the past decades. The Committee is of the view that justice for Palestine refugees and the Palestinian people as a whole also encompasses fair recompense and recourse for the wrongs inflicted upon them under occupation. The inherent vulnerability of the refugees and the dire conditions of their exile call for a just and lasting solution anchored in the principles of international law and the lessons drawn from successful examples of conflict resolution in other parts of the world. The various refugee resettlement and compensation schemes advanced over the years, as well as the hard work undertaken by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in providing assistance and care for the refugees were always meant as interim measures, not as substitutes for the right of return.

Security

The Committee supports all efforts to achieve a two-State solution to the conflict, whereby an independent, viable and contiguous State of Palestine will live side by side with Israel in peace and security on the basis of the pre-1967 borders. It emphasizes the importance of the safety, protection and well-being of all civilians in the region in accordance with international humanitarian law. The Committee denounces all acts of violence, be it Israeli military incursions and arrest activities in the Occupied Palestinian Territory or indiscriminate Palestinian rocket fire from the Gaza Strip. It demands an immediate and complete cessation of all violent acts, including military attacks, destruction and acts of terror. The Committee is concerned about the dangerous security-related incidents that continue to occur in the Occupied Palestinian Territory, including East Jerusalem and Gaza, leading to deaths and injuries, mostly among Palestinian civilians. The Committee has been increasingly troubled by acts of brutality committed by Israeli settlers, the widespread destruction of public and private Palestinian property and infrastructure, irreparable damage caused to the heritage and cultural sites, the internal displacement of civilians, continued arrest campaigns against Palestinians, the collective punishment of the Palestinian civilian population, and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people, in particular in Gaza as a result of the blockade. The Committee has commended the efforts undertaken by the Palestinian Authority to reform and strengthen its security apparatus. It calls upon the parties to continue cooperation in the security sector that builds confidence for the benefit of both sides.

Water

The Committee emphasizes the inalienable right of the Palestinian people to sovereignty over their natural resources, as reaffirmed by the United Nations General Assembly in its resolution A/RES/64/185 of 21 December 2009. In this regard, the Committee fully supports the demand of the Assembly that Israel, the occupying Power, must cease the exploitation, damage, cause of loss or depletion of, or endangerment of the natural resources in the Occupied Palestinian Territory, including East Jerusalem. The Committee is opposed to Israel's discriminative policy of restricting the Palestinian population from access to water resources in their own land, while making an abundant amount of water from those resources readily available to its own citizens, including settlers in the Occupied West Bank and East Jerusalem. Any permanent status agreement should honour international law with respect to the sharing and allocation of ground and surface water resources through equitable and reasonable allocation on a *per capita* basis, avoidance of significant harm, and respect for the obligation of prior notification before undertaking major projects that may affect the neighbour's water allocation.

¹ At the time of its establishment in 1975, the Committee had 20 members.

² On 15 December 1988, the General Assembly adopted resolution 43/177, in which it decided that the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization" in the United Nations system, without prejudice to the observer status and functions of the PLO within the United Nations system, in conformity with relevant United Nations resolutions and practice.

Division for Palestinian Rights

Following the establishment of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the General Assembly recognized the need to create an informed public opinion around the world in support of the achievement of those rights. Accordingly, the Assembly mandated the establishment of a Special Unit on Palestinian Rights in the United Nations Secretariat to assist the Committee in its work (resolution 32/40 B of 2 December 1977). On 12 December 1979, the Assembly redesignated the Unit as the Division for Palestinian Rights (resolution 34/65 D). The Division is part of the Department of Political Affairs of the United Nations Secretariat. Its mandate has been renewed annually and expanded several times over the years. It includes the organization of international meetings and conferences, liaison and cooperation with civil society and parliamentarians, implementation of a publications programme, establishment and development of an online information system called the United Nations Information System on the Question of Palestine (UNISPAL), and the holding of an annual training programme for staff of the Palestinian Authority. By resolution 64/17 of 2 December 2009, the Assembly renewed the mandate of the Division.

International meetings and conferences

The Division for Palestinian Rights is mandated by the General Assembly to organize international meetings and conferences in various regions with the participation of all sectors of the international community. They are held to promote constructive analysis and discussion of the various aspects of the question of Palestine and to mobilize international support for and assistance to the Palestinian people.

