

United Nations GENERAL ASSEMBLY

TWENTY-THIRD SESSION

Official Records



THIRD COMMITTEE, 1631st
MEETING

Thursday, 5 December 1968,
at 3.30 p.m.

NEW YORK

CONTENTS

Agenda item 62:

International Year for Human Rights (continued):

(a) Measures and activities undertaken in connexion with the International Year for Human Rights: report of the Secretary-General;

(b) International Conference on Human Rights Consideration of draft resolution A/C.3/L.1626 and Add.1 (continued)

Page

1

Chairman: Mr. Erik NETTEL (Austria).

AGENDA ITEM 62

International Year for Human Rights (continued)
(A/7194, A/7195, A/7195/Add.1 and Add.3-7,
CONF.32/41, A/C.3/L.1626 and Add.1, A/
C.3/L.1633 and Add.1, A/C.3/L.1635/Rev.1, A/C.3/
L.1636, A/C.3/L.1637 and Add.1 and 2, A/C.3/
L.1638-1641, A/C.3/L.1642/Rev.1, A/C.3/L.1644):

- (a) Measures and activities undertaken in connexion with the International Year for Human Rights: report of the Secretary-General;
- (b) International Conference on Human Rights

CONSIDERATION OF DRAFT RESOLUTION A/C.3/L.1626 AND ADD.1 (continued)

1. Miss GICHURU (Kenya) said that her delegation had had no difficulty in voting in favour of draft resolution A/C.3/L.1623/Rev.1, which had been adopted at the 1629th meeting.

2. With regard to the draft resolution at present under study (A/C.3/L.1626 and Add.1), she had some reservations about the sixth preambular paragraph which quoted resolution I of the Teheran Conference, since Kenya had abstained in the vote on that resolution and its position was unchanged. Since, however, the draft resolution had been prompted by humanitarian considerations, Kenya would vote in favour of it.

3. Mr. SAYEGH (Kuwait) pointed out that the resolution adopted at Teheran was not an isolated text. To begin with, there were a number of international instruments having mandatory force which had been adopted during the past twenty years in order to provide for respect for human rights in occupied territories, a matter for which there had been provision before the Second World War: Article 2 of the Universal Declaration of Human Rights provided that

everyone was entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, and regardless of the political, jurisdictional or international status of the country or territory to which he belonged. Later various United Nations organs had adopted resolutions concerning the rights of Arab citizens in the territories occupied by Israel since 1967. Lastly, there were many factors which revealed that Israel respected neither the general provisions of the Geneva Conventions nor the special provisions of the texts adopted by the United Nations and that, far from ceasing, those violations of human rights in the occupied territories were multiplying. In those circumstances, the draft resolution before the Committee seemed extremely moderate: it made no judgement on the human rights situation in the occupied territories and merely implied that an investigation by an impartial committee would be justified, and it did not in any way prejudice the result of that investigation. There were a number of precedents for the use of that method, which was simply the application of the principle that a country was less tempted to violate human rights when the eyes of the world were upon it.

4. He himself thought that the proposed investigation was perfectly justified in view of the many violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949^{1/} which had been reported from various sources. For example, article 49 prohibited mass or individual forced transfers and deportations. Yet it was stated in paragraph 105 of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East^{2/} that, following the hostilities of June 1967, forty-eight teachers had been deported from the Gaza strip. Israel had also deported thirty-two notables from the West Bank of the River Jordan to the East Bank—four of them in 1967, one in March 1968, five in September 1968 and twenty-two during the past five weeks. The Israel Press itself described the circumstances in which those nocturnal deportations were carried out, the victims being given very little advance notice and being treated like criminals. It was not only the considerable increase in the number of deportations in recent weeks that was causing alarm, but the type of persons being deported, who included teachers and individuals of note. There was no doubt whatever that those deportations were contrary to international law; there was therefore every justification for an investigation.

^{1/} United Nations, Treaty Series, vol. 75 (1950), No. 973.

^{2/} Official Records of the General Assembly, Twenty-third Session, Supplement No. 13.

