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TWENTY-SEVENTH SESSION

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at 3.40 p.m.

NEW YORK

Chairman: Mr. Hady TOURÉ (Guinea).

AGENDA ITEM 42

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8828, A/SPC/158)

1. The CHAIRMAN invited the Committee to begin its consideration of agenda item 42.

2. Mr. AMERASINGHE (Sri Lanka), Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, introduced the Special Committee's report (A/8828), submitted in accordance with paragraph 10 of General Assembly resolution 2851 (XXVI). He added that in spite of paragraph 7 of resolution 2851 (XXVI), the Israeli Government had, as in previous years, denied the Special Committee entry to the occupied territories, impeached its integrity and impugned the validity of General Assembly resolutions.

3. The report described the Special Committee's efforts to discharge its mandate, and he wished to make it clear that the Special Committee had concerned itself exclusively with the humanitarian aspects of the problem, and not with the political complexities of the situation in the Middle East, taking as its guide the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,¹ (the fourth Geneva Convention). One of the purposes of that Convention was to prevent a temporary situation arising out of a war from being given a permanent character at the expense of the vanquished. Paragraph 45 of the report submitted by the Special Committee at the previous session (A/8389 and Corr.1 and 2 and Add.1 and Add.1/Corr.1 and 2) had referred to the distinction between annexation of territory and occupation in wartime. After quoting article 47 of the fourth Geneva Convention, he reminded the Committee that every State when it became a Member of the United Nations pledged itself to uphold the purposes and principles of the Charter and in particular to promote and encourage respect for human rights. Unfortunately, those who abstained on or voted against resolutions concerning human rights were failing to honour their commitment and were making a mockery of the Charter and the Geneva Convention. To those who resorted

to legal arguments and pettyfogging he would say that justice transcended law.

4. The results of the Special Committee's investigation were set out in the conclusions of the report (A/8828, paras. 83-99). That investigation was based almost entirely on published statements by Israeli leaders and reports in the Israeli press, so that the sources of the Special Committee's evidence were unimpeachable and so that, despite itself, the Government of Israel had in fact co-operated in the investigation. Although, as could be seen from paragraph 90, the Special Committee had been unable to collect proof of the existence of physical violence and ill-treatment, it had clear evidence that certain policies of the Israeli authorities in the occupied territories constituted massive violation of the human rights of the population of those territories.

5. First, there was the policy of settlement of the occupied territories. By July 1972, 39 settlements had been established, but more had been set up since and still others were planned. At first, they were paramilitary settlements but had later been converted into civilian settlements, and in that connexion he would draw the Committee's attention to the last sentence of article 49 of the fourth Geneva Convention. At the same time as Jewish civilians had been installed in the settlements, thousands of people had been moved from their homes to other parts of the occupied territories. Moreover, the right to return was being denied and the demolitions of houses were justified by the needs of military operations. It could only conclude, as it had done in paragraph 91 of its report, that the occupying Power consistently invoked reasons of security to justify measures taken by it which deprived the civilian population of the occupied territories of its rights. The Committee must ask itself whether the reasons invoked did really justify the measures that had been taken by the Israeli authorities in the occupied territories. Lastly, the Special Committee had investigated the expropriation of property and administrative detention—practices which were admitted in statements of the Israeli Government or in reports appearing in the Israeli press. All those measures inevitably resulted in the consolidation of the occupation and in the creation of a fait accompli which might prove to be irreversible and make any settlement impossible. Those who treated the present position with indifference were in fact hampering a settlement.

6. The Special Committee had also found that it was Israeli policy to alter the physical character and demographic composition of the occupied territories

¹ United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

(*ibid.*, para.86). The General Assembly must act firmly and promptly to stop Israeli practices designed to eradicate Palestinian national identity. If it intended to show any respect for article 47 of the fourth Geneva Convention, it must declare null and void all such measures so far taken or to be taken by the Government of Israel. In its previous reports, the Special Committee had recommended steps designed to safeguard the human rights of the civilian population of the occupied territories. Those steps were reiterated in paragraphs 93 and 94 of the report. The Special Committee had already informed the General Assembly that the International Committee of the Red Cross (ICRC) had indicated its willingness to co-operate in the implementation of the arrangement described in those paragraphs. It would be desirable if the parties concerned would give that arrangement very serious consideration.

7. As to the question sometimes asked, whether the occupation might not have beneficial aspects, he could only say that the matter was not covered by the Special Committee's mandate. However, it had not hesitated to point out that certain measures might be regarded as beneficial or that certain improvements had taken place. But the question was whether such improvements were enough. After all, it was a matter of human dignity to prefer freedom to comfort. That was why attention must be concentrated above all on those practices which constantly violated the rights of the population of the occupied territories and it must not be forgotten that justice was due to the Palestinians from the United Nations, which had brought upon them their sufferings.

