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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 (*continued*) (A/8828, A/SPC/158)

1. Mr. SHARAF (Jordan) thought that the Special Committee's report (A/8828) was a major contribution to the work of that Committee. On the basis of the documented, factual and moderately worded report, members could form their opinions and take the necessary decisions.

2. Israel had not allowed the Special Committee to carry out an on-the-spot investigation, but despite the lack of co-operation the Committee had been able to carry out a useful and necessary task. Its report was a catalogue of violations of human rights by an occupying Power. It confirmed that policies and practices that constituted violations of human rights had continued and had become even more manifest. It was clear that Israel was trying systematically to create conditions which would turn the occupied territories into Israeli territories. It was necessary for the United Nations to protect the people of the occupied territories against the excesses of the administering Power, but the first duty of the Organization was to end the occupation. The survival and welfare of the population of the occupied territories were urgent considerations; so was the survival of the occupied areas in the face of physical and demographic mutilation. It was a matter of deep concern to his delegation that the fate of the occupied Arab territories was seriously threatened since the Israeli authorities were proceeding from illegal occupation to illegal absorption of the territories. One of the most disturbing features of that policy was the establishment of Israeli settlements. Another glaring example of the policy of direct annexation was the Arab city of Jerusalem, where 13 Israeli quarters were being built on confiscated Arab land inside and outside the walls of the city over the ruins of Arab villages.

3. According to the information now available to the Jordanian Government, Israel had established 47 settlements in various parts of the occupied territories, which was more than the number indicated by the Special Committee, whose information dated back to July 1972. The scale on which the settlements were being established and Israel's refusal to repatriate any

significant number of the inhabitants of the occupied territories showed that Israel had adopted a policy of permanent settlement in the territories which violated human rights and also contravened the basic principles of international law and the Charter of the United Nations.

4. Israel claimed that its occupation was "liberal and humane" and the occupied territories were "flourishing", using the argument often advanced to justify alien domination and colonialism, that the people under foreign domination derived economic benefits from it, but the Special Political Committee had rejected that argument. It could be seen from a study of economic measures taken by Israel that its policy was to integrate the occupied territories with a view to deriving the largest possible economic gain from the occupation; that was reflected in Israel's policies concerning tourism, agriculture, employment, taxation, industry, prices and trade. With regard to agriculture, reference should be made to the agricultural military settlements established in the fertile occupied areas. Over 500,000 *dunams* had been confiscated. Israel used subtle methods to ensure that the agricultural sector would meet its consumption and export needs, such as pressuring farm labour to desert the farms in order to work on Israeli projects. In the industrial sector, no industry which might compete with Israeli industry was allowed to exist in the occupied territories. Only recently the Israeli Government had encouraged Israeli businessmen and industrialists to invest in permanent industrial projects in the occupied territories by offering them subsidies and tax exemptions.

5. On the West Bank the sources of energy, including electricity, were gradually being tied up with the sources of energy in Israel itself. Pressure had been exerted on municipal councils so that the towns would be served by Israeli companies and, to effect that goal, in Arab Jerusalem Israelis had been imposed on the board of directors of the Jerusalem Electric Company. The purpose of all such efforts was to ensure that the future of industry in the West Bank would be controlled by Israel. Efforts had also been made to increase Israeli exports to the West Bank and in 1970 the deficit in the balance of payments between the occupied West Bank and the occupying Power amounted to nearly \$50 million.

6. Israeli spokesmen boasted of their employment policy, saying that thousands of Arabs were working in Israel. But if so many inhabitants of the occupied areas were working on Israeli projects, Israel was making no sacrifice. On the contrary, with such cheap labour, it was deliberately reducing the pressures on wage levels

in Israel and releasing more Israeli workers for the military industry. That too was nothing more than exploitation. Arabs were being forced to work on projects which were contrary to the fundamental interests of the Arabs of the occupied territories—the survival of their national identity and integrity.

7. When the Israelis spoke of the standard of living in the occupied areas, they were juggling with meaningless figures. Israel received hundreds of millions of dollars from foreign sources. The Arabs of the West Bank and other occupied areas, on the other hand had never been subjected to such a high rate of inflation as that which prevailed currently. Since 1967 the level of prices had more than doubled and had even tripled as far as meat and clothing were concerned. What the Arabs received with one hand was taken away with the other through inflation and exorbitant levels of taxation.

8. He also objected to the way in which the Israeli representative had attacked the record of achievement of the proud and industrious people which was now suffering under foreign occupation. Throughout the history of unified modern Jordan, the West Bank and the East Bank of Jordan had been one political and economic entity. As one economic unit, Jordan had shown a remarkable rate of growth and modernization, particularly during the 15 years prior to the Israeli occupation of 1967. In fact, it had made some of the most far-reaching economic and social progress among the countries of the third world, as Governments and international organizations, including the United Nations, had not failed to note. The annual report of the International Bank for Reconstruction and Development and the International Development Association for 1966-1967 had indicated that Jordan could double its gross national product in less than 10 years. The rapid rate of growth was characterized by monetary stability, the absence of inflation, a high level of employment, and, for most of the period, a surplus in the balance of payments. Those facts were documented in reports of the International Monetary Fund and other international agencies. The West Bank had played an essential part: 40 per cent of Jordan's gross national product, more than 65 per cent of its fruit production and more than 60 per cent of the labour force in industry originated in the West Bank. Of the municipal subsidies 80 per cent had gone to the municipalities of that area which, in 1967, had registered a unique growth process.