5. Article 53 of the Geneva Convention to which he had referred forbade the occupying Power to destroy real or personal property; yet Israel had not only destroyed whole villages as a result of the hostilities but had since then continued with its destruction of dwellings belonging to Arabs. According to a British journalist writing in The Times in November 1967, already at that time the number of houses that had been destroyed had probably amounted to thousands.

6. The first paragraph of article 33 of the Convention prohibited collective penalties and the third paragraph prohibited reprisals. Those two paragraphs had been violated by Israel and an Israel journalist had justified those violations on the grounds of a regulation that had been adopted by the Mandatory Power in 1945 and against which the Jewish Agency had protested at the time. Paragraph 15 of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East^{2/} described the wretched aftermath of the hostilities at Gaza, the curfews, interrogations, detentions and destruction of houses. In the Gaza strip and many towns on the West Bank, the inhabitants were subjected to a curfew for twenty-four hours a day. Houses and shops had been seized and it was stated in paragraph 85 of the report of the Secretary-General^{3/} under General Assembly resolution 2252 (ES-V) and Security Council resolution 237 (1967) that houses had been seized even when their owners had been away only temporarily on a visit to Amman or even when, in the absence of the owner, one of his relations had been present. Israel could try to justify its actions by invoking its annexation of Jerusalem, but, in the first place, the United Nations had declared that annexation null and void and, secondly, article 47 of the Geneva Convention stipulated that the Convention was applicable even in the event of the annexation of the occupied territory by the Occupying Power.

7. Article 146 stipulated that each Contracting Party would be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, grave breaches and to bring such persons before its own courts, but General Dayan, who had committed the breaches defined in the Convention, had not been brought before the Israel courts.

8. Article 144 provided that the Contracting Parties were to disseminate the text of the Convention as widely as possible and that any civilian, military, police or other authorities who in time of war assumed responsibilities in respect of persons protected by the Convention must possess the text of the Convention and be instructed as to its provisions. Yet it had been revealed by journalists whose articles had been published in The Observer and The Guardian in January 1968 that an Israel colonel had never heard of the Geneva Convention.

9. Article 31 prohibited the exercise of any physical or moral coercion, in particular for the purpose of obtaining information, but the Jerusalem Press had described how a father had been punished for refusing to give information about his son, which was simply the reverse of the method practised by Hitler of

forcing sons to give information about their fathers. Furthermore, General Dayan had announced on 13 October that shops would be demolished if their owners refused to reveal the identity of those responsible for attacks.

10. The Convention prohibited looting, but the Israelis had looted a hospital.

11. Article 49 stipulated that the occupying Power was not to deport or transfer parts of its own civilian population into the territory it occupied. Yet since September 1967 Israelis had been settled in twenty-three points of the occupied territories, although Israel denied that it was trying to colonize those territories, and on 3 December the Jewish Telegraphic Agency had announced that Israel intended to settle its citizens in twenty-five points of Syrian territory.

12. A number of neutral observers, including priests of churches in the United States, had been upset by those practices. Although Israel insisted that nobody was forced to leave the occupied territories, the fact was, according to The New York Times and the Jewish Telegraphic Agency, that Israel wanted the Arabs to leave. Despite many resolutions adopted by the United Nations, and in violation of article 13, paragraph 2, of the Universal Declaration of Human Rights, Israel persisted in prohibiting the refugees from returning to their land. It was true that, following appeals from the Secretary-General and the Ambassadors of the United States, the United Kingdom and France, Israel had authorized the return of 17,000 refugees, but that did not constitute implementation of the United Nations resolutions or recognition of the refugees' right to return to their country; it was simply an authorization granted to a few of them and a manoeuvre designed solely to present Israel to world public opinion in a more favourable light.

13. It had also been reported that, despite General Dayan's denials, prisoners had been tortured in violation of the Geneva Convention; in his view, representatives of the Red Cross should be allowed to interview prisoners in private. Released ex-prisoners should also be interviewed. The investigation by the committee, the establishment of which was proposed in the draft resolution under consideration, would reveal how many prisoners there were, whether they had been informed of the charges against them, whether they had been tortured and why they were in camps.

