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QUESTION OF PALESTINE  
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL  
Forty-fifth year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 44/42 of 6 December 1989 on the question of convening the International Peace Conference on the Middle East. The operative part of the resolution reads as follows:

"The General Assembly,

"...

"1. Reaffirms the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which is the question of Palestine;

"2. Calls once again for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination;

"3. Reaffirms the following principles for the achievement of comprehensive peace:

"(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;

"(b) Guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries;

"(c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions;

"(d) Dismantling the Israeli settlements in the territories occupied since 1967;

"(e) Guaranteeing freedom of access to Holy Places, religious buildings and sites;

"4. Notes the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a limited period, as part of the peace process;

"5. Once again invites the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the Conference for all States in the region;

"6. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, to facilitate the convening of the Conference, and to submit progress reports on developments in this matter".

2. On 28 August 1990, the Secretary-General, in pursuance of the request contained in paragraph 6 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

"I have the honour to refer to resolution 44/42, adopted by the General Assembly on 6 December 1989, at its forty-fourth session, concerning the convening of the International Peace Conference on the Middle East. The text of the resolution is enclosed.

"Under operative paragraph 6 of resolution 44/42, I am requested to continue my efforts with the parties concerned, and in consultation with the Security Council, to facilitate the convening of the Conference, and to submit progress reports on developments in this matter. In order to be assisted in the preparation of my report, I would be grateful if the views of the Security Council on the convening of the International Peace Conference on the Middle East could be conveyed to me by 30 September 1990."

3. On 22 October 1990, the President of the Security Council sent the following reply:

"I have the honour to refer to your letter of 28 August 1990 concerning the question of the convening of the International Peace Conference on the Middle East, by which you informed me of your desire to consult the Security Council once again, taking into account the relevant provisions of General Assembly resolution 44/42 of 6 December 1989.

"In accordance with your desire to be informed of the views of the members of the Security Council of this question, I have undertaken the necessary consultations.

"The members of the Security Council remain deeply preoccupied by the lack of progress in achieving peace in the Middle East and by the increasingly serious situation facing the occupied territories and their inhabitants. The prolonged delay in the settlement of the Middle East problem poses a grave threat to peace and security in the region as well as in the world. They note also that the situation in the region is aggravated by the presence of a high level of armaments in many Middle Eastern countries.

"The members of the Security Council are therefore convinced that efforts must be continued on an urgent basis to achieve a comprehensive, just and lasting settlement of the situation in the Middle East, particularly a solution to the Palestinian problem in all its aspects. In this regard several members outlined the necessity to step up efforts to convene an International Peace Conference on the Middle East under the aegis of the United Nations. These members of the Security Council request the Secretary-General to pursue his efforts and consultations in respect of the convening of an International Conference on the Middle East.

"These same members of the Council stressed that the Conference should be convened on the basis of General Assembly resolution 44/42, for which they expressed their support. The Assembly, inter alia, called for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination. They further stressed that any settlement should affirm and guarantee the right of all States in the region, including Israel, to exist within secure and internationally recognized boundaries and should also reaffirm and guarantee the right of the Palestinian people to self-determination, including the right to establish their own state.

"Several members of the Council indicated that the Security Council should begin urgent consideration of the situation in the Middle East with a view to reaching early agreement, in particular on the establishment of a preparatory committee for an International Peace Conference on the Middle

East. Some other members indicated that the parties directly concerned must reach agreement on the exact form of a Conference, which should not prejudice the outcome of the negotiations.

"One member of the Council indicated it could not support the convening of an International Peace Conference in accordance with the formula contained in resolution 44/42 as this resolution failed to address the centrality of direct negotiations among the parties and purported to determine in advance the outcome of issues which must be resolved in the course of negotiations. In the view of this member, a properly structured Conference could, at an appropriate time, facilitate direct negotiations. This member, however, considers that the time is not right to convene an international conference.

"Several members of the Council observed that the spirit of co-operation demonstrated recently over Iran/Iraq, Cambodia and Iraq/Kuwait had renewed faith in the United Nations ability to fulfil its duties in the maintenance of international peace and security. These members stressed their determination that the Council should be seen to be just and fair to all and that time and consequence should not be allowed to affect the upholding of the rule of law. These members of the Council therefore, believe the opportunity should be taken to renew efforts to resolve the Middle East problem, particularly the Palestinian question."

