

990th meeting

Wednesday, 3 December 1975, at 10.50 a.m.

Chairman: Mr. Roberto MARTINEZ ORDOÑEZ (Honduras).

A/SPC/SR.990

AGENDA ITEM 51

Comprehensive review of the whole question of peace-keeping operations in all their aspects: report of the Special Committee on Peace-keeping Operations (continued)* (A/10366, A/SPC/L.339)

CONSIDERATION OF DRAFT RESOLUTIONS (A/SPC/L.339)

1. Mr. HARRIMAN (Nigeria), introducing draft resolution A/SPC/L.339 on behalf of the sponsors, which included the 33 members of the Special Committee on Peace-keeping Operations, said that throughout its history the United Nations, whose principal purpose was the maintenance of international peace and security, had often had to launch peace-keeping operations to deal with situations of armed conflict. The Organization could not continue to operate on the basis of *ad hoc* arrangements, especially as certain sections of the United Nations felt that the existing arrangements were susceptible of manipulation to make it possible to isolate them from peace-keeping operations, while others felt that the Secretary-General could collaborate directly with the Security Council—which would obviate the need for guidelines—and others again thought that the Special Committee should abandon that aspect of its work, in view of the futility of trying to reconcile doctrinaire views that were diametrically opposed when other, more practical aspects urgently required its attention.

2. During the 10 years for which the Special Committee on Peace-keeping Operations had been considering the question in all its aspects, it had alternately made progress and run into difficulties. The year 1975 had been a difficult one. In its report (A/10366), the Special Committee confined itself to the facts and did not dwell on the obstacles it had encountered. Both the report and draft resolution A/SPC/L.339 focused on the question of the future of the Special Committee's work and on the need for agreed guidelines with a view to a solution in conformity with the Charter of the United Nations.

3. The second preambular paragraph and operative paragraphs 1 to 3 were quite clear. Paragraph 4 was a new departure, with its request for the consideration of specific questions related to practical implementation of peace-keeping operations; such questions included logistics, equipment or the training of national contingents, all of which further accentuated the need for guidelines.

4. The fact that the Special Committee was unable for the time being to reach agreement on guidelines should not prevent it from considering the other aspects of the

question, and accordingly the members of the Special Committee, particularly those which, as permanent members of the Security Council, had a special responsibility in the matter, must be asked to continue their efforts to reach agreement on the guidelines. He urged all delegations to vote in favour of draft resolution A/SPC/L.339, which, being based on the universally recognized principle of the maintenance of peace, should not give rise to any polemics.

5. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to vote later on the draft resolution as it stood. He announced that the German Democratic Republic had become a sponsor of the draft resolution.

AGENDA ITEM 52

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (continued) (A/10074, A/10128, A/10163-S/11780, A/10164-S/11784, A/10174-S/11797, A/10178-S/11799, A/10204-S/11809, A/10272, A/10286, A/10370, A/SPC/L.340-343)

GENERAL DEBATE (concluded)

6. Mr. AL-SHAKAR (Bahrain) commended the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its excellent report (A/10272), which, by highlighting the acts committed by Israel, constituted a clear condemnation of that country.

7. Despite the lack of goodwill displayed by Israel, the Special Committee had succeeded in collecting enough evidence to show that the situation remained unchanged and that the Israeli authorities were still refusing to implement the resolutions adopted by the United Nations, or the provisions of the fourth Geneva Convention of 1949¹ by continuing their policies involving annexation of much of the occupied territories, destruction, confiscation and expropriation. Israel was trying to establish settlements for immigrants in the occupied territories, expelling and imprisoning the people who lived there, and was profaning Moslem Holy Places with a view to appropriating them along with the Moslem archaeological heritage. In addition, Israel continued to exploit natural and human resources which did not belong to it. Thus, it was clear that the Zionists had decided to carry to completion their plan for settling the occupied territories under a variety of pretexts.

8. His delegation was particularly incensed that Israel was making bold to profane holy places, both Moslem and

* Resumed from the 988th meeting.

¹ Convention relative to the Protection of Civilian Persons in Time of War (United Nations, *Treaty Series*, vol. 75, No. 973, p. 287).

