



## 14<sup>th</sup> SUMMIT CONFERENCE OF HEADS OF STATE OR GOVERNMENT OF THE NON-ALIGNED MOVEMENT

Havana, Cuba  
11<sup>th</sup> to 16<sup>th</sup> of September, 2006

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### Declaration on Palestine

1. The Heads of State or Government of the Non-Aligned Movement reviewed the continuing grave situation in the Occupied Palestinian Territory, including East Jerusalem. They considered approaches and strategies to be undertaken by the Movement as a whole to continue strongly supporting the Palestinian people and their leadership and for promoting a revival of the peace process towards the achievement of a comprehensive, just and lasting peace settlement and the exercise by the Palestinian people of their inalienable right to self-determination in their independent and sovereign State of Palestine, with East Jerusalem as its capital. The Heads of State or Government recalled in particular the Declaration on Palestine adopted by the Committee on Palestine on 29 May 2006, in Putrajaya, Malaysia and on 18 August 2004, in Durban, South Africa on the margins of the XIV Ministerial Conference and affirmed their continued adherence to the views and principled positions expressed therein.

2. The Heads of State or Government expressed their deep regret that the Palestinian people continue to suffer under the prolonged and brutal Israeli military occupation of their land since 1967 and continue to be denied their fundamental human rights, including the right to self-determination and the right of the Palestine refugees to return. The Heads of State or Government expressed their grave concern about the serious deterioration of the situation on the ground at the political, economic, social and humanitarian levels in the Occupied Palestinian Territory, including East Jerusalem, as a result of the ongoing unlawful policies and practices being carried out by Israel, the occupying Power, against the Palestinian people, including continuing grave human rights violations and reports of war crimes.

3. The Heads of State or Government strongly condemned the Israeli occupation of Palestinian land and the unrelenting aggression by Israel, the occupying Power, against the Palestinian people, which has resulted, *inter alia*, in the continued killing and injury of Palestinian civilians by use of excessive and indiscriminate force, targeted attacks and extrajudicial executions; the vast destruction of properties, infrastructure and agricultural lands, and the detention and imprisonment of thousands of Palestinians. They also condemned Israel's continued imposition of measures of collective punishment on the

Palestinian people, particularly the imposition of severe restrictions on the movement of persons and goods via closures and hundreds of checkpoints, some of which have been illegally transformed into structures similar to permanent border crossings in the middle of the Occupied Palestinian Territory, away from the 1967 border (Green Line), and which are physically severing the northern, central and southern parts of the Occupied Palestinian Territory, undermining its territorial integrity and contiguity, and destroying the Palestinian economy. The Heads of State or Government demanded that Israel, the occupying Power, immediately cease all of these violations of international law, including international humanitarian and human rights law.

4. The Heads of State or Government further condemned Israel for the abduction and detention of elected Palestinian Cabinet Ministers, Legislative Council Members, government officials and other elected individuals and called for their immediate and unconditional release as well as all Palestinian detainees held by Israel.

5. The Heads of State or Government stressed in particular that, in addition to such grave breaches by the occupying Power, the main and core danger to the realization of the inalienable and national rights of the Palestinian people and the achievement of the two-State solution continued to be the relentless and unlawful campaign of settler colonialism and construction of the Wall being carried out by Israel in the Occupied Palestinian Territory, including in Occupied East Jerusalem. They reiterated their grave concern and strong condemnations regarding Israel's intensive colonization measures, including its continued vast land confiscations and the construction and expansion of settlements, and condemned Israel's declared intentions to carry out the illegal E-1 plan in and around East Jerusalem and to illegally annex the Jordan Valley. The Heads of State or Government reaffirmed the many relevant Security Council resolutions condemning and demanding the cessation of such illegal Israel measures, including measures taken by the occupying Power to change the status, character and demographic composition of East Jerusalem, which are null and void, and called for the full implementation of those resolutions. In this regard, the Heads of State or Government also called for full compliance with the relevant provisions of the Advisory Opinion rendered by the International Court of Justice on 9 July 2004 on the "*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*".

6. The Heads of State or Government thus considered in further depth the continuing grave developments regarding the critical issue of the unlawful construction by Israel, the occupying Power, of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They condemned Israel's flagrant defiance of and disrespect for the Advisory Opinion of the Court and its continued violation of General Assembly resolution ES-10/15 of 20 July 2004. They expressed their deep concern at the grave breaches of international law, including of the Fourth Geneva Convention, that continue to be committed by Israel in this regard, including, *inter alia*, the destruction and requisition of land and properties, the violations of the Palestinian people's freedom of movement and their right to work, to health, to education and to an adequate standard of living, and the displacement of Palestinian civilians from their homes and lands. The Heads of State or Government stressed that the extreme physical, economic and social devastation being caused by the Wall is dissecting the Occupied Palestinian Territory

into several walled and isolated cantons, destroying entire communities and severing Occupied East Jerusalem from the rest of the Territory, and noted with deep alarm that, if not ceased and reversed, this Wall will render the two-State solution to the conflict impossible to achieve.