14. The serious violations of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the other violations of the rights of the Arabs in the occupied territories which he had mentioned fully warranted an impartial investigation. The United Nations was now the victims' only hope; for that reason, draft resolution A/C.3/L.1626 and Add.1 must be adopted by a very large majority.

15. Mrs. ESHEL (Israel) said that the way in which the representative of Afghanistan had introduced draft resolution A/C.3/L.1626 and Add.1 might persuade the members of the Third Committee that the purpose of the draft resolution was purely humanitarian. The statements made so far showed, however, that it was first and foremost a political attack against Israel.

^{3/} Official Records of the Security Council, Twenty-second Year, Supplement for October, November and December 1967, document S/8158.

Some delegations were probably sincere, but it was interesting to note that nine of the thirteen sponsors of the draft resolution did not recognize Israel. During the general debate on the item under discussion, a number of delegations had stressed that a peaceful political climate was a prerequisite for human rights. Yet the bitter and hostile discussions in the various organs of the United Nations were merely fostering an atmosphere of mistrust, resentment and concern which was incompatible with the objectives of peace. Moreover, the reopening of the question once again was only hampering the efforts of the other organs which were dealing with it and doing harm to Mr. Jarring's delicate peace mission in the Middle East.

16. In order to reply to the political attack launched against Israel under the cloak of humanitarianism, she wished to recall the circumstances in which the territories in question had come under the control of Israel.

17. It was a matter of history that in 1948 the Arab States rejected the United Nations solution for the Palestine problem and had launched a war against Israel, following which Egypt had annexed the Gaza Strip and Jordan the West Bank of the river Jordan—an annexation which had not been recognized by any State, even the Arab States. The Arab States had then for nineteen years pursued a policy of belligerency towards Israel which had produced three more wars, the last of which had occurred in June 1967. It would be recalled that, in the weeks preceding 5 June, Arab armies had massed on the borders of Israel. On 18 May, the world had been stunned to learn that Egypt had demanded the instant withdrawal of the United Nations Emergency Force; Egypt had then proclaimed a blockade of the Gulf of Aqaba and openly declared that it was ready for war. Jordan, Iraq and Syria had also prepared for a "holy war".

18. Mr. TOMEH (Syria), speaking on a point of order, pointed out that the Committee was considering draft resolution A/C.3/L.1626 and Add.1, and requested that the representative of Israel should confine herself to that text.

19. The CHAIRMAN requested the representative of Israel to confine her remarks, as far as possible, to the matter under consideration.

20. Mrs. ESHEL (Israel) said that the six-day war did have a bearing on the matter under consideration.

21. In the face of the Arab world, which had been confident of an easy victory, Israel had mobilized the whole nation to fight for survival. It was therefore not surprising that world opinion and the United Nations had refused to accept the astonishing thesis, repeated by the Arabs and their allies, that the Arab countries had been the innocent victims of alleged Israel aggression.

22. The task now was not to identify the perpetrator of the aggression but to create conditions of just and lasting peace in the Middle East by, *inter alia*, establishing recognized and secure frontiers between Israel and the neighbouring Arab States, as advocated in resolution 242 (1967) adopted by the Security Council on 22 November 1967. Yet, far from contri-

buting to that effort for peace, the Arab States had officially declared that they would abide by the Khartoum Doctrine: no negotiations, no recognition, no peace with Israel.

23. Repeated references had been made by the delegations of Arab countries to the plight of the Arab refugees. Those refugees were the victims of wars unleashed by their own leaders. After the way of June 1967 and the establishment of cease-fire lines by the Security Council, Israel had unexpectedly found itself in possession of territories containing about 1 million Arabs. It had therefore had to take emergency measures to restore normal living conditions as rapidly as possible on both sides of the cease-fire line. For humanitarian reasons, Israel was endeavouring to reunite scattered families.

24. The Israel Government considered it its duty to extend all the required assistance to the local population, with a minimum of direct interference. The basic principle, which was strictly adhered to, was not to engage in direct administration of the territories. Local leaders and administrators had remained in office, and local courts continued to dispense justice as before and the Arab police to maintain law and order. Freedom of religion was scrupulously observed, and special measures had been taken to ensure respect for Holy Places and religious institutions, contrary to the allegations brought by certain representatives of Arab countries. The Israel Government had made every effort to facilitate the pilgrimage of local residents to Mecca, and for the first time in years there was free access to the Holy Places of all religions.