9. When the representative of Israel spoke of schools and the educational system in the occupied territories, he omitted to mention that before the war Jordan had had one of the highest enrolment figures in proportion to its population in the Middle East, that the percentage of university students was higher than in some advanced countries and that the number and quality of educational establishments had been commended in UNESCO reports on education in the developing countries. Appropriations for education had always represented a sizable part of the budget. Hence Committee members should not be duped by the figures given by Israel. The substance of education was equally important since it

determined the future national identity of peoples. In Jerusalem education was being totally "Israelized". Similarly, in a slightly more subtle way, the germ of "de-Arabization" was injected in the content of education in the occupied territories. The press complemented the other mischievous methods of indoctrination and intellectual mutilation of the Arab people.

10. Furthermore, the population had been dispersed. Over half a million Arabs had had to flee the area of hostilities in 1967. East Jordan had received some 400,000 displaced persons. Despite the appeals by the Security Council and the General Assembly, only 18,188 persons had been able to go back to the West Bank. Over 45,000 people from Gaza were still living in temporary shelters in East Jordan. In Gaza thousands had been moved about, their dwellings bulldozed and their area of residence, Gaza, progressively integrated into Israel. The International Committee of the Red Cross (ICRC) had reported at length on that human tragedy. In the Golan Heights and Sinai masses of people were involved in the Israeli game of geopolitics which resulted in a radical dislocation of the natural demographic conditions in those areas. It was clear that human rights were being violated and, what was worse, that the national identity and natural historical character of the region and of the people who had inhabited it for centuries were being threatened.

11. Such facts had to be recalled to put the significance of the report in focus. The process of economic, physical, political and human absorption of the territories occupied by Israel had to be arrested. Thereafter, termination of the occupation would be the best guarantee for the advancement of human rights and peace.

12. Mr. ZANDFARD (Iran) expressed satisfaction at the fact that, although the Israeli authorities had persevered in their refusal to co-operate with the Special Committee, that Committee had utilized other sources of information to assemble in its report adequate evidence to provide a basis for an appraisal of the situation in the occupied territories. The report also made certain recommendations which deserved careful consideration.

13. The Special Committee's report confirmed earlier findings, and also showed that in certain cases practices and policies violating human rights in the occupied territories had become even more manifest, especially in connexion with the settlement and annexation of certain territories. Further, the practices of deportation, the demolition of houses, the establishment of Israeli settlements along the demarcation lines, the expropriation of Arab territory and the denial of the right of civilians to return to their homes in the territories which they had fled during and after the 1967 hostilities, had become accentuated. The Special Committee's findings were so explicit and so well documented that it would be difficult to refute them. In order to justify their actions, the Israeli authorities cited reasons of security, but in fact security depended on mutual trust and respect for the rights of all those who were destined to live together in the same region.

14. The crux of the matter was the continued occupation of Arab territories by Israel since 1967, despite various resolutions passed by the Security Council and the General Assembly on the subject. Israel had no moral or legal justification for effecting radical changes in the physical character and demographic composition of the occupied territories; the General Assembly had reaffirmed, in its resolution 2851 (XXVI), that all measures taken by Israel to settle the occupied territories were completely null and void. With regard to the population of those territories, Israel should respect the Geneva Conventions of 12 August 1949 and the Universal Declaration of Human Rights, and also the relevant resolutions adopted by various international organizations.

15. Iran's position had already been made amply clear. Since 1967, even before the hostilities came to an end, the Iranian Government had repeatedly reaffirmed the principle that the acquisition of territory could not be condoned; and less than two months previously, during his official visit to the Union of Soviet Socialist Republics, the Iranian Head of State had reasserted that principle in a communiqué issued simultaneously in Moscow and in Teheran. That communiqué had given prominence to the crisis in the Middle East, and the withdrawal of Israeli forces had been described as the essential element in the evolution of a just and durable peace. Although there was currently no concrete evidence of an early settlement, and though Israel's negative attitude was delaying implementation of Security Council resolution 242 (1967), the Iranian Government continued to believe that that resolution provided the best workable framework for realizing a just and lasting peace. One could only hope that justice and realism would prevail.

16. Mrs. GAVRILOVA (Bulgaria) said that the Special Committee's report was remarkable in that it provided official confirmation of data which were widely known but which needed to be investigated and proved again and again in order to provoke the necessary measures to put an end to daily and massive violations of the human rights of the Arabs population in the territories occupied by Israel since 1967.