4. In a note verbale to the parties concerned, dated 19 July 1990, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon, and the Syrian Arab Republic, respectively, and of the Palestine Liberation Organization, in regard to the International Peace Conference on the Middle East as called for in General Assembly resolution 44/42. The replies are reproduced below:

Note dated 30 October 1990 from the Permanent Mission of the Arab Republic of Egypt

"The Permanent Mission of the Arab Republic of Egypt to the United Nations ... with reference to the Secretary-General's note dated 19 July 1990, which referred to General Assembly resolution No. 44/42 and requested the views of the Government of Egypt on the convening of the International Peace Conference on the Middle East, has the honour to convey that the position of the Government of Egypt on this issue remains the same as that explained in the note from the Permanent Representative of Egypt to the Secretary-General No. 265/89 dated 18 October 1989, the text of which is contained in document A/44/731, dated 16 November 1989."

Note dated 27 September 1990 from the Acting Permanent Representative of Israel

"The Acting Permanent Representative of Israel to the United Nations ... has the honour to refer to [the Secretary-General's] note verbale dated 19 July 1990, regarding General Assembly resolution 44/42 of 6 December 1989, concerning the convening of the International Peace Conference on the Middle East.

"Israel has voted consistently against the General Assembly resolutions which called for the convening of an International Peace Conference on the Middle East.

"General Assembly resolution 44/42, while including a reference to Security Council resolutions 242 (1967) and 338 (1973), also affirms in its operative paragraph 3 a series of principles which prejudge and subvert the possible outcome of peace negotiations and the very principles contained in Security Council resolutions 242 (1967) and 338 (1973). Moreover, it calls for the participation in the International Conference of the PLO, a terrorist organization dedicated to the destruction of Israel which cannot be considered a partner to peace negotiations.

"Israel has long advocated direct negotiations as the most promising framework to advance the peace process in the Middle East. General Assembly resolution 44/42 proposes an International Peace Conference that is designed to substitute - rather than support - direct negotiations. Characteristically, the verb 'negotiate' or any of its derivatives, are not to be found in the resolution.

"Israel shares the observation reiterated by the Secretary-General in his report on the situation in the Middle East (A/44/737-S/20971 of 22 November 1989) that 'a thorough review of the peace process' is needed, 'with a view to adopting a pragmatic approach that would take fully into account the concerns and security interests of all the parties'.

"In seeking to advance the peace process the Government of Israel adopted on 14 May 1989 a peace initiative 'which deals with the continuation of the peace process; the termination of the state of war with the Arab States; a solution for the Arabs of Judea, Samaria and the Gaza district; peace with Jordan and a resolution of the problem of the residents of the refugee camps in Judea, Samaria and the Gaza district' (A/44/282 of 17 May 1989).

"General Assembly resolution 44/42 offers no viable alternative to Israel's peace initiative and support for it can only prejudice ongoing efforts to advance peace in the Middle East."

Note dated 3 October 1990 from the Permanent Representative of Jordan

"The Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations ... with reference to the Secretary-General's note of 19 July 1990 on the question of convening the International Peace Conference on the Middle East, has the honour to state that Jordan's position with regard to that question has already been conveyed in its previous notes addressed to the Secretary-General on the matter, most recently notes MY/7/539 of 29 March 1988 and MY/7/1707 of 16 October 1989. That position can be stated as follows:

"1. Jordan supports the convening of an International Peace Conference on the Middle East under the auspices of the United Nations, at the invitation of the Secretary-General and with the participation of the five States permanent members of the Security Council and of the parties concerned, including the Palestine Liberation Organization.

"2. The Conference should be held on the basis of Security Council resolutions 242 (1967) and 338 (1973) and of the legitimate rights of the Palestinian people."

Note dated 25 September 1990 from the Permanent Representative of Lebanon

"With reference to your letters of 19 and 25 July 1990 pertaining to General Assembly resolutions 44/40 and 44/42, and further to the letter from the Mission circulated in document A/39/275-S/16584 of 25 May 1984, I have the honour to convey to you hereunder the official position of principle of the Lebanese Government on the question of Palestine and on the convening of the International Peace Conference on the Middle East:

"1. Lebanon agrees in principle to the convening of the International Peace Conference on the Middle East with a view to finding a just, comprehensive and lasting solution to the Middle East issue in accordance with the provisions of the relevant United Nations resolutions on the matter. It is prepared to participate in that Conference, as it notified you officially in the aforementioned letter of 25 May 1984 and in subsequent letters on the same matter.