25. The Israel Government had decided to throw open the communications between the East and West Banks of the River Jordan, and tens of thousands of persons had already crossed the Jordan in both directions. Many economic and social projects had been embarked on by the inhabitants of the territories held by Israel, with the encouragement and financial help of the Israel Government, which had budgeted 160 million Israel pounds for that purpose in the year ending June 1968. The return to normal life and the development of a dialogue between Jew and Arab was not welcomed by the neighbouring Arab countries, which continued their aggressive policy against Israel and used every possible means, including terrorism, in an attempt to hinder progress. The efforts of the Arab countries had had little success, for a very simple reason: the West Bank, occupied by Jordan in 1948, had never really been part of the Kingdom of Jordan. It was sufficient to recall the political ferment which had prevailed there, the brutal repressive measures carried out by Jordan, and the deplorable economic conditions in the area. Similarly, the Gaza Strip had become, under Egyptian administration, virtually a concentration camp.

26. She wished to point out that Israel was in those territories as the result of a war which had been forced on it. The Government had been obliged to maintain security in the territories, mainly because of harassment and terrorism by the Arab Governments. That was why Israel had had to expel about twenty persons out of the more than 1 million inhabitants of the territories controlled by Israel. With regard to the question of the demolition of houses,

she wished to state clearly that a few houses had in fact been demolished in the West Bank area and in the Gaza Strip under Jordanian law and Egyptian law respectively, but only where it had been proved that such houses served as a base for saboteurs and and murderers endangering the welfare and security of the local population.

27. None of the imaginary accusations brought against Israel by the Arab Governments were borne out by impartial observers. In that connexion, she quoted various sources, all of whom reported humane and generous conditions in the occupied territories.

28. Israel had been accused of raising the question of Jewish minorities in Arab countries. However, it was the Arab leaders themselves who had first raised that question. Her delegation formally accused the Governments of Jordan, Egypt, Syria and Iraq of flagrantly violating human right, in relation to their Jewish civilians. In Egypt, hundreds of Jews had been arrested and imprisoned in absolutely inhuman conditions for the sole reason that they were Jews, and hundreds of prisoners were still being held in the concentration camp of Al-Turra.

29. The Jews of Syria had been virtually confined in ghettos since June 1967. They were forbidden to leave the country and lived in constant fear for their lives.

30. In Iraq, a violent television and press campaign was being carried out against the Jews of Iraq. They were subjected to all kinds of threats, harassment and persecution. The Iraqi Government had even adopted legislation which virtually confiscated property belonging to Jews.

31. The discrimination against Jews, the oppression to which they were subjected, their incarceration in concentration camps and prisons simply because they were Jewish, the promulgation of anti-Jewish legislation which barred Jews from any contact with the outside world and even prohibited them from seeking refuge in other countries, constituted a flagrant violation of human rights which called for United Nations action.

32. In accordance with Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V), Mr. Nils-Göran Gussing had undertaken the first humanitarian mission to the Middle East in July-August 1967. Under those resolutions, he had been given the task of studying the conditions of the civilian population throughout the Middle East area conflict, and not only in territories held by Israel. The results of his mission were described in section V of the Secretary-General's report.^{4/} In proposing a second humanitarian mission, the Secretary-General had informed Israel and the Arab Governments that the new representative of the Secretary-General would have the same terms of reference as Mr. Gussing. The Arab Governments concerned had advised the Secretary-General that they would bar the representatives from inquiring into the situation of the Jewish communities in their countries, and they had since maintained the same intransigent attitude, which clearly indicated that they were motivated by political rather than humanitarian considerations.

That had raised the question whether the persecution of Jews, which had been within the scope of the first humanitarian mission, should be excluded from the scope of other missions, or whether there should be no discrimination and the mission should, in accordance with the resolutions of the Security Council and the General Assembly, apply to the populations in the whole area of conflict in the Middle East, Jews and Arabs alike.