17. The Special Political Committee should draw attention to the political issues set out in the report, and the conclusions reached by the Special Committee. Violating the human rights of the Arab population in the occupied territories was not the main goal of the Israeli authorities, but merely a consequence of the methods they applied in pursuing their real goal which was the annexation of the occupied territories and their incorporation within the borders of Israel, in order to realize the Zionist dream of creating a mighty and racially homogeneous Judaic empire in the Middle East. In pursuing that goal, they had implemented and continued to implement a policy of de-nationalization, "de-Arabization" of the occupied lands, mass demolition of Arab homes, mass deportation of Arabs and the settlement of Israelis both within the occupied territories and along their borders. By constantly depriving the Arab population of its elementary rights to life, work,

domicile, education and religious freedom, the Zionist Government of Israel was making that population more vulnerable to its expansionist plans, a goal also served by its policy of constant threats, mass arrests, tortures and imprisonment and unbearable economic exploitation and humiliation. As the Special Committee's report stated, the official policy of the Israeli Government was to make the occupied territories socially, economically and juridically part of Israel.

18. No crime, especially in international relations, should be left unpunished. In its report and its conclusions, which coincided with reports drawn up by ICRC, the Special Committee made it clear that it was high time for the United Nations to seek ways and means of ensuring that the guilty State implemented its resolutions and decisions and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the fourth Geneva Convention) of 12 August 1949;¹ those ways and means would be found if all Governments were sincerely interested in settling the Middle East conflict.

19. If the majority of members of the Special Political Committee accepted them, her delegation would support the recommendations made in paragraph 93, subparagraphs (a), (b) and (c), of the Special Committee's report (A/8828) as a step towards the establishment of peace in the Middle East. Paragraph 95 was also of great importance and deserved full attention on the part of the Special Political Committee.

20. Mr. SAYEGH (Kuwait) paid tribute to the Special Committee for the quality of its report, and especially for its patience, perseverance, clear-sightedness and intelligence, which were obvious both from the way in which it had gathered its facts and from its conclusions. Rather than pick out certain passages in the report, he wished to throw light on two points: first, what the report showed of the effects of Israeli practices on the populations of the occupied territories and, secondly, the effect that Israel's policies and practices in the occupied territories had on the rules governing the occupation of territories and on the body of laws representing international efforts to protect the civil populations of occupied territories.

21. In connexion with the first point, the Special Committee's report clearly brought out the special features of Israel's policies in the occupied territories. While the occupation of territories was normally only a temporary and transitory measure, the Israeli occupation was one which was tending towards permanence and towards perpetuating its rule over the fate of the populations of the occupied territories. All the Israeli practices mentioned in the Special Committee's report—annexation of territory, settlement, transfer of population, confiscation of property, demolition of houses, individual or mass deportations and denial of the right to return—showed that the Israeli authorities regarded the occupation as a permanent state of affairs.

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

22. At the same time, while the Special Committee's report well illustrated the facts and the nature of the Israeli occupation, it did not place it in their specific ideological context. Israel's policy of occupation could be understood only in relation to the Israeli doctrines and ideology of which it represented the realization. At first, when the Zionists had arrived in Palestine, the aim had been to establish a Jewish State in a country inhabited by non-Jews. Thus, non-Jews had had to be expelled and replaced by imported Jews. Zionism had been able to survive through that process, which was like a heart-beat, pumping out non-Jews and pumping in Jews. Subsequently, the same steps had had to be taken in the occupied territories: the inhabitants had been expelled, or at least "de-Arabized" and "Judaized", and settlements of imported Jews had been established.

23. In addition, the Special Committee had not taken into account the effects of Israeli practices on cultural rights, a special form of human rights. He believed that the Special Committee should be asked to remedy that omission in its future reports. A cultural right was the right of the populations of the occupied territories to preserve their cultural heritage. That right was one of the human rights, and the Special Committee should thus ascertain how that right was affected by Israeli practices. Moreover, the fifth preambular paragraph of General Assembly resolution 2727 (XXV) referred to UNESCO resolutions concerning Israeli practices affecting the cultural rights of the populations of the occupied territories. A study of those practices along such lines was thus part of the Special Committee's mandate. Nevertheless, an international instrument relating to cultural rights did exist, in the form of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954,² to which Israel and the Arab States concerned were parties. That Convention and the fourth Geneva Convention both derived from the Hague Conventions of 1899 and 1907 relating to the cultural and other rights of the populations of occupied territories. He quoted article 154 of the Geneva Convention, in which it was stated that that Convention would be supplementary to sections II and III of the Regulations annexed to the Conventions of The Hague of 1899 and 1907, and article 36 of the 1954 Hague Convention, in which it was stated that that Convention would be supplementary to Hague Conventions of 1899 and 1907. He read out paragraph 3 of article 4 of the 1954 Hague Convention and pointed out that the Executive Board of UNESCO had had before it, at its eighty-second to ninetyth sessions, reports of looting and stealing of the cultural property of the inhabitants of the territories occupied by Israel. The UNESCO General Conference had considered those reports at its fifteenth and sixteenth sessions and the UNESCO Executive Board had repeatedly called upon Israel to comply with the provisions of the 1954 Hague Convention.