Christian, such as the Al Aqsa Mosque, the Church of the Resurrection and the Al-Ibrahimi Mosque. It regarded that as a criminal act of the utmost gravity, which would suffice in itself to justify a reaction by the international community. His delegation agreed with the views expressed by the Special Committee (*ibid.*, paras. 186 and 187) that the trial of Archbishop Capucci had been illegal, and that the value of the damage caused by the destruction of the town of Quneitra must be determined as soon as possible.

9. His delegation wished to state that it fully supported the liberation struggle of the Palestinians and that there could be no true peace in the region so long as injustice prevailed and the rights of the Palestinians were not recognized. In that connexion, he was gratified that the Security Council, by its resolution 381 (1975), had decided again to invite the Palestine Liberation Organization (PLO) to participate in the debate on the Middle East problem to be held in January 1976. While he regretted Israel's refusal to participate in that debate because of the presence of the PLO representatives, he hoped that the Council's decision would facilitate the search for a solution to the Middle East problem and that, as a result, the rights of the Palestinians would be respected.

10. The CHAIRMAN announced that, although the Indian delegation was not on the list of speakers, it had asked for the floor to enable Mr. Sayid Muhammad, to make a statement to the Committee before leaving for India.

It was so decided.

11. Mr. MUHAMMAD (India) paid tribute to the members of the Special Committee, who had fulfilled the mandate entrusted to them despite lack of co-operation on the part of Israel.

12. He noted that the analysis presented in the Special Committee's report was based on evidence emanating from authoritative Israeli sources which had not been refuted by the Israeli authorities. The report presented a heart-rending picture of the persecution of the people in the occupied territories by the Israeli authorities. The eviction of Arab inhabitants and the construction of settlements to accommodate Jewish immigrants were creating growing restlessness among the civilian population, which had manifested itself in 1975 in a marked increase of incidents followed by reprisals by the Israeli authorities. Such reprisals had resulted in the demolition of houses, expulsions, and interference in the commercial life of the civilian population. The statements of the Israeli leaders ruled out any hope of improvement in the plight of the Arab population in the occupied territories. On the contrary, Israel was determined to make the annexed territories part of the Jewish State.

13. Those actions constituted a grave violation of the fourth Geneva Convention, but it was true that Israel had always maintained that the provisions of the Convention did not apply to the territories occupied by aggression in 1967.

14. Yet the people of Palestine had been going through untold suffering for over a quarter of a century, and a

whole generation had been born in refugee camps. The Government of India unequivocally condemned those persistent and flagrant violations by Israel of the basic rights of the population of the occupied territories, and fully shared the conviction of the Special Committee that the termination of the occupation would alone provide the surest guarantee of the restoration of the basic human rights of the population of the occupied territories.

15. The CHAIRMAN noted that the representatives of Mali and Kuwait, the last two countries on the list of speakers, were absent, and suggested that the meeting should be suspended for a few minutes.

The meeting was suspended at 11.10 a.m. and resumed at 11.40 a.m.

16. The CHAIRMAN announced that the Committee had concluded the general debate on the item, and invited representatives to consider the draft resolutions.

It was so decided.

CONSIDERATION OF DRAFT RESOLUTIONS (A/SPC/L.340-343)

17. Mr. MAHMOOD (Pakistan), introducing four draft resolutions, said that they all dealt with the same question, namely Israel's violation of the human rights of the population of the occupied territories. Three of the drafts were similar to the ones adopted by the General Assembly in 1974. Only draft resolution A/SPC/L.343 dealt with a new issue—actions of the Israeli authorities to change the institutional structure and religious practices in the Al-Ibrahimi Mosque in the city of Al-Khalil.

18. Draft resolution A/SPC/L.340 resembled General Assembly resolution 3240 A (XXIX) apart from the fact that the provision deploring Israel's continued refusal to allow the Special Committee access to the occupied territories had been moved to operative paragraph 2 and that instead of expressing the "gravest concern" at Israel's continued and persistent violations of the fourth Geneva Convention and other applicable international instruments, the General Assembly, in operative paragraph 4 of the draft resolution before the Committee "deplored" those actions. In paragraph 1, the General Assembly commended the Special Committee for its efforts, and in paragraph 3 it again called upon Israel to allow the Special Committee access to the occupied territories. In paragraph 5 and the subsequent paragraphs, the General Assembly condemned Israel's violations of the fourth Geneva Convention and other applicable international instruments and declared that Israel's policies and practices constituted an impediment to the establishment of a just and lasting peace, declared them null and void and urged all States, international organizations and specialized agencies not to recognize any changes carried out by Israel and to avoid actions which might be used by Israel in pursuing those policies. In paragraph 11, the General Assembly requested the Special Committee, pending the early termination of the Israeli occupation, to continue its work and to consult, as appropriate, with the International Committee of the Red Cross (ICRC). Finally, paragraphs 12 and 13 were self-explanatory.

