

## **UNGA-Resolution A/58/L.61/Rev. (1)**

[construction of the Wall / Jewish settlements]

May 6, 2004

### **Question of Palestine**

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen and Palestine: revised draft resolution

### **Status of the Occupied Palestinian Territory, including East Jerusalem**

*The General Assembly,*

*Recalling* its resolutions 3237 (XXIX) of 22 November 1974, 43/177 of 15 December 1988 and 52/250 of 7 July 1998,

*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1515 (2003) of 19 November 2003,

*Recalling further* the relevant provisions of international law as well as relevant United Nations resolutions with regard to Israeli settlements and to Occupied East Jerusalem,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force,

*Noting* that Palestine, in its capacity as observer and pending its attainment of full membership in the United Nations, does not present credentials to the General Assembly,

*Affirming* the need to enable the Palestinian people to exercise sovereignty and to achieve independence in their State, Palestine,

1. *Affirms* that the status of the Palestinian territory occupied since 1967, including East Jerusalem, remains one of military occupation, and affirms, in accordance with the rules and principles of international law and relevant resolutions of the United Nations, including Security Council resolutions, that the Palestinian people have the right to self-determination and to sovereignty over their territory and that Israel, the occupying Power, has only the duties and obligations of an occupying Power under the Fourth Geneva Convention<sup>1</sup> and the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War of 1907;(2)

2. *Expresses its determination* to contribute to the achievement of the inalienable rights of the Palestinian people and the attainment of a just and comprehensive negotiated peace settlement in the Middle East resulting in two viable, sovereign and independent States, Israel and Palestine, based on the pre-1967 borders and living side by side in peace and security.

## NOTES

- 1 United Nations, *Treaty Series*, vol. 75, No. 973.
- 2 See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915)

## VOTING RESULT

### UNGA A/58/PV.87

May 6, 2004

The President: We have heard the last speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolution A/58/L.61/Rev.1, entitled "Status of the Occupied Palestinian Territory, including East Jerusalem". A recorded vote has been requested.

A recorded vote was taken.

*In favour:* Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav. Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia

*Against:* Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

*Abstaining:* Australia, Costa Rica, Dominican Republic, Guatemala, Honduras, Nicaragua, Peru, Serbia and Montenegro, Solomon Islands, Tonga, Tuvalu

*Draft resolution A/58/L.61/Rev.1 was adopted by 140 votes to 6, with 11 abstentions (resolution 58/292).*

*[Subsequently, the delegation of Turkmenistan informed the Secretariat that it had intended to vote in favour.]*

For the full debate see:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/352/71/PDF/N0435271.pdf?OpenElement>