"2. This does not mean that Lebanon agrees that a solution to its own issue should be linked with the Middle East issue. It considers that its own issue requires to be addressed separately and in an urgent manner in view of its pressing nature and its destructive impact on the country's political, economic and social structure, as stated in the address of Prime Minister Rashid Karami to the United Nations General Assembly on 5 October 1984.

"3. Lebanon's consent to participate in the International Peace Conference stems from the fact that it is one of the States involved in the Arab-Israeli conflict by virtue of the presence of more than half a million Palestinian refugees in its territory whose destiny will be decided by that Conference, and it seeks to participate in the discussion of issues that are of concern and interest to it either directly or indirectly.

"4. In the circumstances, Lebanon affirms its rejection of the notion that the Palestinians should be settled in its territory and, on the basis of its support for the right of peoples to self-determination, calls for recognition of the right of the Palestinian people to decide its own destiny and to establish a State on its own soil in accordance with the provisions of the resolutions of the United Nations General Assembly in this regard.

"5. Lebanon does not consider that it has a territorial problem, that is to say a problem regarding territory with any State whatever, that is open to discussion or negotiations. Its boundaries are established and internationally recognized, and it is committed to its right to full sovereignty and independence. The question of Israeli occupation and Israeli practices in southern Lebanon should be addressed by giving effect to the will of the international community as expressed in Security Council resolutions 425 (1978), 508 (1982) and 509 (1982), which call for the full and unconditional withdrawal of Israel from Lebanese territory, by enabling the United Nations Interim Force in Lebanon to carry out in full the task entrusted to it by deploying up to the internationally recognized boundaries and ensuring international peace and security, by assisting the Government to exercise its right to extend its authority and sovereignty over all of its territory and by then transforming the South into a zone of peace.

"6. Lebanon reaffirms its commitment to the General Armistice Agreement of 1949 which remains in force, as affirmed by the successive Security Council resolutions of relevance, as long as it is not replaced by another agreement and as long as a just, comprehensive and lasting solution to the Arab-Israeli conflict is not found."

Note dated 5 September 1990 from the Permanent Representative of the Syrian Arab Republic

"The Permanent Representative of the Syrian Arab Republic to the United Nations ... has the honour to transmit below the reply of the Government of the Syrian Arab Republic to [the Secretary-General's] note dated 19 July 1990, concerning the implementation of General Assembly resolution 44/42 of 6 December 1989, concerning the Question of Palestine.

"We are striving for peace in our region through the creation of just and lasting solutions to the crises that are increasing the tension there. Accordingly, the Syrian Arab Republic is striving for a just and comprehensive solution to the Arab-Israeli conflict on the basis of United Nations resolutions and through an International Peace Conference, already convened in 1973 under the auspices of the United Nations and with the participation of the United States of America and the Union of Soviet Socialist Republics. We believe that this Conference's resumption of its work could form a suitable opportunity for the achievement of a just and stable peace."

Note dated 11 September 1990 from the Permanent Observer of Palestine

"With reference to your note dated 19 July 1990 addressed to us, we have the honour to transmit to you herewith the reply of His Excellency Mr. Yasser Arafat, President of the State of Palestine and Chairman of the Executive Committee of the Palestine Liberation Organization:

'I thank you for your note in which you solicit our views on the measures set forth in General Assembly resolution 44/42, and I should like to assure you of our gratitude for the follow-up action you have taken on that resolution. I express to you the hope that the States concerned will have replied in a positive manner with a view to co-operating with the United Nations and with you personally in the implementation of the principles set forth in the resolution. You are well aware that the compliance of the parties concerned with those provisions would encourage respect for international law, adherence to international legitimacy and support for the United Nations and its organs.

'In my statement of 29 August 1990 to the Seventh United Nations International NGO Meeting on the Question of Palestine at Geneva, I stated that the Gulf crisis had demonstrated in a clear and decisive manner the vistas for which the United Nations could strive with a view to the implementation of its resolutions relating to the question of Palestine or any other issue. This is clear and obvious given the visible dispatch and zeal displayed by the United States of America in stirring the Security Council to act and to adopt resolutions and in its insistence on the implementation of those resolutions with extraordinary speed. I do not wish to speak here of the Gulf crisis. I have informed you of our initiative in this connection on a previous occasion, and I spoke of it at length in my aforementioned address. I here wish only to refer to the mode of action that the United Nations or any of its organs might adopt for the implementation of the resolutions relating to the question of Palestine. Those resolutions are many, and dozens of them have been adopted by consensus of the 15 members of the Security Council, by an overwhelming majority in the United Nations General Assembly or without a vote.