7. The Heads of State or Government accordingly reiterated their demand that Israel, the occupying Power, scrupulously respect its legal obligations as mentioned in the Advisory Opinion and comply fully with resolution ES-10/15, and reiterated their call upon Member States and the United Nations as well to uphold their obligations in this regard. They recalled in specific the Court's determination: that Israel is under an obligation to terminate its breaches of international law, to cease the construction of the Wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle the structure therein situated, to repeal or render ineffective all legislative and regulatory acts relating thereto, and to make reparation for all damage caused by the construction of the Wall; that all States are under an obligation not to recognize the illegal situation resulting from the construction of the Wall and not to render aid or assistance in maintaining the situation created by such construction and that all States parties to the Fourth Geneva Convention have an additional obligation of ensuring compliance by Israel with the Convention; and that the United Nations, especially the General Assembly and the Security Council, should consider what further action is required to bring an end to the illegal situation resulting from the construction of the Wall and the associated regime, taking due account of the Advisory Opinion.

8. The Heads of State or Government reiterated their firm conviction that such respect and compliance would positively influence the efforts for achieving a just, peaceful, political settlement of the Israeli-Palestinian conflict on the basis of the rules and principles of international law. However, as long as Israel, the occupying Power, is not in compliance with its legal obligations, the Heads of State or Government reiterated their call for the following specific actions aimed at bringing an end to the violations being committed by the occupying Power in the Occupied Palestinian Territory, including East Jerusalem:

a. At the United Nations, the Heads of State or Government called for further measures to be taken, in accordance with operative paragraph 5 of resolution ES-10/15, and also called on the Security Council to fulfill its responsibilities by adopting a clear resolution and undertaking the necessary measures in this regard. The Heads of State or Government also called on the United Nations Secretary-General to expedite the establishment of the register of damages caused by the Wall, pursuant to the request made by the Assembly in the above resolution, and to ensure that the positions of the Secretariat are fully consistent with the Advisory Opinion.

b. With regard to Member States, the Heads of State or Government called upon them to undertake measures, including by means of legislation, collectively, regionally and individually, to prevent any products of the illegal Israeli settlements from entering their markets, consistent with the obligations under international treaties, to decline entry to Israeli settlers and to impose sanctions against

companies and entities involved in the construction of the Wall and other illegal activities in the Occupied Palestinian Territory, including East Jerusalem.

c. With regard to the High Contracting Parties to the Fourth Geneva Convention, the Heads of State or Government called for them to adhere to Article 1 common to the four Geneva Conventions and to undertake measures to ensure compliance by Israel with the Convention. They reaffirmed in this regard the obligations of the High Contracting Parties regarding penal sanctions, grave breaches and responsibilities of the High Contracting Parties. They affirmed further the importance and called for the application of legal remedies without impunity to war crimes committed in the Occupied Palestinian Territory, including East Jerusalem.

9. The Heads of State or Government, turned their attention to the deepening economic, social and humanitarian crisis and isolation in the Gaza Strip, particularly following the implementation of Israel's unilateral disengagement plan. They strongly condemned Israel's continuation and escalation of its military aggression against the Palestinian civilian population in the Gaza Strip, which has resulted in the killing and injury of hundreds of civilians, including women and children, and the deliberate and wanton destruction of Palestinian property and vital infrastructure, and condemned as well its continued imposition of unlawful policies and collective punishment against the Palestinian people that are causing greater economic and social deprivation in Gaza. They stressed that such unlawful actions by the occupying Power constitute grave breaches of international law for which the perpetrators must be held accountable and brought to justice. The Heads of State or Government called for the immediate cessation of Israel's military aggression and collective compliance with all of its legal obligations under international law, including under the Fourth Geneva Convention. They also called for the withdrawal of the Israeli occupying forces from within the Gaza Strip, for Israel to fulfill its responsibility to repair all damage caused to the infrastructure in the Gaza Strip, and for the immediate release of all Palestinian officials detained by Israel, the occupying Power, since 28 June 2006.

10. The Heads of State or Government also expressed their deep concern at the intensifying hardships being faced by the Palestinian people as a result of the increasing financial and political isolation being imposed on the Palestinian Authority by some Members of the international community in the aftermath of the free, fair and democratic Palestinian Legislative Council elections of 25 January 2006. They called upon Israel, the occupying Power, to cease its withholding of tax revenues due to the Palestinian Authority, which is deepening the financial crisis, and firmly rejected the collective punishment of the Palestinian people for the democratic election of their representatives. Moreover, the Heads of State or Government affirmed their support for the Palestinian Authority under the leadership of President Mahmoud Abbas, and emphasized as well the importance of maintaining and protecting the national institutions of the Palestinian Authority, as they shall constitute the vital foundation for the future independent Palestinian State. The Heads of State or Government also called upon the Non-Aligned countries to extend, on an urgent basis, economic and financial assistance to the Palestinian people to ease the current financial and humanitarian crisis.