8. Mr. DORON (Israel) recalled that the decision to establish the Special Committee had been taken by the General Assembly on 19 December 1968, in its resolution 2443 (XXIII). The President of the Assembly at its twenty-third session had died before he had been able to constitute the Committee; by a procedure the irregularity of which had been pointed out by the Government of Israel at that time, the Special Committee had eventually been constituted on 12 December 1969. None of the non-committed States had agreed to serve on the Committee, because of the one-sided nature of the resolution by which it had been created and because it had brushed aside the human rights of the Jewish minorities in Arab countries. None of the three countries which constituted the Committee—Somalia, Sri Lanka, Yugoslavia—had diplomatic relations with Israel and the Foreign Minister of Somalia had even declared in 1970 that his country considered itself in a state of war with Israel. Yugoslavia, which had broken off diplomatic relations with Israel in 1967, had been in the foreground of all anti-Israeli initiatives in the United Nations. It was obvious that there was no question of those countries conducting an impartial inquiry; their undisguised aim was to exploit that opportunity for a campaign of vilification against Israel. The members of the Special Committee, and in particular its Chairman, did not hide their anti-Israeli opinions, which reflected not only the political stance of their Governments but also their personal

views. Impartiality, complete absence of political motivation, specialized intellectual capacity and internationally approved procedures, to quote the terms used by the representative of Sri Lanka when speaking in the Third Committee on 5 November 1970, concerning the application of humanitarian rule to armed conflicts,² were, it was true, the characteristics which might be expected of an investigating committee. But the Chairman of the Special Committee had hardly taken them into account when he had stated that the very creation of Israel had been a painful irony and when, in the course of the general debate on 10 October 1972 (2061st plenary meeting), he had gone so far as to criticize the attitude of many Members of the Organization who had been shocked by the senseless savagery of Munich and Lod but had thought it fair to abstain on a resolution protesting against violations of the human rights of the population of the occupied territories. In view of the composition of the Special Committee and the attitude adopted by its Chairman, it was no wonder that it had produced reports which were an accumulation of distortions, selective quotations and pronouncements on matters that were very often completely outside its mandate. He had no intention of speaking in detail about a report which, like those that had preceded it, was a vehicle for the anti-Israeli propaganda campaign carried out by the Arabs at the United Nations. However, he wanted to draw the attention of the members of the Committee to the technique adopted by the Special Committee, which, by constant repetition and quotations from its own previous reports, sought to create the impression that the current report was based on acceptable evidence, which was not the case, or to obscure questions of date, which were not without importance. Even when it had reliable material before it, the Committee did not hesitate to distort it and to draw fanciful conclusions from it, thus destroying any value it might have.

9. The Special Political Committee had completed consideration of the agenda item 40, relative to report of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which dealt, *inter alia*, with the situation of the refugees in the territories administered by Israel. The Committee was now dealing with the same territories but was focusing on the human rights of the population. Hundreds of thousands of people, political figures, clergymen, writers, journalists and tourists, had visited those territories. They had been completely free to travel as they wished, speak to the inhabitants and form an opinion, as was of course the case with the members of diplomatic missions in Israel. Their reports showed that the Israeli administration was most liberal and humane and that the situation of the population was much better than it had been before 1967, especially in the field of human rights, regardless of what the Special Committee said.

10. The policy of "open bridges" had during the past 12 months permitted nearly 200,000 persons from Arab countries—157,000 during the summer alone—to go to

² See *General Assembly, Twenty-fifth Session, Third Committee, 1780th meeting, para. 38.*

the occupied territories to visit their relatives and friends, and the converse was true for tens of thousands of inhabitants of the territories. If the situation there was as tragic as it was made out to be by Arab propaganda, of which the representatives of the Arab countries were the spokesmen in the various bodies of the United Nations, would hundreds of thousands of persons, including women and children, go to them in increasing numbers? Were they not in that way giving better proof than the false allegations which the Special Committee had accumulated and refused to disavow, even though their flimsiness had been demonstrated in the Special Political Committee in 1970 and 1971? In fact, those who were interested in keeping the Special Committee going and the members of that Committee themselves were hardly interested in respect for the human rights which they were supposed to study. Stating in their first report (A/8089) that they considered that the fundamental violation of human rights lay in the very fact of occupation, they had reached their findings before opening their inquiry. It was therefore no wonder that the Special Committee had dealt with political and military matters which were completely beyond its mandate.

