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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Protection of Palestine refugees

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 40/165 I of 16 December 1985, entitled "Protection of Palestine Refugees", the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Urges the Secretary-General, in consultation with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation in 1967 and thereafter;

"2. Holds Israel responsible for the security of the Palestine refugees in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and calls upon it to fulfil its obligations as the occupying Power in this regard, in accordance with the pertinent provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"3. Calls once again upon Israel, the occupying Power, to release forthwith all detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

* A/41/150.

"4. Urges the Commissioner-General to provide housing, in consultation with the Government of Lebanon, to the Palestine refugees whose houses were demolished or razed by the Israeli forces;

"5. Calls once again upon Israel to compensate the Agency for the damage to its property and facilities resulting from the Israeli invasion of Lebanon, without prejudice to Israel's responsibility for all damages resulting from that invasion;

"6. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly, before the opening of its forty-first session, on the implementation of the present resolution."

2. On 3 February 1986, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged to take in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 16 July 1986, the Permanent Representative of Israel to the United Nations replied as follows:

"Israel's position on this resolution was fully set out in a statement by Israel's representative of the Special Political Committee on 15 November 1985 (A/SPC/40/SR.34). Still, the hypocritical nature of resolution 40/165 I deserves special attention.

"The thirty-ninth session of the General Assembly adopted resolution 39/99 I dealing with the 'Protection of Palestine Refugees'. The resolution reserved its 'deep concern' only for those Palestinian Arab refugees residing in southern Lebanon and held Israel responsible for their security. This enabled the sponsors of resolution 39/99 I to conveniently blame Israel for 'lack of security resulting in scores of violent deaths, kidnappings, disappearances, evictions in the face of threats, explosions, and arson'. The resolution, of course, made no mention of the condition of Palestinian Arab refugees living in other parts of Lebanon, Syria, Jordan and elsewhere in the Arab world. In these areas, the indiscriminate killings, shell'ng, kidnappings, and evictions of Palestinian refugees perpetrated by Arab forces did not merit the General Assembly's 'deep concern'. That resolution, of course, unjustly singled out Israel and was completely unwarranted.

"When Israel completed its withdrawal from southern Lebanon in June 1985, it would have seemed that even the sponsors of resolution 39/99 I would not attempt to introduce a similar resolution to the fortieth session of the General Assembly. This, however, was not to be. Resolution 40/165 I bears exactly the same title as resolution 39/99 I and the opening paragraphs of both resolutions are identical. From preambular paragraph 6 onwards, however, the language suddenly changes. References to Lebanon fade away and are substituted by 'occupied Palestine and other Arab territories'. The 'deep concern for the security of the Palestinian refugees' remains unvaried, only the geography changes.

"This callous display reveals the true motives of the sponsors of resolution 40/165 I. Realities are brushed aside and resolutions are quickly re-worded in order to continue the General Assembly's anti-Israel campaign. In this case, as in most others, Arab propaganda takes precedence over reality.

"What is perhaps most disturbing about resolution 40/165 I, however, is not its anti-Israel nature. That has become commonplace. What makes this resolution particularly abhorrent is its omissions, especially in light of the events in the region over the past year and a half.

"Since April 1985 Syrian and Lebanese forces have killed over 2,500 Palestinians and wounded over 6,300 in Palestinian refugee camps in Lebanon. Likewise, Palestinian refugee camps in Syria and Jordan are the scenes of untold death, destruction and misery. In May 1985, Shiite forces in Lebanon slaughtered hundreds of Palestinians in the refugee camps around Beirut, and in Tripoli heavy fighting broke out resulting in the death and injury of hundreds more. The sponsors of resolution 40/165 I, however, chose to omit these facts from the resolution.

"More recently, intensified fighting in the Palestinian refugee camps around Beirut prompted the Permanent Representative of the United Arab Emirates to send an urgent plea to the Secretary-General to end the fighting. Document A/41/394-S/18128 of 4 June 1986 states that '... (T)hese attacks have resulted in the mass slaughter of innocent civilians'. On 12 June 1986, the Permanent Representative of Democratic Yemen sent a note containing the following quote: '... Amal gangs and the sixth brigade of the Lebanese army continued their shelling of the Palestine refugee camps using 120 and 82 mm mortars, in an attempt to break into the camps' (S/18153).

"All this death and destruction takes place in certain Arab countries. No such attacks (or anything remotely resembling them) have ever taken place among any of the refugee camps in Israel's administered territories. Yet the sponsors of resolution 40/165 I choose to single out Israel for imaginary maltreatment of Palestinian Arab refugees and the 'lack of security' it provides them. This is indeed a preposterous assertion.

"The Government of Israel rejects resolution 40/165 I and will continue its efforts to expose the truth concerning the 'Protection of Palestine Refugees'."

4. In previous reports on this subject, the Secretary-General referred to the constraints he had faced in undertaking the measures requested of him by the General Assembly. Nevertheless, the Commissioner-General of UNRWA, as the senior United Nations official responsible for providing services to the Palestine refugees, continued his efforts, in consultation with the Secretary-General, to do all that was feasible to contribute to the safety and security of the refugees in all the territories under occupation. His efforts in regard to Palestine refugees in the West Bank and the Gaza Strip in the reporting period are described in his annual report to the General Assembly. 1/

5. Following the withdrawal of the Israeli forces from the Saida and Tyre areas last year (see A/40/756, para. 5), there is nothing further to report regarding the Palestine refugees in Lebanon in the context of the present report.

6. There has been no progress on the claim by UNRWA against the Government of Israel regarding damage to its property and facilities resulting from the Israeli invasion of Lebanon in 1982.

Notes

1/ Official Records of the General Assembly, Forty-first Session, Supplement No. 13 (A/41/13). See in particular, the Introduction and Sect. III.D.