24. All those considerations made it clear that in its future reports the Special Committee should include a section devoted to describing the policies and practices

of Israel which affected the cultural property and rights of the inhabitants of the occupied territories. In order to do so, it would have to use all available sources of information, especially those of UNESCO. It was a serious matter, for to rob a people of its cultural heritage was tantamount to depriving it of part of its soul. In recent months, the Israeli war minister had been accused of seizing cultural property brought to light in archaeological excavations and selling it abroad. In that affair, the fact that Moshe Dayan had not infringed Israeli law was of no concern to the Committee; what was of importance to it was the conduct of the Israeli war minister from the point of view of international law, i.e. from the point of view of the 1954 Hague Convention and from the point of view of the Hague Conventions of 1899 and 1907, which prohibited such actions.

25. On the question of how the policies and practices pursued by Israel in the occupied territories affected the international juridical system, and in particular international law governing the military occupation of territories, he pointed out that Israel refused to consider itself bound by the provisions of the fourth Geneva Convention of 1949. In its annual report of 1969, ICRC had reported that the Israeli Government proposed to leave the question of the applicability of that Convention open. The statement made by the Israeli representative at the 849th meeting showed that the attitude of the Israeli Government had not changed, although the occupation had gone on for more than five years and although the Convention had been applicable from the very opening of hostilities and the beginning of the occupation. The provisions of article 2 of the Convention left no room for speculation and article 47 laid down that the Convention was applicable even if the occupied territories had been annexed. Moreover, on at least 17 occasions the United Nations had decided that the fourth Geneva Convention of 1949 was applicable to the territories occupied by Israel in the 1967 war. Those decisions appeared in Security Council resolutions 237 (1967) and 271 (1969); General Assembly resolutions 2252 (ES-V), 2443 (XXIII), 2546 (XXIV), 2727 (XXV) and 2851 (XXVI); resolutions 6 (XXIV), 6 (XXV), 10 (XXVI), 9 (XXVII) and 3 (XXVIII) of the Commission on Human Rights; Economic and Social Council resolutions 1336 (XLIV) and 1515 (XLVIII); resolutions WHA 23.52 and WHA 24.33 of the World Health Organization; and resolution I of the International Conference on Human Rights, held at Teheran in 1968.

26. In all those texts, the various organs or agencies of the United Nations had requested the Israeli authorities to comply with the provisions of the Geneva Conventions of 1949. Yet not only did Israel consider that the question of the applicability of the fourth Geneva Convention had not been settled, but it violated the provisions of that Convention. Those violations were simply the manifestation of an attitude from which Israel had never deviated and according to which it considered that it was not called upon to account for its actions either to mankind or to the United Nations. It did not consider itself bound by international law or obliged to account for its actions in the occupied

² *Ibid.*, vol. 249 (1956), No. 3511.

territories. On five occasions it had translated that refusal to be accountable at the international level into deeds, for on five occasions it had refused to co-operate with organs or missions set up by the United Nations and instructed to examine Israel's conduct. It had stood in the way of the implementation of resolution 259 (1968), in which the Security Council had requested the Secretary-General to send a Special Representative to the Arab territories under military occupation by Israel and to report on the implementation of resolution 237 (1967). Similarly, it had hindered the implementation of resolution 298 (1971), in which the Security Council had requested the Secretary-General, using such instrumentalities as he might choose, including a representative or a mission, to report on the situation prevailing in Jerusalem. Israel had nullified resolution 6 (XXV),³ by which the Commission on Human Rights had set up a special Group of Experts to investigate the policies and practices of Israel in the occupied territories. By refusing to allow the Special Committee to enter the occupied territories, Israel had nullified General Assembly resolution 2443 (XXIII) setting up the Special Committee. Lastly, it had nullified the decisions whereby UNESCO, from the eighty-eighth session of its Executive Board onwards, had sought to establish a UNESCO presence in the occupied territories in order to safeguard the cultural property of the inhabitants of those territories and to ensure the implementation of the 1954 Hague Convention. By refusing to settle the question of the applicability of the Geneva Convention of 1949, Israel had once again refused to consider itself bound by the international institutions to render account to the international bodies. In so doing, Israel made a mockery of the principle of the respect due to treaties, which was a condition of international law and the foundation of international order. Israel made a mockery of the principle of respect for the obligations arising out of treaties, which was regarded in the preamble to the Charter as one of the objectives of the United Nations.

27. Respect for treaties and fulfilment of obligations arising out of treaties had always been regarded not only as a matter of legal duty among the parties but also as a question that concerned all States. It was therefore useful to consider the reaction of the United Nations to Israel's conduct. Although Israel had violated the Geneva Convention of 1949 and the Hague Convention of 1954 and had refused to acknowledge its obligations, a large number of Member States had adopted an attitude of indifference to its conduct. Some of them, by voting against the resolutions or abstaining in the votes, had even hampered the efforts made to force Israel to respect the international conventions. In so doing, they had helped to destroy the structure of the international juridical system. Yet those very States which hindered the implementation of the existing conventions were trying elsewhere to obtain the adoption of another convention on terrorism. The very States which, in the Special Political Committee, were imperill-

ing the structures of the international juridical system were promoting its development in another Committee. That incoherence or duplicity did not serve the cause of international order.