11. The Committee had been very careful not to mention that a number of newspapers and magazines were being written and published in complete freedom by Arabs in the territories, while there had formerly been only one newspaper published on the West Bank under strict censorship by the Jordanian Government. A Palestinian Arab writer, Muhamad Abu-Shalbaya, in a book published by the Jerusalem Arab Printing House in 1971, had said that the four and a half years of Israeli occupation had been no worse, and in some respects better, than the 19 years of exploitation of the West Bank by the Jordanian Government, adding that those who criticized his writings seemed to know nothing about the real situation in the occupied territories or about the impact Israeli democracy had on the way of thinking of its inhabitants, not realizing that the workers received wages of which they had never dreamed under the Hashemite regime and that the Israeli army had not committed a tenth of the crimes perpetrated by King Hussein's Bedouin soldiers. He had also said that the Palestinians wanted a just and lasting peace with Israel.

12. The existing educational system had not been changed, but the Israeli authorities had expanded the facilities. Arab educators and community leaders were planning to establish an Arab university on the West Bank, something that could never have been attempted before. Arab students could study in Israel's universities but were free, if they preferred, to study in an Arab university of their choice and then return home. As reported by UNRWA and the Red Cross, students from Gaza could pursue their studies in Egypt or elsewhere. There were primary, preparatory and secondary schools as well as teachers' seminars and vocational training centres. There were now 19 vocational schools and training establishments offering free courses to 7,000 students, who even received pocket money during their studies and were assured of employment. The

educational budget for the territories administered by Israel had risen from 26 million Israeli pounds in 1967-1968 to 39 million in 1971-1972, an increase of 50 per cent. The number of teachers had increased from 3,743 in 1967 to 5,682 in 1971 and 6,330 students had taken their matriculation examinations in 1971, as against 3,178 in 1967. There were only 16 Israelis occupying posts in education, as against 7,500 Arab teachers: in accordance with the Israeli policy of non-intervention in local affairs, all administrative and economic functions were exercised by Arab personnel.

13. As mentioned by his delegation at the 836th meeting, the Israelis provided health services free of charge, including, when necessary, hospitalization in Israel. The Israel Government health budget for the territories had nearly tripled: it had increased from 5.6 million Israeli pounds in 1967-1968 to 15.3 million in 1970-1971. Israel's total annual budget for the administered areas amounted to \$40 million and benefited the local population, which only contributed a small part of it, since the bulk of the financing was borne by the Israeli taxpayer.

14. Everyone knew that the economic situation in the territories had improved substantially over the preceding five years and was continuing to improve. Yet, that had not prevented the Special Committee from presenting the situation in an unfavourable light, basing its conclusions on one speculative article in *The Economist* and on quotations and assumptions that were as fanciful as they were arguable. The facts were there to disprove the Special Committee's conclusions. Since 1968 the national product of the administered areas had nearly doubled and the agricultural product had tripled. The labour market was expanding rapidly, and 50,000 or more workers from the territories were employed in Israel and earned the same wages as Israeli workers. The value of exports from the West Bank had risen to 220 million Israeli pounds in 1970 and 305 million in 1972, including exports to Israel, while imports had risen from 270 million Israeli pounds in 1970 to 301 million in 1971, which showed a positive balance of trade.

15. The wage level in the administered areas had trebled since 1967, and that fact had apparently caused the alleged increase of 300 per cent in the cost of living referred to in the article in *The Economist*: the cost of living had of course increased but by about 40 per cent, as in the rest of the world. The question that should be asked was whether wages had increased in proportion, namely, whether the standard of living had improved, and there could be no doubt about that. In a book entitled *Jordan: A Political Study, 1948-1957*, published in London in 1965 by the Asia Publishing House, an Indian, Aqil Hyder Hasan Abidi, had noted the lack of development on the West Bank, which had been neglected by the Jordanian Government in order to benefit the East Bank. Since 1968, 117 new economic enterprises, including industrial plants, had been established on the West Bank and 430 industrial workshops in the Gaza Strip, and the number of workers in them had increased from 1,500 to 5,500. *The Times of Malta* had drawn

attention on 24 February 1972, in an article on Gaza, to the increase in citrus production in the area thanks to the advice given by Israeli specialists, who, as Moshe Dayan recommended, were helping the local population to help themselves. The *Volksgeziet* of Brussels had published, on 19 July 1972, an article describing the prosperity that prevailed in Gaza, the increase in the standard of living and the improvement in the health and economic situation, as well as the evolution of a society where the contrast between extreme wealth and extreme poverty was gradually disappearing. In August 1972 Danielle Hunebelle had written in *Réalités* of Paris an article entitled "*Quand les Palestiniens goûtent au progrès économique*", in which she stated that poverty was on the decrease and that the endemic unemployment had been almost completely conquered; she cited the words of a Jerusalem factory worker who was very satisfied with his lot. The *Neue Zürcher Zeitung* of 9 September 1971 also noted the visible improvement in the Arab standard of living, and the *Los Angeles Times* of 21 November 1971 described the financial, social and political benefits of the green revolution brought about by the Arabs on the West Bank.