33. The persecution of Jews, which had lasted for more than twenty centuries, must cease. The Jews were tired of learning that the protection of human rights was an international affair, but that the persecution of Jews was an internal matter. Perhaps it was because they were few in number; as the representative of Morocco had said why should one worry about the fate of a few million Jews? The Jews were tired of hearing that the martyrdom of Jews aroused sympathy but that action must be taken on the alleged suffering of Arabs who, through the fault of their own Governments, were in areas under Israel control. It was the Arab Governments which were responsible for the situation, and they had the audacity to complain about it and to lay the blame for it on Israel. They were the first to quote the Charter of the United Nations, but they did not respect one of the principal purposes stated in the Charter, namely, to seek the settlement of disputes by peaceful means.

34. Explaining the attitude of her delegation to the draft resolution, she noted first that the sixth preambular paragraph mentioned resolution I adopted by the International Conference on Human Rights, in which the Conference had expressed its grave concern for the violation of human rights in Arab territories occupied by Israel. However, the Conference had never had any proof of violations of human rights. Secondly, the draft resolution duplicated the efforts of other United Nations bodies. Lastly, it was unbalanced, in that it asked for investigation of the Arab population in territories administered by Israel—areas open to thousands of visitors, tourists, newspapermen and churchmen—but prevented any investigation of the fate of Jewish communities held in abject conditions as a direct result of the June 1967 war.

35. She submitted that the draft resolution was not conceived in any humanitarian spirit and that its adoption would only exacerbate the situation, give sanction to persecution and discrimination and undermine the efforts to bring peace to the Middle East.

36. Mr. SOW (Senegal) noted that his delegation was a sponsor of draft resolution A/C.3/L.1626 and Add.1, which fitted perfectly into the framework of the International Year for Human Rights, since it dealt with the question of the exercise of human rights in the territories occupied by Israel. It was a matter of helping the Palestinian people to emerge from the humiliating situation to which they had been subjected for the past twenty years as a result of Israel colonialization, which was one of the saddest stories in the history of man. He appealed to the countries of the Third World and their friends to help to put an end to that martyrdom by giving their full support to the draft resolution under consideration.

37. Mr. FRANZI (Italy) said that an attempt must be made to leave aside the political aspects of the ques-

^{4/} Ibid.

tion and to consider only the humanitarian aspects of the draft resolution before the Committee. It was essential that the draft resolution should follow the lines of Security Council resolution 259 (1968), because the intention was to submit to the General Assembly the same ideas with the same end in view. The Italian delegation to the Teheran Conference had abstained in the vote on resolution I because, in its view, it was impossible to carry out an impartial investigation if judgements that were tantamount to condemnations were made in advance. However, his delegation had no objection to the General Assembly's taking note, in the draft resolution, of resolution I, on the understanding that that in no way changed the positions taken by Member States on the question, but it could not agree to a detailed enumeration of the various provisions of resolution I. His delegation would have no difficulty in approving the preamble of draft resolution A/C.3/L.1626 and Add.1 if the sponsors would agree to delete the second part of the last preambular paragraph, beginning with the words "in which the Conference, *inter alia*".

38. The operative part of the draft resolution contained something which was not in Security Council resolution 259 (1968) and did not seem to be inspired by the same constructive spirit as the latter. He therefore urged the sponsors to eliminate the apparent contradictions between their draft resolution and Security Council resolution 259 (1968), while maintaining the humanitarian character of the draft resolution, since it was being submitted in connexion with an item relating to human rights. If the sponsors could not comply with his request, his delegation would be unable to support draft resolution A/C.3/L.1626 and Add.1.

39. Mr. TOMEH (Syria), speaking in exercise of his right of reply, said that, since most of the Israel representative's statement had been irrelevant, he would confine himself to those points which were directly related to the item.

40. The representative of Israel maintained that draft resolution A/C.3/L.1626 and Add.1, if adopted, would jeopardize the success of the Jarring mission. In so doing, she was seeking to confuse the issue, inasmuch as the Jarring mission was essentially political and had nothing to do with the humanitarian resolutions adopted by various bodies concerning the occupation of Arab territories by Israel.