28. In conclusion, he assured the States of Africa and Asia who either abstained on the issue or opposed it that, if they were to experience occupation again, they would find that the Arab States would neither abstain nor oppose but would be firmly resolved to comply strictly with all the instruments of the international juridical system.

29. Mr. NUÑEZ (Costa Rica) said that his Government deplored the living conditions which were the lot of so many human beings in the conflict by which the Near East was rent owing to the fact that certain States refused to recognize and to accept the existence of the State of Israel, a State which had been created in accordance with the clearly expressed will of the majority of States Members of the United Nations. Costa Rica would support any effective action designed to guarantee those people a free life worthy of human beings and it regretted that certain persons could, unopposed, make use of that tragedy for political ends. The discussion which had taken place in the Committee had shown that there was constant confusion between the humanitarian and the political fields.

30. As far as the Special Committee was concerned, Costa Rica still thought that its composition did not fulfil the requisite legal conditions: indeed, no court would accept the validity of evidence given by persons hostile to the accused. He therefore asked the members of the Committee to consider putting an end to the mandate of the Special Committee, unless its composition was made more equitable and more impartial and its mandate was extended to instruct it to investigate not only the conditions imposed upon the Palestinian Arabs but also any violations of the human rights of any people subjected to military occupation.

31. Mr. NAÇO (Albania) said that the report of the Special Committee, as well as the statements by the representatives of the Arab States during the current debate, offered many examples of the inhuman crimes perpetrated by the Zionists against the population of Palestine and of the other Arab countries which had suffered an armed aggression committed with the direct aid of United States imperialism. The Israelis had set out to change completely the physical character and demographic composition of the occupied territories and to destroy their national identity, and they had not hesitated to displace the Arab inhabitants and settle Jews from abroad in their place, using the most barbarous colonialist methods in order to achieve their end: massacres in which neither children, nor women nor old people were spared, persecutions and arrests were features of a reign of terror which, together with the creation of unfavourable economic conditions, was designed to prompt the Arabs to leave the occupied territories. There were more and more demolitions and expropriations, and more and more people were sent to

³ See *Official Records of the Economic and Social Council, Forty-sixth Session*, document E/4621, chap. XVIII.

concentration camps, in violation of human rights, arousing profound indignation in international public opinion.

32. The policy of expansion and domination of international Zionism, which was out to establish a "greater Israel" at the expense of the territorial integrity of the neighbouring Arab States, had enjoyed political, economic and moral aid from the United States of America, without which Israel would never have been able to launch armed aggression on such a scale or continue its occupation for so long. The Soviet revisionists, those false friends of the Arab peoples, were likewise helping Israel to carry out its anti-Arab designs, and Soviet Jews in numbers which in 1972 would exceed 30,000 were being authorized to emigrate to Israel to take over premises from which their Arab owners had been driven out. His delegation had on more than one occasion roundly denounced the pro-Israel actions of the United States and the Soviet Union, both of which were maintaining tension in the Middle East to suit their interests and dividing up between them zones of influence in that region of great economic and strategic importance. The plans of the two super-Powers for a so-called peaceful solution to the Middle East problem were only one aspect of their anti-Arab policy, one that gave them a chance to fish in troubled waters with greater impunity. It was impossible to oppose the criminal colonialist policy pursued by Israel in the occupied territories without taking a resolute stand against the two super-Powers, which were mainly responsible for the tragedy and must desist from interfering in the internal affairs of the peoples of the region. The freedom-loving States that respected the rights of peoples and the principles of the United Nations Charter must denounce them and insist that the Israeli occupation be brought to an end.

33. The Arab peoples were more and more aware of the covetous designs of the two super-Powers and had little faith in their diabolical plans for putting an end to the occupation. They realized that if they were to achieve their national aspirations they must rely solely on their own strength, and they had chosen armed struggle as the way to free the occupied territories and put an end to the savage terror unleashed on them but still unable to conquer their thirst for freedom.

34. The people and the Government of Albania had always resolutely condemned the monstrous acts committed by the Israeli usurpers. As faithful and sincere friends of the Arab peoples and the brave Palestinian patriots, they would unreservedly support them in their fight for freedom against imperialism. His delegation once again expressed its militant solidarity with them and was convinced that with the strength derived from unity they would continue their just struggle and witness the triumph of their noble cause.

35. Mr. ZAHAWIE (Iraq), speaking in exercise of the right of reply, observed that once again the representative of Costa Rica had taken up the defence of the Zionist occupiers of the Holy Land. That representative had made it clear that he was no better informed than

at the previous session as to the conditions prevailing in occupied Palestine. Was he, as a priest, aware of the living conditions of Christians, who had at all times to carry with them an identity card indicating their religion—a practice only too reminiscent of the Nazi occupation, when the Jews had had to carry with them the Star of David? The fact was reported in the *Sun* of Baltimore, of 21 June 1971. Had he heard of the debate that had taken place in Israel concerning the desirability of allowing concerts of religious music, including oratorios by Bach and Handel? The Government had decided that the performance of such works of Christian inspiration should not be encouraged.