16. Municipal elections had been held in 1972 in the administered areas, and, in spite of all the threats by terrorist organizations against both candidates and voters, more people had participated, both in absolute figures and percentages, than during the Jordanian régime. The *New York Times* of 3 May 1972 had been able to say, shortly after the elections, that they had been another indication that Israel and the West Bank Arabs had reached an unofficial peace settlement.

17. All those favourable developments did not prevent the Special Committee from repeating, year after year, the same accusations against Israel. He had already dealt with the displacement of inhabitants in the Gaza Strip in his statement at the 836th meeting, during the Committee's consideration of the report of UNRWA. He recalled, however, that when the shameful conditions in which the inhabitants of the Gaza Strip had lived under Egyptian domination had begun to improve after 1967, Egypt and other Arab States had launched a campaign of terror against the local population designed to prevent them from leading a normal life, something they had not succeeded in doing in the West Bank. Although 239 Arabs had been killed and 1,300 wounded, including many women and children, no United Nations body had become concerned about that terror campaign which was depriving so many Arab residents of their most basic human right, the right to life. When Egypt had destroyed hundreds of houses east of Gaza in 1965 so that its tanks could make their way towards Israel, no provision having been made for any housing or financial compensation, the fact had gone unnoticed. Yet when the Government of Israel, in order to save the lives of potential victims of Arab terrorism, had built roads through the camps in the Gaza Strip which were essential to their security, provided alternative housing for people affected by the construction of those roads and paid them compensation, complaints and resolutions had proliferated.

Was there any point in noting that it had been possible to eliminate curfews in much of the Gaza Strip, though they had been imposed throughout the area by the Egyptian Government?

18. Whatever happened, the Special Committee persisted in its allegations and never admitted that it might have been mistaken. Thus, although his delegation had proved in the Special Political Committee at the previous session that the main cases cited by the Special Committee in support of its allegations of torture and ill-treatment of prisoners were groundless, the current report referred only to an attempt to rebut those allegations and did not offer the least criticism of the Egyptian Government, which had made it wait for two years for some documents of the Cairo University Hospital. The Special Committee expressed, without justifying it, its conviction that the prisons in the territories administered by Israel were over-crowded and substantiated by means of cases already mentioned in its report of 1970 the ill-treatment which interrogated prisoners were now allegedly undergoing. The International Committee of the Red Cross, however, had been regularly visiting Arab detainees in Israel without having received any complaints, and Amnesty International acknowledged that it had not been aware of any allegations of maltreatment of Arab prisoners since 1970. Overcrowding of prisons existed all over the world, for crime was on the increase, and the Special Committee had ignored the fact that new prisons were under construction. Moreover, it did not distinguish between prisoners who were serving a sentence for which they had been convicted, who were in the majority, and those who were awaiting trial, held for investigation or placed in administrative detention, although it had had to admit that the number of the latter had been considerably reduced. Again, the figures it mentioned were drawn from newspaper articles and were nearly double the real figures.

19. The Special Committee had claimed that there existed an Israeli policy to eliminate any identifiable Palestinian community from the administrative areas. Yet the number of Arabs living there had been 942,000 in 1968, 977,000 in 1970, and now exceeded 1,000,000 and the Government of Israel had authorized tens of thousands of Arabs to take up permanent residence there. As for deportation, there had been a few cases of saboteurs and agitators who, having been legally detained for a time, had been asked to leave the territory and join those who had instructed and paid them, certainly a more humane course than keeping them in prison; some of them had pledged to give up such activities and had been readmitted. The Special Committee had also referred to the systematic destruction of houses with the intention of eliminating all traces of the Arab presence; the realities again refuted that apocalyptic vision: houses were being built by Arabs for Arabs in unprecedented numbers, and housing schemes sponsored by the Israeli authorities were going up everywhere with the participation of the Arab population. Demolitions had always been very limited and had never constituted collective punishment, but had been individual measures against persons whose houses

had sheltered terrorist activities; when the house in question sheltered several families, it was not demolished, and only that part of it connected with the offence was closed off and its inhabitants evicted. Those measures were taken in accordance with laws that were part of the penal law in force in the West Bank and in Gaza and were less and less frequent since terrorism had greatly diminished. Instead of attacking Israel, the Special Committee would do better to try to make those who supported the terrorists put an end to their pernicious activities. Article 49 of the fourth Geneva Convention, which had been invoked against the Israeli military authorities in respect of deportations and destruction of property, did not apply in the case under consideration, and the Government of Israel reserved its position on the applicability of that Convention in the administered areas.