19. The draft resolution summed up the work of the Special Committee, and in adopting it the General Assembly would be censuring Israel and keeping watch over its actions in the occupied territories.

20. Draft resolution A/SPC/L.341 dealt with the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to all the Arab territories occupied by Israel since 1967, including Jerusalem. The General Assembly, in its resolutions 3092 A (XXVIII) and 3240 B (XXIX), had affirmed that the Convention was applicable to that situation, and in the draft resolution before the Committee it reaffirmed that position and deplored Israel's refusal to respect the Convention. Israel had signed and ratified the Convention without any reservation, and it was bound under articles 1 and 2 of the Convention to implement the latter's provisions. In the Commentary on the Convention edited by Jean Pictet,² it was stated that the nature of a particular war or its purposes in no way affected the treatment that protected persons should receive from the occupying power. The Convention was applicable to all parties, at all times, and in all cases and circumstances. Accordingly, in operative paragraph 3 of the draft resolution the General Assembly once more called upon Israel to acknowledge and to comply with the provisions of the Convention. Furthermore, under article 1 of the Geneva Convention, each contracting party undertook to respect and ensure respect for the Convention in all circumstances; therefore, in operative paragraph 4, the Assembly urged all States parties to the Convention to exert all efforts in order to ensure respect for and compliance with its provisions.

21. Draft resolution A/SPC/L.342 dealt with the destruction and devastation of the town of Quneitra by the Israeli forces before their withdrawal under the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974.³ The General Assembly, in resolution 3240 C (XXIX), had endorsed the Special Committee's conclusion that Israel was responsible for that destruction and that Israel's action was a grave breach of the Geneva Convention to which he had already referred. In addition, the General Assembly had, at the request of the Special Committee, instructed the latter to undertake, with the assistance of experts, a survey of the destruction and to assess the nature and extent of the damage. The Special Committee had not been able to submit a full report to the present session of the General Assembly. To enable it to do so in 1976, the General Assembly, in operative paragraph 2 of the draft resolution before the Committee, requested the Secretary-General to continue to make available to the Special Committee all the facilities necessary in the performance of its tasks.

22. Draft resolution A/SPC/L.343 dealt with a question to which the sponsors attached special importance at the current session of the General Assembly. It related to the Israeli measures affecting the religious sanctity and physical

integrity of the Al-Ibrahimi Mosque in the city of Al-Khalil. Completely ignoring the religious susceptibilities of Moslems, Israel had partitioned the mosque and assigned the larger area for the use of Jews. The Israeli authorities were preventing Moslems from going there to pray and perform other religious rites. In addition, the eastern staircase had been demolished. Those actions had gravely offended hundreds of millions of Moslems throughout the world and had already led to disturbances between the indigenous Arab population and the Israeli authorities. It was therefore essential for Israel to rescind those measures. Respect for the religious freedom and practices of people under occupation was protected by international law, and in particular by article 27 of the fourth Geneva Convention. In operative paragraph 2 of the draft resolution before the Committee, the General Assembly therefore called upon Israel to rescind and to desist forthwith from all such measures. Furthermore, in order to obtain a full picture of the situation, the General Assembly, in paragraph 3, requested the Secretary-General to investigate the situation by contacting all the authorities concerned and to report as soon as possible on Israel's compliance with the Assembly's request. Finally, in paragraph 4, the General Assembly called upon Israel to co-operate with the Secretary-General.

23. The sponsors of the draft resolutions hoped that the members of the Committee, realizing the importance and gravity of the questions dealt with, would vote for them.

24. He announced that Benin and the Comoros had joined the sponsors of all four draft resolutions; the Philippines had joined the sponsors of draft resolutions A/SPC/L.341, A/SPC/L.342 and A/SPC/L.343; Indonesia and Malaysia had joined the sponsors of draft resolutions A/SPC/L.340, A/SPC/L.341 and A/SPC/L.343; and Mali had joined the sponsors of draft resolution A/SPC/L.341.