36. Nor, apparently, was the representative of Costa Rica aware of the criticisms made against Israel by his own Catholic Church. The Vatican press had echoed the Church's protests against any change in the status of Jerusalem and the fears expressed as to the existence and way of life of Christians in the Holy Land. On several occasions, Pope Paul VI had stated that it was the duty of the Catholic Church to protect not only the Holy Places but also persons of all creeds, whether Christians, Moslems or Jews.

37. The representative of Costa Rica seemed to be ignorant of the fact that Israeli forces had entirely destroyed villages linked to the Christian tradition. For example, *The Sunday Times* of London of 16 June 1968 had reported the destruction of the village of Emmaus.

38. Mr. MOUSSA (Egypt), speaking in exercise of the right of reply, said that when the representative of Costa Rica expressed the hope for an improvement in the living conditions of the Arab victims of military occupation, he was no doubt thinking of an end to occupation. If so, he was falling in with the conclusions and recommendations of the Special Committee. His opposition to the use of the Palestinian tragedy for propaganda purposes was no doubt motivated by the arguments used by the representative of Israel to extol the virtues of occupation.

39. He personally agreed whole-heartedly with the representative of Costa Rica in his call for effective action. Everyone hoped that the occupation would come to an end, that the fundamental rights of the population would be respected, and that at the very least the occupation authorities would fulfil their international obligations. But a body was needed to conduct an inquiry, and that was precisely the function that had been entrusted to the Special Committee. With regard to the extension of the terms of reference of the Special Committee to cover the sufferings of Jews in the areas of military operations, he himself had pointed out that the Security Council had defined those areas as being the occupied territories and that the persons whose human rights were violated were the Arabs in the occupied territories. In that connexion, prior to the introduction of the Zionist doctrine and Zionist aggression in the Middle East, the attitude of the Arabs to the Jews had always been one of respectful and tolerant co-operation.

40. Mr. NUÑEZ (Costa Rica), speaking in exercise of the right of reply, said he would like to forestall any attempt like that of the preceding session to confuse his status as a priest charged with a sacred mission and his status as a part-time diplomat. He would say again that he was attending the Assembly as a representative of the Government of Costa Rica, with instructions to express its views, and not as a spokesman for the Catholic Church.

41. He had never claimed to be an expert, and at the previous session he had stated in the Committee in all sincerity that he was still anxious to learn anything he did not know. He was unaware, for example, that in Israel the ban on playing religious music was laid down in documents known to the information media. He could only cite his own personal experience, in Tel Aviv for example, where he had attended a mass sung by Argentine choirs and had heard the Israeli radio broadcast music by great composers of Christian inspiration. He had already had occasion to report that the official radio and television of Israel had retransmitted a six-hour programme devoted to the celebration of Christmas at Bethlehem, and that not only Catholics, but members of the Orthodox Church and Armenians who celebrated Christmas on different dates had had the right to broadcasting time. How could he have failed to conclude that the Christian Holy Places enjoyed the respect and protection of the State of Israel? As far as Emmaus was concerned, it did not take an archaeologist to know that the exact site was still a matter of controversy and that the Christians themselves located it in two different places. One representative had accused him of being ill-informed on facts quoted by *l'Osservatore Romano* and *Civiltà Cattolica*. He was not aware that those two newspapers were required reading for any good Christian, and as he had already stated, he was sitting on the Committee as the representative of Costa Rica and not of the Catholic Church. Incidentally, the Holy Father had voiced his concern about the fate of the "silent Church", in other words the Christian minority in a country where another religion—which might be Judaism or Islam—was dominant, and nothing he had said involved the status of Catholics in the Middle East question. He thanked the representative of Egypt for the kind words used in reference to him personally.

42. Mr. ZAHAWIE (Iraq), speaking in exercise of the right of reply, said that the representative of Costa Rica was betraying his ignorance more and more. He might do well to read an article in *The New York Times* of 14 May 1972 mentioning the refusal of the Israeli Minister of Education to grant a subsidy to a cultural institution concerned essentially with religious music whose activities did not come within the framework of the Government's policy. Nor could the representative of Costa Rica be too strongly urged to familiarize himself with the circumstances in which the State of Israel had been created before venturing an opinion on the problems of the Middle East.

43. Mr. SAYEGH (Kuwait), speaking in exercise of the right of reply, said that he found the Costa Rican

representative's proposal concerning the terms of reference of the Special Committee very interesting. He would like to know whether it was a formal proposal which in due course would be followed up by a draft resolution, in which case he would wish to speak later on the subject, or whether it was a mere idea for discussion. He appreciated that representative's concern for the sufferings of the oppressed peoples and fully agreed as to the necessity for an inquiry into what was happening to them. But he thought that some confusion had arisen between two concepts which were juridically distinct: the interest of the international community in the conditions in which the military occupation of a territory was being carried out and the question of minorities living in sovereign States brought different rules of law into operation and involved international bodies whose respective jurisdiction was well defined.