20. It was clear from the ICRC commentary dealing with the first paragraph of the article he had just referred to that that article was aimed at preventing deportations to the death camps and slave labour camps established by the Nazis during the Second World War. In the current case, the deportations were to a country of which the deportee was a citizen, from which he had been sent to commit acts of terrorism, sabotage and subversion and where he was returned to his friends and relatives as an alternative to detention. The Israeli deportations, rare as they had been, had certainly not been contrary to the provisions of article 49. In so far as complaints of internal transfers of population within the areas in question were concerned, it should be noted that, whatever the truth of those allegations, article 49 authorized such transfers if the security of the population or imperative military reasons so demanded. As to allegations of destruction of property, article 53 of the Convention permitted such action where rendered absolutely necessary by military operations. Such military requirements could be of two kinds: on the one hand, it might be necessary to destroy the physical base for illegal action when persons were discovered in the commission of a hostile act, and, in that respect, a house from which grenades were thrown was a military base; on the other hand, it was necessary to react militarily against terrorism. The destruction of property was therefore fully justified, especially in a country where capital punishment was never used, even against terrorists.

21. Israel was applying the provisions of the fourth Geneva Convention, although it reserved its position concerning its applicability. It had been confirmed many times by ICRC that Israel observed the provisions of that Convention.

22. He had tried to present to the Committee a factual description of the situation in the areas administered by Israel since 1967. It could be seen from that description that the human rights of the population were fully respected, and indeed protected against those who wished to disrupt the return to normal life. The realities were those of an open society, enjoying calm and tranquillity, in which the economy, housing, educational facilities, public health and other social services were

improving and in which all freedoms were assured. That was the real situation, which bore but little resemblance to the fanciful tableau painted by the Special Committee. Under the circumstances, his delegation would not intervene again in the discussion of the item under consideration unless the necessity arose.

23. Mr. ABDEL MEGUID (Egypt) said that foreign occupation in itself was a grave violation of international law and of the principles of the United Nations Charter, as well as an infringement of the fundamental rights and freedoms of the population of the territories under occupation. Immediately after the Israeli aggression of 1967, the Security Council and the General Assembly had adopted resolutions in which the United Nations had asserted its role and competence with regard to the protection of the essential and inalienable rights of the population of the territories under Israeli occupation, "even during the vicissitudes of war", and had called upon Israel "to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place". However, Israeli practices in the occupied territories and Israel's behaviour towards the Palestinian people constituted a violation of human rights and fundamental freedoms. Israel's history was characterized by refusal to heed the principles of international law and to apply the provisions of international humanitarian conventions, rejection of the role of the United Nations, negation of the standards of behaviour laid down by the constant efforts of succeeding generations to save humanity from the scourge of war, repudiation of all rights and freedoms and disavowal of all but Zionist principles, which were in fact principles of discrimination, expansion, world disorder and aggression.

24. The report before the Committee revealed the true face of Israel, which had become an outlaw through its policy aimed at effecting radical changes in the physical character and demographic composition of the territories under its military occupation by the systematic elimination of every vestige of the Arab, and especially the Palestinian, presence. Such a policy would have the effect of obliterating Arab culture and the Arab way of life in those areas and, contrary to international law, replacing them with a Zionist culture and a Zionist State. With that end in view, Israel was endeavouring to create *faits accomplis* and impede all efforts for a peaceful settlement of the Middle East problem.

25. First, the Special Committee had reiterated its conviction that it was the declared policy of the Government of Israel to annex and settle the occupied territories, a conviction further strengthened by the evidence cited in the supplementary report of the Special Committee of 1971, which included a statement by the Prime Minister of Israel who was quoted in the Israeli press on 10 October 1971 as having stated: "Our borders are fixed by the people who live along them. If we retreat, the borders will retreat with us" (see A/8389/Add.1, para.11). That statement, as was rightly said by the Special Committee, constituted an unequivocal rejection of established and generally recognized princi-

ples of the Charter of the United Nations and of the fundamental obligations arising out of the fourth Geneva Convention. But the best evidence of the Israeli policy of annexation and the establishment of settlements was a map published in *The Jerusalem Post* on 30 July 1972 and reproduced in annex I to the current report (A/8828) which showed the location of 44 Israeli settlements established in the occupied territories between June 1967 and the summer of 1972, what was more, Mr. Israel Galili, Minister without Portfolio and chairman of the ministerial committee for the settlement of the occupied territories, had stated before the Knesset on 19 July 1972 that the Government of Israel had put no area out of bounds to Jewish settlement and that that settlement policy was not dictated by security, but by historical right as well, if not more so. It went without saying that the Israeli representative could not deny those facts or the fact that his Government and military authorities indulged in the establishment of settlements in lands that did not belong to Israel. However, the Israeli representative would no doubt resort to his usual practice of merely attacking the procedures concerning the establishment of the Special Committee.