In recent years, the programme of international meetings and conferences has placed special emphasis on promoting the exercise of the inalienable rights of the Palestinian people, providing support for the political process and encouraging international efforts, such as the Quartet Road Map, towards a peaceful solution of the conflict.

Since 1993, the Committee has convened annual seminars on assistance to the Palestinian people, in either Europe or the Middle East. These events are organized to address the various aspects of the socio-economic and humanitarian situation in the Occupied Palestinian Territory, including East Jerusalem, and to promote wide support by the international community for the Palestinian economy and development. More recently, these events have focused on the urgency of bringing humanitarian relief and reconstruction to the Gaza Strip, as well as on State-building efforts of the Palestinian Authority.

Liaison and cooperation with civil society and parliamentarians

On the basis of the Committee's programme of cooperation with civil society, which started in connection with the preparations for the International Conference on the Question of Palestine held in 1983 in Geneva, the General Assembly mandated the Division to increase its contacts with non-governmental organizations and to convene meetings for non-governmental organizations in various regions in order to heighten awareness of the facts relating to the question of Palestine – a mandate that has been renewed annually. CSOs are invited to all Committee-sponsored international meetings and conferences.

As the Committee encourages cooperation, coordination and networking among CSOs, the Division maintains contacts with national, regional and international coordinating mechanisms and periodically holds consultations with various organizations and their representatives on ways and means of enhancing cooperation. On occasion, representatives of the Committee or staff members of the Division participate in events organized by CSOs.

The Committee also attaches great importance to developing its liaison and cooperation with national and regional parliaments and inter-parliamentary organizations with a view to encouraging lawmakers worldwide to work together with their governments and together with the United Nations and the Committee for the achievement of the two-State solution to the Israeli-Palestinian conflict. This collaboration takes different forms, including periodic meetings of consultations with representatives of national parliaments and inter-parliamentary organizations, and organization of joint international events on the most pressing issues.

Research, monitoring, publications and the United Nations Information System on the Question of Palestine (UNISPAL)

The Division has been requested to monitor developments relevant to the question of Palestine. The collection and dissemination of information by the Division are considered by the Committee to be of particular importance to its political advocacy work aimed at making a constructive contribution to the peace process, in support of international efforts aimed at reaching a just, comprehensive and lasting settlement of the question of Palestine.

The publications programme of the Division includes the preparation of monthly bulletins on international action on the question of Palestine; monthly chronological media summaries; periodic bulletins on developments related to Middle East peace efforts; and special bulletins on the annual observance of the International Day of Solidarity with the Palestinian People. Over the years, the Division has also published a number of studies on legal, political and economic aspects of the question of Palestine.

In response to a mandate contained in General Assembly resolution 46/74 B of 11 December 1991 and subsequent annual resolutions, the Division has developed UNISPAL, with a view to creating an electronic facility that would contain, in a full-text format, all significant United Nations documents relating to the question of Palestine. This collection of documents, which is updated daily, is available on the Internet at <http://unispal.un.org>. The Division also maintains and continues to develop the "Question of Palestine" website at <http://www.un.org/Depts/dpa/qpal>.

Training programme for staff of the Palestinian Authority

Since 1996, as requested by the Committee and subsequently mandated by the General Assembly, the Division has conducted an annual training programme for staff of the Palestinian Authority. The programme is carried out at United Nations Headquarters, in cooperation with the Permanent Observer Mission of Palestine to the United Nations, from September to December each year, in conjunction with the annual sessions of the General Assembly. Focused on capacity-building, it is designed to help staff of the Palestinian Authority to familiarize with and acquire professional expertise in the various aspects of the work of the United Nations and multilateral diplomatic work in the international arena.

International Day of Solidarity with the Palestinian People

Pursuant to General Assembly resolution 32/40 B of 2 December 1977, the International Day of Solidarity with the Palestinian People is observed annually on or around 29 November, solemnly commemorating the adoption by the Assembly, on 29 November 1947, of resolution 181 (II), which provided for the partition of Palestine into two States. The observance is held at United Nations Headquarters, the United Nations Offices at Geneva and Vienna and elsewhere. The event includes special meetings at which statements on the question of Palestine are made by high-level officials of the United Nations and intergovernmental organizations and representatives of civil society. The observance also includes cultural events. At other locations, various activities are organized by governmental bodies and CSOs in cooperation with United Nations information centres around the world. It is also traditionally the day that the United Nations General Assembly undertakes its annual debate on the question of Palestine.