44. There was no doubt that both concepts should be examined in the widest possible context. Thus the mandate of any committee investigating the practices under a military occupation should cover not only Arab territories under Israeli occupation but also Israeli territories under Arab occupation, if there were any. If the representative of Costa Rica knew of any examples of the latter, he might draw them to the attention of the Committee. As for the condition of minorities residing in sovereign States, that should be considered as a general problem, not limited to the Middle East. His delegation was ready to support any proposal for the creation of a body which would deal with minorities in all States. However, there were already some bodies that were competent to deal with that question, such as the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination, which consisted of 18 experts, serving as individuals and known for their high moral standard and impartiality, and which had been set up under the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, to which both Costa Rica and 10 Arab countries were parties.

45. Mr. MAHMASSANI (Lebanon), speaking in exercise of the right of reply, advised the representative of Costa Rica, who had reported on what he had been able to see in Israel, to ask the Israeli authorities on his next visit to show him the villages of Biraan and Ikrit, whose inhabitants had been Christian Maronites and who had been driven out in 1948 and had not been allowed to return by the Israelis. Their houses had been razed to the ground by the Israeli army and, instead of farming their own lands, as had been their custom, they were now condemned to work on them as farm labourers. The representative of Costa Rica should talk to those men and later tell the members of the Committee what he had seen of Israeli practices.

46. Mr. NUÑEZ (Costa Rica), speaking in exercise of the right of reply, reminded the representative of Kuwait that, in setting forth the position of Costa Rica, he had asked that the mandate of the Special Committee should be extended only on the two conditions he had mentioned. He thanked that representative for his

skilful exposition on international law, but he wished to point out that he had been speaking of human and not legal matters and of the suffering that any conflict caused to the population of the territories concerned, without regard to whether those territories were or were not occupied. He would take the advice of the representative of Lebanon if he had an opportunity to return to the Holy Land and would give an honest account of what he had seen. He was nobody's advocate and only too willing to be better informed. However, he thought that religious and cultural freedom should be guaranteed regardless of faith held, and he had been grieved to hear that a synagogue had been desecrated in the Old City of Jerusalem, as had the Jewish cemetery on the Mount of Olives, at a time when the administration had not been Israeli.

47. Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of the right of reply, cast doubt on the sincerity of the Israeli representative who had declared that he would not intervene any further in the debate, for today another Israeli representative was speaking in the name of Costa Rica. Mr. Nuñez had, at the previous session, undertaken to make a careful study of the Middle East problem in order better to understand it. His new statement showed the progress he had made in his knowledge of the situation, and he would propose that it should be issued *in extenso*. Mr. Nuñez had, *inter alia*, shown his concern for the fate of Jewish minorities residing in Arab countries and had proposed that the Committee's mandate should be extended to include them. He should note that a strict legal interpretation of Security Council resolution 237 (1967), in particular of its paragraph 1, and of General Assembly resolution 2252 (ES-V) showed quite clearly that those resolutions did not apply to minorities on the territories of even those States that were most directly concerned. He would refer Mr. Nuñez to the note submitted by the Secretary-General pursuant to those resolutions.⁴

48. The CHAIRMAN said that if there were no objection, he would consider that it was the Committee's decision that a transcription of the text of the statement of the representative of Costa Rica should be made available, in accordance with the authorization received from the General Assembly (see A/8800/Rev.1).

*It was so decided.*⁵

49. Mr. ZAHAWIE (Iraq), speaking in exercise of the right of reply, wondered how the representative of Costa Rica could have failed to hear of the villages of Biraan and Ikrit, when even the Israeli press had spoken of them. With regard to the alleged hostility the Arabs felt for the Jews, he would recall that at the 837th meeting he had quoted the words of an Arab Jew settled in Israel reproduced in the Israeli newspaper *Maariv* of 11 April 1972, who had said that it was the Israeli leaders who fostered hatred between the Jews and the Arabs. The Jews had lived in peace with the Arabs

until the advent of zionism. The representative of Costa Rica had spoken of the desecration of Jewish cemeteries, but had he heard of the Moslem cemetery of Mamallah which had been desecrated and for the most part destroyed to make room for a street? Those facts had been reported by the Chairman of the Israel League for Human and Civil Rights. He should also know that Zionist terrorist groups had destroyed Jewish houses and synagogues when they had tried to capture Jerusalem in 1948.

50. Mr. SHARAF (Jordan), speaking in exercise of the right of reply, wished to make it clear that the destruction of the synagogue mentioned by the representative of Costa Rica was due to a deliberate attempt on the part of the Zionists to capture the Arab city of Jerusalem in 1948. During the fighting Arab, Moslem and Christian religious places had been damaged, including the Church of the Holy Sepulchre. On the other hand, the Israelis had destroyed not only the cemetery of Mamallah, which in Arabic meant "God's sanctuary", but they had besides, after the 1967 hostilities, destroyed the Moroccan quarter, where the graves of historical personages and Moslem leaders were situated.