26. He addressed himself to the conscience of the delegations present to remind them of the gravity of the situation regarding the establishment of Jewish settlements in the Arab territories, coupled with the declared intention to annex certain parts of the Arab lands, such as Jerusalem, and the effects of such practices on any eventual settlement of the problem existing in the Middle East.

27. The second violation of human rights committed by Israel was the transfer of population and expropriation of property, which was a logical consequence of the settlement policy already described. The International Committee of the Red Cross had explicitly referred to the question of population transfers in its *Annual Report 1971*. The measures taken to expel the Arabs from the occupied territories in order to make room for the Jews, all of which were contrary to the provisions of the Geneva Convention of 12 August 1949, were of three kinds. First, there was the deportation of Arab population to areas outside the occupied territories. The findings of the Special Committee confirmed that whole village populations had been forcibly expelled by Israeli forces and had not been allowed to return. In that connexion, the 1971 report of ICRC described several approaches by the Israeli authorities with a view to stopping expulsions which it regarded as being contrary to article 49 of the fourth Geneva convention. During the month of January 1972, more than 10,000 Egyptian citizens inhabiting Sinai had been forcibly deported or transferred from their homes and villages, and ICRC had intervened with the occupation authorities to no avail. Secondly, there was the transfer and uprooting of people to other places within the occupied territories. The Red Cross delegation had intervened on behalf of a Bedouin tribe of about 260 persons whom the Israeli authorities had compelled to leave their lands near the Dead Sea to be settled in the Bethlehem district, and who had thereby been deprived of their

lands and their livelihood. The result of its intervention had not yet been reported by the International Committee of the Red Cross but the fact remained that that transfer constituted a violation of the provisions of the fourth Geneva Convention of 1949. The ICRC annual report for 1971 also mentioned the fact that in several parts of Sinai, the Israeli authorities, after evacuating the inhabitants, had destroyed the houses and water tanks, and had encircled their lands with barbed wire. The displaced inhabitants were authorized to work in such zones provided that they did not spend the night there and did not build any shelter. The third type of policy was the expropriation of property. In its annual report the Red Cross Committee stated that it continued to follow with close attention the question of expropriations in the occupied territories. However, as the Israeli Government had declared in 1970 that it did not want to enter into any discussion on the subject, the Red Cross delegates had confined themselves to submitting strictly humanitarian problems to the authorities.

28. The demolition of houses and destruction of villages since the cease-fire was a known fact supported by the reports of various United Nations committees and international humanitarian organizations. According to *The Times* of London, more than 7,000 houses had been destroyed between 1967 and 1969. The reasons for those demolitions and the consequent departure of the inhabitants were, *inter alia*, to effect a massive change in the demographic character and the physical structure of the occupied territories, and to pave the way for the new immigrants and the new Jewish settlements.

29. The cumulative effect of the measures referred to was only a part of the Zionist plans to settle and annex the occupied territories. In paragraph 74 of its report (A/8828) the Special Committee said that it was obliged to express the conviction that irrespective of the intentions of the occupying Power, the Israeli practices and policies must of necessity result in the international community being faced with a fait accompli or, in other words, a situation which could be irreversible, namely the incorporation of the occupied territories in, or their annexation to, the State of Israel. Social and political measures, such as establishment of settlements, transfer of population, expropriation of property, demolition of houses, deportation and the denial of the right to return, produced radical changes in the physical character and demographic composition of the occupied territories. As *The Economist* of 18 March 1972 had stated, "Now farming is feeling the draught because of the land lost to Israel and the loss of labour". The loss of labour was attributable to the forcible transfer or deportation of the Arab population, the mass arrests and detentions of Arabs, and the forced labour imposed on the Arab workers by Israel.

30. Israel often invoked the threadbare argument of so-called "security reasons" in order to justify its violations of the principles of international law and fundamental human rights, such as the expulsion of persons from the occupied territories; the transfer of several thousand persons from their homes to other

parts of occupied territory; the expropriation of property belonging to the Arab population; the establishment of Israeli settlements in occupied territory and the transfer of Israeli nationals to those settlements; the demolition of houses and villages; and the denial to the Arab inhabitants of their right to return. The Special Committee had found that a provision of international law that was designed to be used in exceptional circumstances and under pressure of urgent necessity had been used indiscriminately and had been arbitrarily converted by Israel into a rule of conduct or definite policy. It considered, and very rightly so, such conduct a negation of the very letter and spirit of the fourth Geneva Convention as formulated in the commentary on that Convention. The civilian population had certain inalienable rights which could not be derogated from. In addition, the fourth Geneva Convention, whose *raison d'être* was the protection of civilian persons in occupied territory, only allowed certain security measures to be taken by the occupying Power under conditions that were specified in that Convention. Security reasons even if they were true, which was not the case, did not warrant the commission by Israel of war crimes, or crimes against humanity, against the Arab people of the occupied Arab lands. The acts committed by Israel were all considered by article 147 of the fourth Geneva Convention as grave breaches of the Convention and were considered war crimes by the Charter of the International Military Tribunal (Nürnberg Tribunal) and by resolution 3 (XXVIII) of the Commission on Human Rights.³