25. Mr. DORON (Israel), beginning his statement, said that repetition did not change the nature of the Arab delegation's tune, which was nothing but a tissue of anti-Semitic lies and nonsense.

26. Mr. FADHLI (Democratic Yemen) and Mr. SAHAD (Libyan Arab Republic), each speaking on a point of order, asked whether the Committee had in fact begun its consideration of the draft resolutions before it or whether the representative of Israel was exercising the right of reply.

27. The CHAIRMAN said that the draft resolutions were indeed under consideration and that all delegations had the right to express their views.

28. Mr. DORON (Israel) said that the tissue of lies to which he had referred now appeared in the form of four draft resolutions whose distortions exceeded even those of the report of the Special Committee on which they were supposed to be based. He noted that Senegal, a member of the Special Committee, was a sponsor of the draft resolutions; that showed how the members of the Special Committee understood their duties.

29. Draft resolution A/SPC/L.340 followed, and indeed went beyond, the language of General Assembly resolution 3240 A (XXIX), since its sponsors wanted the Assembly to

² Jean S. Pictet, ed., *The Geneva Conventions of 12 August 1949: Commentary, IV, Geneva Convention relative to the Protection of Civilian Persons in Time of War* (Geneva, International Committee of the Red Cross, 1958).

³ *Official Records of the Security Council, Twenty-ninth Year, Supplement for April, May and June 1974*, document S/11302/Add.1, annex I.

"deplore" and "condemn" Israel's alleged short-comings, over which it had hitherto expressed its "gravest concern". Previously charged with "disregard" of certain international instruments, Israel was now said to have "violated" those same instruments. Since his delegation has refuted point by point the allegations made in the Special Committee's report, on which the draft resolutions now under consideration were based, there was no justification for the "condemnation" sought in operative paragraph 5 of the draft resolution.

30. The propaganda film which had been shown to the members of the Committee had proved nothing, for the same scenes of demolition could have been filmed in Damascus, where renewal projects had been carried out. One was asked to accept the systematic destruction of synagogues in the Arab countries, but improvements carried out by the Israeli authorities were depicted as sacrilege. Similarly, the taking over of houses by the Israeli authorities for the resettlement of Jewish immigrants whose property had been confiscated in the Arab countries from which they came was described as highly unfair.

31. The purpose of draft resolution A/SPC/L.342 was to have the United Nations support the fraudulent Syrian claims concerning Quneitra, whose destruction was the consequence of Syrian aggression and which the Syrian Government itself had chosen not to rebuild and resettle.

32. With regard to draft resolution A/SPC/L.341, it sufficed to recall, first, that his delegation, ever since the establishment of the Special Committee, had continually stated that there was no point in engaging in theoretical debates, and that the question of the applicability of the fourth Geneva Convention and any resolution on that point were irrelevant, and secondly, that Israel applied the provisions of the Convention in practice.

33. On the basis of spurious and biased allegations, which they presented as factual findings, the sponsors of draft resolution A/SPC/L.343 incited anti-Semitism and gave vent to inflammatory vituperations. In that connexion, his delegation rejected the childish reasoning that Arabs could not be anti-Semitic because they were Semites themselves. Anti-Semitism was universally understood to be directed against Jews and not against Arabs.

34. With regard to the Al-Ibrahimi Mosque in the town of Al-Khalil, the statement by his delegation at the 890th meeting on 9 November 1973 and the letter dated 20 August 1975 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/10204-S/11809) had demonstrated clearly that Jews had always lived in the town of Hebron and had always been able to worship in Ma'arat Hamechpela, situated in what the Arabs now called the Al-Ibrahimi Mosque, and that it was only in 1929, following the slaughter of the Hebron community by Moslems, that Jewish worship there had come to a temporary halt. The draft resolution ignored the fact that the burial site of the patriarchs Abraham, Isaac and Jacob had always been holy to Jews. As the representative of Israel had stated in his letter, Israel had always respected the right of free access to holy places by believers of all faiths.

35. Ever since a resolution adopted by the General Assembly at its twenty-ninth session had conferred a certain status on the notorious PLO, the spokesmen of that terrorist organization had been attempting to justify the murders committed by its members by invoking the alleged recognition of the organization by the international community as implied by that resolution.

36. He hoped and trusted that the Committee would show its revulsion in regard to draft resolution A/SPC/L.343 by rejecting it, that it would vote against draft resolutions A/SPC/L.340 and A/SPC/L.342, and that it would not support draft resolution A/SPC/L.341.