41. The representative of Israel had admitted that thirty-two persons had been expelled from the West Bank of the river Jordan but had said nothing about the forty-eight teachers from the Gaza Strip who had also been deported and to whom the representative of Kuwait had referred.

42. The representative of Israel had said that the territories occupied by her country derived economic benefits from the occupation; that was a traditional argument of colonizers, which had long since been refuted by the United Nations Charter and which only meant that there was integration without annexation. The representative of Israel had avoided any mention of the numerous manifestations of resistance by the Arab population to Israel military occupation. In that connexion, he drew the Israel representative's atten-

tion to the pamphlet entitled The Resistance of the Western Bank of Jordan to Israeli Occupation in 1967, which, at the request of the Jordanian delegation, had been circulated as a Security Council document.^{5/}

43. He recalled that, following the publication in The New York Times of 13 May 1967 of an article stating that certain Israel leaders had decided to use force against Syria, the Secretary-General had made a statement in which he had deplored such an attitude. In spite of everything, Israel refused to admit that it had been the aggressor, and by dint of repetition it was beginning to believe its own denials. In waging war against the Arab countries on Arab soil, Israel had only been carrying out the Zionist designs which had been proclaimed as long ago as 1919. Finally, it was surprising to hear Israel, which had refused to accept the 1948 demarcation lines, now stating that its frontiers embraced the territories under its occupation at the time of the cease-fire.

44. Mrs. WARZAZI (Morocco), speaking in exercise of her right of reply, asked the representative of Israel to refrain in future from distorting her thoughts by misinterpreting her statements. In the spirit of the International Year for Human Rights, she would like the representative of Israel to show a little more humanity and moral feeling when participating in United Nations debates.

45. Miss HLASS (Jordan) said that the representative of Israel had no right to speak on behalf of the people of the West Bank of the River Jordan, to whom she was, quite simply, a foreigner. Of course, no one believed the wholesale fabrications presented by the representative of Israel; the facts spoke for themselves and showed that the Jordanian population of the West Bank remained loyal to their King and resisted the occupier. It was somewhat surprising to hear it said that Israel wanted peace when it annexed Jerusalem, plundered Arab property, refused the peaceful settlement approved by the Security Council and, on the very day of the present meeting, bombed Jordan. By peace, Israel meant Arab surrender.

46. Mr. ABOUL-NASR (United Arab Republic) said that the representative of Israel had still not replied to the questions he had put to her. She considered herself authorized to speak on behalf of all Jews, whatever their nationality, whereas he felt sure that all persons of Jewish faith throughout the world conducted themselves as exemplary citizens of their countries and had no need of Israel's protection. Israel was guilty of daily violations of human rights and sought to sow discord between countries. He wished to state, once for all, that his compatriots of Jewish faith enjoyed the same rights and had the same obligations as all the other citizens of the United Arab Republic. Instead of constantly accusing certain countries of anti-Semitism, Israel would do well to concern itself with the plight of the religious and other minorities in its own territory, for proofs existed of the mistreatment of some of the population.

47. Mrs. ESHEL (Israel) reserved her delegation's right of reply.

^{5/} Circulated as an addendum to the verbatim record of the 1421st meeting of the Security Council, held on 3 May 1968. A copy of the pamphlet is available for consultation in the library at United Nations Headquarters.

48. Mr. AL-JABIRI (Iraq) protested strongly against the fact that the representative of Israel had again attempted to act as the spokesman of all the Jews in the world. His delegation reserved its right to reply later to the other points she had raised.

49. Mr. SHERZOY (Afghanistan) said it was regrettable that the representative of Israel had seen fit to devote her statement on draft resolution A/C.3/L.1626 and Add.1, which was essentially humanitarian

in purpose, to comments of a purely political nature and an account of the hostilities. Such an attitude was undoubtedly attributable to the fact that the representative of Israel was at a loss for arguments to advance against the humanitarian provisions of the draft, which were in conformity with resolution I of the Teheran Conference.

The meeting rose at 6.10 p.m.