31. His delegation viewed with extreme gravity the situation prevailing in the occupied territories. The Committee had before it ample evidence of what was going on. In the light of the report of the Special Committee corroborated by the reports of the International Committee of the Red Cross prompt action was necessary to halt the Israeli actions concerning the establishment of Israeli settlements in the occupied territories, the changes in the geographic character and demographic composition of these territories, and the transfer of civilian population within the occupied territories or the deportation of people therefrom. For its part, Egypt would not, under any circumstances, recognize the changes undertaken by Israel, which jeopardize the establishment of a durable and just peace in the Middle East.

32. The CHAIRMAN drew attention to a letter (A/SPC/158) which had been addressed to him by the representatives of Afghanistan, Indonesia, Pakistan and Saudi Arabia, and requesting that the Palestine Arab Delegation should be heard by the Committee.

33. In keeping with the Committee's practice, he would grant the request, if there was no objection, on the understanding that it did not imply in any way official recognition of that organization by the United Nations.

It was so agreed.

³ See *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7, chap. XIII.*

34. Mr. DORON (Israel) said that in that connexion he would only refer to the statement which he had made before the Committee on 13 November 1972 (see 835th meeting, paras. 4 to 9).

35. Mr. SHARAF (Jordan) said he felt sure that the Special Political Committee must have been shocked at the statement made by the representative of Israel. Many representatives from African and other countries that had had to struggle for their independence were sitting in the Committee and could feel only contempt for arguments which emphasized a prosperity brought about by a colonial régime.

36. Israel boasted of the number of visitors that had come from Arab countries to see their families in occupied territories. But was it surprising that thousands of people who had been cut off from their families should wish to visit them for a few days? That was their most elementary right and no foreign occupation should affect that right.

37. The Israeli representative had pointed to the flourishing economy in occupied territories. It must not be forgotten that economic absorption of the occupied territories was the corner-stone of Israeli policy and that that was why the economic aspect could not be isolated from the others.

38. With regard to agriculture, 500,000 *dunams* had been confiscated by Israel, 100,000 of them in Jordan. Jordanian agricultural production had been disrupted by the confiscation of the most fertile lands. Furthermore, Israel had pressured farm workers engaged in Jordanian undertakings to work in Israel, had engaged in cut-throat competition with Jordan, and had gone as far as to cut down fruit trees on Jordanian farms. As for industry in the occupied territories, it was completely oriented towards the Israeli market; even the electric grid on the West Bank had been connected to the Israeli power system. Some time ago, the Israeli Government had launched a campaign to encourage Israeli businessmen to invest capital in the occupied zone on the West Bank by offering them bonuses and tax exemptions—a striking example of economic exploitation. Finally, through the adoption of certain measures, the Israelis had gradually increased their exports to the West Bank so that the deficit in the trade balance between the West Bank and Israel now amounted to some \$50 million.

39. The Israeli representative had also boasted that unemployment had declined. In fact, Israel was hiring unskilled Arab workers in order to be able to reduce wages in certain sectors and to divert Israeli workers to war industries. Furthermore, if Arabs worked for Israel, it was because they were compelled to do so, just as millions of people in Europe had been compelled to work for the Nazi régime.

40. By using such distorted figures, the Israeli representative had tried to show that school attendance had increased, whereas the increase was a natural result of the growth in the birth rate. What was important was that Israel was making use of teaching methods and

school programmes to "de-Arabize" the youth of the occupied territories, in other words to dehumanize them.

41. It was useless to try to cut off the population on the East Bank from that on the West Bank, for the inhabitants of both formed one people, governed by one Government, whose successes and failures were those of a unified Government. Jordan was proud of its achievements before the Israeli occupation, achievements which had been recognized by international organizations and in particular by the United Nations. Jordan was also proud of its army, for it was the army of a people and to describe it as an army of Bedouins was meaningless. That description was revealing in that it showed the Israeli ethnic obsession, founded on racial prejudice, which formed the essence of Zionist ideology, conduct and ethics.