37. Mr. SIBAHI (Syrian Arab Republic), speaking in exercise of the right of reply, said that he admired the patience of the members of the Committee, who were condemned to listen to the representative of Israel tirelessly repeating the same arguments. He himself would confine his statement to a very specific point: the representative of Israel, seeking to divert attention from the text of draft resolution A/SPC/L.342, which referred to the destruction of and the extent of the damage to the town of Quneitra, had mentioned certain so-called arbitrary measures which the Syrian Government had allegedly taken against Jews living in the Syrian Arab Republic. He would not dwell on the question of Quneitra, which the Committee would have an opportunity to reconsider at the thirty-first session, when it had before it the full report to be submitted on that subject by the Special Committee. The representative of Israel had alleged that the freedom of Syrian Jews and their enjoyment of their movable and immovable property were subject to arbitrary measures. He wished to deny those allegations in the most formal way. Judaism was respected in the Syrian Arab Republic in the same way as Christianity and Islam. No Jew was subject to restrictive measures of any kind, unless, of course, his acts were contrary to morality, public order or national security. No one, least of all the representative of Israel, was unaware that the Syrian Arab Republic was at war with Israel, whose leaders had contaminated the minds of Jews throughout the world by propagating the Zionist doctrine which the United Nations had condemned because of its discriminatory character. It was quite clear that it was the duty of the Government of a country at war to take all measures necessary to buttress its authority, affirm its sovereignty and protect the security of its territory and population.

38. Mr. HAMMAD (United Arab Emirates), speaking in exercise of the right of reply, said that his observations would relate to draft resolution A/SPC/L.341, concerning the applicability of the fourth Geneva Convention. The representative of Israel had contended that those were theoretical considerations and that the Convention was not applicable in the occupied territories because of the reservations formulated by the Israeli Government. How could one speak of theoretical considerations in connexion with the application of a Convention to which Israel was a party, as were the Governments of the Arab States whose territories it was occupying? The purpose of the Convention was precisely to regulate relations between the States parties in all cases of partial or total occupation of the territory of one of them. The Convention had been drafted in very precise terms in order to avoid the ambiguities of

the Hague Convention of 1907⁴ which had preceded it, and it stipulated that it must be respected in all circumstances, in all cases, at any time and in any place. There was thus no doubt that it was applicable to the occupied territories, and it would be interesting to learn what reservations Israel had been able to invoke in order to contest it.

39. He therefore called upon the representative of Israel to indicate the nature of those reservations to the members of the Committee, who could then judge whether they were in fact likely to limit the applicability of the Convention. All the delegations represented in the Committee—and especially the Arab delegations—were entitled to know about those reservations which Israel was brandishing like a shield in order to conceal itself. He himself had demonstrated at the 988th meeting that the Convention was applicable to the occupied territories, by virtue of both its own provisions and the accepted principles relating to the interpretation of international instruments. The only valid reason that Israel could have for not applying the Convention would be to denounce it, which as far as he knew it had not done. He therefore challenged the representative of Israel to reveal to the Committee the content of those reservations.

40. Mr. DORON (Israel), replying to the representative of the Syrian Arab Republic, said it was notorious that the Jews in that country were subjected to restrictive and discriminatory measures and that they were, in particular, prohibited from leaving Syrian Territory. Since the Jews in the Syrian Arab Republic lived in an earthly paradise, why did the Syrian Government not give them the opportunity—which they would apparently have absolutely no reason to take—to leave the country? It would then be easy to determine who was telling the truth.

41. Mr. HAMMAD (United Arab Emirates) requested the members of the Committee to note that the representative of Israel had replied to the question he had posed solely by an eloquent silence.

42. Mr. DORON (Israel), replying to the representative of the United Arab Emirates, said that if that representative had sought a minimum of information he would know that that question had long ago received a reply, and that it would have sufficed for him to familiarize himself with it.

43. Mr. HAMMAD (United Arab Emirates), said he believed he had been present at all the Committee's debates on the item, but all he knew about those celebrated reservations was that they were contained in a memorandum which the Israeli authorities had allegedly sent to ICRC. Why should those reservations not be made known? And if, as the representative of Israel stated, that had already been done, why should their provisions not be repeated? Many representatives who had been attending the Committee's debates for only a short space of time or who, like himself, lacked information, would certainly welcome clarification on that point.