51. He wished to point out that it was the duty of the Special Political Committee to defend the human rights of the Arab populations for as long as they remained victims of the occupation.

52. Mr. NUÑEZ (Costa Rica), speaking in exercise of the right of reply, said that he had spoken in all sincerity in defense of human rights and he had accused no one. He failed to see why certain Arab countries took it upon themselves to cast doubt on the position and policy adopted by a sovereign Government. No one had the right to accuse Costa Rica of acting as intermediary for the Government of another country. He was concerned at the way in which the debate became embittered when the conflict in the Middle East was discussed. It was in that context that he was asking that the mandate of the Special Committee should be broadened so that it could examine the consequences of all conflicts over human rights everywhere in the world. He wished to point out, for the benefit of the Jordanian representative, that he was ready to examine any violation of human rights committed by Israel and that, if it was shown that Israel had committed such violations, he would not hesitate to condemn it.

53. Mr. MAHMASSANI (Lebanon), speaking in exercise of the right of reply, wondered whether it should be concluded from the last sentence in the statement just made by the representative of Costa Rica that he was aware of the acts in question. The debate had shown that only one person, invited by Israel, could not see all the realities in the case. The only means of defence Israel had against the allegation concerning violations of human rights was to accept an inquiry by an international organ into the violations of human rights in the occupied territories.

54. Mr. TARCICI (Yemen), speaking in exercise of the right of reply, said that the representative of

⁴ See *Official Records of the Security Council, Twenty-third Year, Supplement for July, August and September 1968*, document S/8699.

⁵ The full text of the statement of the representative of Costa Rica was subsequently circulated in document A/SPC/PV.851.

Costa Rica had no right to take offence because he was accused of partiality, when at the very beginning of his statement he had taken to task the members of a group freely set up by the Special Political Committee for being completely impartial. He had deemed it necessary to defend those who were occupying Palestine though they had driven out the Palestinian Christians, whose only crime had been that their ancestors had heeded the voice of Christ.

55. Mr. NUÑEZ (Costa Rica), speaking in exercise of the right of reply, explained for the benefit of the representative of Yugoslavia that he had protested because he could not admit that a representative should accuse him of representing another country and should thus offend his Government. Furthermore, he had not passed judgement on the Special Committee's report but had expressed regret that the Committee consisted of States that had displayed in one way or another their hostility to, or their lack of friendship for, Israel. He wished to point out for the benefit of the representative of Lebanon that he had not gone to Israel as a tourist, but had spent more than two years there as the ambassador of his country. He had thus been able to go freely wherever he wanted and to make contact with many Arab families, which had enabled him to understand certain attitudes. Finally, he had not said that Israel had committed crimes, but if it was shown that Israel had committed violations of human rights, he would condemn them.

56. Mr. EL-FATTAL (Syrian Arab Republic), speaking on a point of order, said that at the beginning of the statement just made by the Costa Rican representative, he must have been referring to the representative of Yemen and not to the representative of Yugoslavia.

57. Mr. NUÑEZ (Costa Rica) wished to apologize to the representative of Yugoslavia.

58. Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of the right of reply, said he had never questioned the right of the Costa Rican representative to adopt whatever position he wished, and regretted that that representative should have misunderstood his (Mr. El-Fattal's) words. The representative of Costa Rica must know, however, that international relations were founded on the principle of reciprocity, and if he

took it upon himself to interfere in Syria's internal affairs, he could expect the representative of that country to question his motives. He wondered whether the representative of Costa Rica, had read the resolution adopted in 1972 at the Twenty-eighth World Zionist Congress in Jerusalem, which had dealt with, *inter alia*, the Jewish community in Syria.

59. Mr. MAHMASSANI (Lebanon), speaking in exercise of the right of reply, said that if the representative of Costa Rica was incapable of distinguishing between the representatives of Yugoslavia and Yemen, who were only a few yards away from him, he was not surprised that he had been unable, when in Israel, to see the difference between appearances and reality, which in that country, more than anywhere else, were miles apart.

60. The CHAIRMAN requested the Secretary of the Committee to read out the list of speakers. In accordance with the decision taken at the 850th meeting, the list should now be closed.

It was so decided.

Organization of the Committee's Work

61. The CHAIRMAN recalled that the representative of India, in his capacity as Rapporteur of the Special Committee on *Apartheid*, had asked that the consideration of item 38, concerning the policies of *apartheid* of the Government of South Africa, should not be closed. He suggested that that item should be included in the agenda of the Committee at its next meeting.

It was so decided.

62. The CHAIRMAN said that at the next meeting the representative of India would introduce draft resolution A/SPC/L.257, which concerned that item. He invited delegations of countries wishing to become co-sponsors of the draft resolution to inform the Indian delegation.

63. Mr. KANOUTÉ (Mali) said his country wished to become a sponsor of draft resolution A/SPC/L.257.

The meeting rose at 6.45 p.m.