42. Mr. GUNASINGHAM (Sri Lanka), speaking in exercise of the right of reply on behalf of Sri Lanka, after reserving the right of reply of the Chairman of the Special Committee, considered that the Israeli representative had been somewhat hasty in attacking the good faith and credit of Sri Lanka and affirming that, owing to the rupture in diplomatic relations between Israel and Sri Lanka, the latter was hardly qualified to take a detached view of the Israeli activities in the occupied territories. The reasons that had led Sri Lanka to break off diplomatic relations with Israel were not personal ones, but were due to the fact that Sri Lanka was a Member of the United Nations. As such, and because it saw in respect for the Charter the guarantee of its independence and territorial integrity, it could not view with a dispassionate eye the use of force that a State was making to occupy illegally the territories of other States. If the existence of States was to be governed by principles based on such behaviour, Sri Lanka would not be able to survive. It was indeed most regrettable that a small State like Israel should violate the Charter instead of contributing to the struggle waged against those who violated it. It was no less regrettable that Israel was endeavouring to keep the territories it had acquired in violation of the Charter. Such were the reasons which had led Sri Lanka to break off diplomatic relations with Israel.

43. It might well be asked which State was better qualified to consider Israeli practices in occupied territories: the State which strictly applied the principles of the Charter or the State which violated the Charter. No doubt Israel wished the members of the Special Committee to consist of those who supported its policy, those honest members who remained unmoved at the sight of injustice. Sri Lanka had no personal quarrel with Israel. Its participation in the United Nations was due to the normative and teleological character of the Charter. Sri Lanka would not shrink from its duty, but it had no intention of letting that duty deteriorate into a bilateral dispute, as the Israeli representative wished in order to be able to cast greater doubt on the report submitted by the Special Committee.

44. Finally, to judge by the representative of Israel, it would seem that all countries that had recently acceded

to independence should revert to the benefits of colonialism. From his happy picture of the Israeli occupation, it was obvious that the populations of the occupied territories should consider themselves lucky instead of struggling for their freedom.

45. Mr. SAYEGH (Kuwait) was somewhat surprised at the Sri Lanka representative's reaction to the Israeli representative's attempt to disparage the Special Committee. It was the normal practice for Israel to behave thus whenever the international community gave its opinion on the conduct of that country. The General Assembly itself had not been spared, any more than had the Security Council, each time it had condemned Israel, or the successive Secretaries-General and the Commission on Human Rights, to quote only some examples. Instead of refuting evidence, Israel resorted to personal attacks.

46. The Israeli representative had attacked the Special Committee's report (A/8828) in his statement and, without producing the least proof, had said that it contained statements that were unfounded. By way of example he would choose at random the passage in the Israeli representative's statement which dealt with detention, where he denied the facts quoted in the Special Committee's report, without adducing a single figure to support his argument. One could not help wondering what the reasons were for such an omission.

47. When the Israeli representative did quote figures, they were intended to mislead. Thus when he wanted to show that the population of the occupied territories had increased, he gave as his point of departure the population figures for 1968. All the members of the Committee must surely have asked themselves why he had chosen the year 1968 and not the year preceding the occupation. The reason was that if the figures had been compared with those for 1967, they would have shown that there had been a considerable decline in the population since that year. Furthermore, the increase in population mentioned by the representative of Israel corresponded to a birth-rate of 1.25 per 1,000 whereas it was a well-known fact that the Palestinians who lived in refugee camps, despite the wretched conditions prevailing there, multiplied at a much higher rate. Thus an attempt was being made to conceal the fact that the population was fleeing from a territory where conditions of life were intolerable.

48. Israel had for many years declared that the occupied territories were an open zone, pointing to the influx of tourists as evidence. It followed that the objective opinion of the international community had less value than the statements of tourists, a large number of whom had been recruited for purposes of propaganda. Newspapers were also quoted but, surprisingly enough, when the very same papers printed unfavourable articles, they were condemned by Israel.

49. He thought that the cynical exploitation for propaganda purposes of the Palestinian visitors who travelled to the occupied territories was particularly reprehensible. Israel regarded that fact as a certificate of good conduct,

whereas it was in reality a condemnation of Israel policy, for those Palestinians were only visitors in a territory in which they had the right to live. The reason why they were not living there was that they were prevented by Israel's inhuman policy from returning to live in their own country.

50. Israel's boast of the benefits of occupation was an insult to the spirit of decolonization and to the Charter of the United Nations; it insulted those who refused to exchange their freedom for material comfort. But in all its statements, Israel forgot to mention those who had been driven out of their homes and prevented from returning. Their plight was far more eloquent than the alleged prosperity of the others.

51. Mr. KANOUTÉ (Mali) asked that the statement of the Chairman of the Special Committee should be issued *in extenso*.

52. The CHAIRMAN recalled that, in accordance with the disposition of the General Assembly in respect of rule 60 of the rules of procedure (see A/8800/Rev.1, para.9), the Special Political Committee was empowered to accede to the Mali representative's request, which would be acted on if there was no objection.

*It was so decided.*⁴

The meeting rose at 6.30 p.m.

⁴ The full text of the statement made by the Chairman of the Special Committee was subsequently circulated in document A/SPC/PV.849.