44. Mr. GAMMOH (Jordan), speaking in exercise of the right of reply, said it was paradoxical that Israel kept

making statements every year protesting its sincerity, good faith and innocence, while continuing to withhold from the representative of the Secretary-General and the members of the Special Committee the right to visit the occupied territories. What could Israel have to fear since, to judge by its statements, it was so convinced of the propriety and legality of the measures it was taking in the territories? It was difficult to see how the representative of Israel could question the veracity of the facts reported by the Special Committee without at the same time casting doubt on the Israeli sources on which the report was based. Was it possible that the Israeli press too was guilty of lying?

45. Mr. DORON (Israel) said, in reply to the representative of the United Arab Emirates, that the legal applicability of the fourth Geneva Convention was a question which concerned only the Israeli authorities and ICRC. The Committee's task was to consider the effective application of the Convention; it was not competent to consider the legal aspects. In reply to the representative of Jordan, he pointed out that the Israeli Government had explained on many occasions why it could not co-operate with the Special Committee, and a study of the successive reports of the Committee merely strengthened those convictions. He would merely add that the territories administered by Israel and the holy places were visited every year by hundreds of thousands of Christians and Moslems—whether Arabs or not—and that their number was growing each year. There was therefore no lack of testimony concerning the situation in the territories, and the representative of Jordan himself, if he so wished, would have no difficulty in going there also.

46. Mr. SIBAH (Syrian Arab Republic) said, in reply to the representative of Israel, that the Syrian authorities did nothing to prevent Jews from leaving the Syrian Arab Republic and that many in fact had left. Those remaining were entitled to carry on their business and to practise their religion in complete freedom. The representative of Israel should compare, on the basis of statistics that he probably knew very well, the number of Syrian Jews who had immigrated into Israel with those who had emigrated from Israel; if he did so, he might perhaps not take up that question again.

47. Mr. HAMMAD (United Arab Emirates) said he regretted that the representative of Israel was contradicting himself. He had first claimed to have stated before the Committee the reservations of the Israeli Government and now he was asserting that it was a question which concerned only the Israeli Government and ICRC and was not within the competence of the Special Political Committee. He (Mr. Hammad) would merely point out that contradiction, since he did not wish to enter into polemics on that point.

48. He nevertheless opposed the argument that it was a question for discussion only between the Israeli Government and the ICRC. More than 100 States had acceded to the fourth Geneva Convention and many were represented on the Committee. They were certainly entitled to take cognizance of those reservations since they had undertaken "to respect and to ensure respect for" the Convention and since there existed contractual relations linking every State party to the Convention with every State violating its

⁴ Carnegie Endowment for International Peace, *The Hague Conventions of 1899 and 1907* (New York, Oxford University Press, 1915).

provisions. Furthermore, at the two preceding sessions of the General Assembly, 120 and 121 countries respectively had called upon Israel to respect and to comply with the provisions of the Convention in the occupied Arab territories (resolutions 3092 A (XXVII) and 3240 B (XXIX)). Accordingly, under the provisions of the Convention and of the resolutions of the General Assembly, Israel was required either to apply the Convention or to indicate explicitly the reasons why it refused to do so.

49. Mr. GAMMOH (Jordan) said he did not understand why the representative of Israel rejected draft resolution A/SPC/L.343 in operative paragraph 3 of which the Secretary-General was requested to investigate the situation in the Al-Ibrahimi Mosque. He had nothing to fear from such an investigation since it would merely establish the facts which, according to him, would be favourable to Israel.

50. Mr. DORON (Israel) stated that he had never changed his position on the applicability of the Convention; he had always asserted that Israel had communicated its reservations to the competent authorities and that the Special Political Committee was empowered to consider the practical application and not the legal applicability of that instrument.

51. In reply to the representative of the Syrian Arab Republic, he said that it might have been possible in the past that Jews had been authorized to leave that country but if it was still true, it was difficult to understand why in 1974 four girls had tried to escape by illegally crossing the frontier and had been finally killed by the guard who was supposed to help them to flee. For its part, Israel was a free country which anyone could leave. However, it would be very interesting to verify from the statistics mentioned by the Syrian representative how many Jews had emigrated from Israel to the Syrian Arab Republic.