11. The Heads of State or Government stressed that Israel's ongoing unilateral measures in the Occupied Palestinian Territory, including East Jerusalem, gravely threaten the prospects for achieving a negotiated settlement based on the two-State solution, and expressed their complete rejection of its declared intentions to impose its unlawful unilateral plans in the West Bank. They reaffirmed that such plans are unlawful, unacceptable and cannot alter the terms of reference of the peace process begun in Madrid nor negate the inalienable rights of the Palestinian people, as enshrined in the Charter of the United Nations, international law and relevant United Nations resolutions.

12. The Heads of State or Government reiterated their hope that the international community and the Quartet will exert all efforts during this critical period to revive the peace process and to salvage the Road Map and promote its implementation towards ending the occupation of the Palestinian Territory that was occupied in 1967, including East Jerusalem, and thus realizing the two-State solution to the Israeli-Palestinian conflict and the right of all states and peoples in the region to live in peace and security. In this connection, the Heads of State or Government stressed the continued relevance of the Arab Peace Initiative adopted by the Arab Summit in Beirut in March 2002, emphasizing the importance of the recent call by the Arab Summit in Khartoum in March 2006 to reinvigorate the Arab Peace Initiative, and called for the exertion of all necessary efforts in that direction.

13. In this regard, the Heads of State or Government called upon the Security Council to assume its responsibilities to compel Israel to respect international law and put an end to Israel's occupation and illegitimate and illegal practices in the Occupied Palestinian Territory, including placing collective punishment and unilateral sanctions over the Palestinian people and economy, and the illegal construction of settlements and the Wall which is aimed at confiscating and annexing Palestinian land and property and altering the demographic and geographic character of the Palestinian Territory, including East Jerusalem.

14. The Heads of State or Government called on the Quartet specifically to remain actively engaged with the Palestinian and Israeli sides to bring about a resumption of direct and substantial negotiations between the two sides and to encourage immediate positive steps on the ground, on the basis of the Road Map, in order to promote a genuine resumption of the peace process towards the achievement of its stated aims and goals. In this regard, the Heads of State or Government welcomed the call by President Abbas for immediate negotiations on final status issues with Israel, the occupying Power. Moreover, the Heads of State or Government urged the Quartet to engage the Security Council, considering the Council's Charter authority and responsibility for the maintenance of peace and security. In this context, they reaffirmed the permanent responsibility of the United Nations, including the General Assembly and the Security Council, towards the question of Palestine until it is resolved in all its aspects on the basis of international law, including a just resolution to the plight of the Palestine refugee in accordance with General Assembly resolution 194 of 11 December 1948.

15. The Heads of State or Government reiterated their conviction that a vital role should continue to be played by the Movement vis-à-vis the question of Palestine and entrusted the Chair, assisted by the Committee on Palestine, to lead the efforts of the Movement with regard to the pursuit of a comprehensive, just and lasting peace in the region. The Heads of State or Government also reiterated their appreciation to the members of the NAM Caucus of the Security Council for their continuous efforts concerning the question of Palestine and called upon them to remain actively involved. They also stressed the importance of ongoing contacts and dialogue by the Movement at the Ministerial level with the members of the Quartet, the permanent members of the Security Council and other relevant parties in the peace process in order to convey the principled positions of the Movement and to advance efforts aimed at promoting the peace process on the basis of its terms of reference and at ensuring respect for international law, the keys to a peaceful settlement of the conflict.

16. The Heads of State or Government also expressed their support in this connection for the recent call by President Abbas for the convening of an urgent international conference on the conflict and strongly urged the United Nations to convene an international conference on the Middle East to deliberate on a comprehensive, just and durable plan for the region based on the relevant United Nations resolutions, with the involvement of Permanent Members of the Security Council and other interested parties, including NAM Member States. In addition, the Heads of State or Government once again underscored the importance of the work of non-governmental organizations (NGOs), civil society and peace groups in the region and encouraged their continuing work, particularly on the Palestinian and Israeli sides.

17. The Heads of State or Government reaffirmed their strong commitment to continue supporting the Palestinian people and their leadership to bring an end to the Israeli occupation that began in 1967, in accordance with the rules and principles of international law and relevant United Nations resolutions, and by accordingly reaffirming their commitment to a just and peaceful solution of the Israeli-Palestinian conflict and to the right of the Palestinian people to exercise self-determination and sovereignty in their independent State of Palestine, on the basis of the pre-1967 borders, with East Jerusalem as its capital.

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