'With regard to the principles, provisions and arrangements set forth in General Assembly resolution 44/42, I should like to refer to the fact that I indicated our position in this regard in my statement to the Security Council at Geneva in September 1990, to our meeting with you at the United Nations Office at Geneva, and to my message to the International NGO Meeting at Geneva in August 1990. I should like to inform you that the Palestine Liberation Organization supports the principles, provisions and arrangements set forth in that resolution and that it views them as the appropriate mechanism for imparting a strong forward impetus to the peace process in the Middle East. The principles in question can bring about a just and lasting peace in the region since they have it in view to end the Israeli occupation of the occupied territory of the State of Palestine and to eliminate the suffering of our people by securing its protection so as to enable the States of the region, including those named in resolution 181 (II), to live in security and peace. Accordingly, we view the convening of the International Conference as the best mechanism for achieving a just peace in the region. We are most hopeful that you will be able to convene the preparatory committee for that purpose in the very near future.



'In this context, I should like to convey to you our regret that the Security Council has not yet acted in response to the request of the General Assembly relating to the convening of the International Peace Conference in the Middle East on the basis of General Assembly recommendations which secured 151 votes. Furthermore, the members of the Security Council, and in particular its five permanent members, have agreed upon and adopted an encouraging and unified stand with regard to the resolution of other regional conflicts such as, merely by way of example, those in Afghanistan and Cambodia. We are most hopeful that such international concord in the Security Council will extend to embrace the question of Palestine so that the Council can consider measures needed to convene the International Peace Conference on the Middle East and the provision of the necessary guarantees for the achievement of a peaceful and just solution on the basis of the relevant United Nations resolutions and of their implementation with an earnestness similar to that with which the Council implements other resolutions.'

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#### Observations

5. It is clear from the communications set out above that sufficient agreement does not exist, either within the Security Council, or amongst the parties to the conflict, to permit the convening of the International Peace Conference on the Middle East as called for in resolution 44/42, which like 43/176 before it, was adopted with much wider support than earlier General Assembly resolutions concerning an international conference. It is, in essence, a reaffirmation by the international community of the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict. This sense of urgency is underscored by the members of the Security Council who, as indicated in the President's letter to me of 22 October 1990, remain deeply preoccupied by the lack of progress in achieving peace in the Middle East and by the increasingly serious situation facing the occupied territories and their inhabitants. I fully share the view of the Council that a prolonged delay in the settlement of the Middle East problem poses a grave threat to peace and security in the region as well as the world, and that the situation in the region is aggravated by the presence of a high level of armaments in many Middle Eastern countries.

6. It is thus encouraging to note that there is unanimity within the Security Council that efforts must be continued on an urgent basis to achieve a comprehensive, just and lasting settlement of the situation in the Middle East, particularly a solution of the Palestinian problem in all its aspects. That said, I must add that I am deeply concerned by the absence, at present, of any diplomatic process aimed at overcoming the obstacles to an effective negotiating process in the Middle East. Regrettably, since my last report to the General Assembly on this subject, bilateral efforts to promote a dialogue between Israelis and Palestinians have reached an impasse. As for the parties themselves, while it is possible to identify in each of their notes to me a willingness to achieve a settlement through negotiations, it is evident that there is a divergence of views as to the framework

and the context within which such negotiations should take place. It is worth noting, in this connection, that the positions of the parties with respect to an international conference have evolved in recent years.

7. For my part, I continue to believe that a negotiating process will only be effective if it involves all the parties concerned, including the Palestine Liberation Organization, and aims at a just and lasting settlement of the Arab-Israeli conflict based on Security Council resolutions 242 (1967) and 338 (1973) and the legitimate political rights of the Palestinian people, including self-determination. Given the grave dangers in the region that are evident to all, I cannot reiterate too strongly the need to revive efforts aimed at ensuring a just and lasting settlement of a conflict that, for decades, has been a source of continuing instability and has brought immense suffering to Arabs and Israelis alike.

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