52. Mr. HAMMAD (United Arab Emirates) noted that the representative of Israel, who had asserted that the question of the applicability of the Convention had been studied by his Government with the competent authorities, seemed to be denying that competence to some 120 States Members of the United Nations which had twice expressed by their vote in the General Assembly the conviction that the Convention was applicable to the occupied territories.

53. Mr. BADAWI (Egypt), speaking in exercise of the right of reply, said that the point raised by the representative of Israel was extremely important for it called into question the Charter of the United Nations itself and the legal principles embodied in international conventions. When the representative of Israel claimed that his country was free to determine whether the fourth Geneva Convention was applicable to the occupied territories or not and whether the United Nations had the right to intervene when it was a question of human rights or violation of the territorial integrity of States Members of the United Nations, it was tantamount to allowing an individual State to decide unilaterally whether or not it must respect the principle of international responsibility, a principle recognized by any Member State which respected the provisions of the Charter. That was very dangerous. The principle of territorial integrity and the principle of the illegality of any occupation which was the consequence of an aggression or

the use of force where clearly set out in the Charter. Moreover, the fourth Geneva Convention, which was designed to protect civilians in time of war, explicitly prohibited forcible transfers of protected persons from occupied territory to the territory of the occupying Power. Those provisions had been prompted by the tragic experience of the Second World War, which the representative of Israel should be the last to forget. To admit the principle of the applicability of international instruments and the principle of responsibility before the international community was really a strict minimum.

54. The representative of Israel had claimed that the Committee was not competent to take cognizance of legal questions. That was a point which he (Mr. Badawi) would not debate with the Israeli representative. However, he wished to take up the argument by the representative of Israel who had thought he had said enough by stating he had given a valid response to the "competent authorities" in the person of ICRC. The wrong impression might therefore be given that ICRC was satisfied with that reply and that it was sufficient to have given a reply, whatever it was, for the question to be settled. However, ICRC had not accepted the position of the Israeli Government and the twenty-second International Conference of the Red Cross held in Teheran in November 1973, had upheld the applicability of the Convention to the occupied Arab territories. Moreover, the Special Committee in its report (A/10272, para. 180) had noted that ICRC in its annual report for 1974⁵ had stated that the main problems encountered by ICRC for which no satisfactory solutions had yet been found were those connected with expulsions and the destruction of dwellings ordered by the Israeli authorities under the heading of repressive measures, in violation of articles 49, 33 and 53 of the fourth Geneva Convention. It was therefore clear that ICRC did not accept either the legal norms invoked by Israel or Israeli practices.

55. He recalled that, at the twenty-ninth session, the representative of Kuwait (930th meeting) had warned the Committee of the dangers of the principle of selectivity in international law and of allowing a State to choose to apply or refuse to apply certain provisions, depending on whether they were in conformity or not with its own interests. That would constitute a precedent which would prejudice the interests of the whole international community. It was not for a State party to an international instrument to decide on its applicability; such applicability must emerge from the provisions of the instrument itself. In fact, the provisions of the fourth Geneva Convention established without any possible doubt that it was applicable to the occupied territories.

56. He had voluntarily confined himself to the above arguments, wishing merely to avoid any misinterpretation of the Israeli reply. His delegation would of course have much to add with regard to the relationship between the non-application by Israel of the provisions of the Convention and the situation prevailing in the occupied territories.

⁵ *Annual Report 1974* (Geneva, International Committee of the Red Cross, 1975).

57. Mr. SIBAH (Syrian Arab Republic) said that the right of Syrian citizens, whether Jewish or not, to enter or leave the Syrian Arab Republic freely did not concern the representative of Israel and had nothing to do with the question under study. The representative of Israel knew very well that his country was at war with the Syrian Arab Republic, a fact which created a special situation requiring certain measures of restriction essential for the protection of the national territory and its population.

58. Mr. DORON (Israel) wished to point out, following the long statement by the representative of Egypt, that ICRC in its annual report for 1974, had also stated that Israel had offered to it its co-operation and assistance and had to a large extent complied with the recommendations of that Committee. He had already quoted the passages of

the report at the end of the statement he had made to the Committee at its 985th meeting.

Organization of the Committee's work

59. The CHAIRMAN noted that the Committee had completed its discussion of agenda items 51 and 52 and suggested that the Committee's next meeting should be postponed until Friday afternoon, 5 December 1975, so as to allow certain of its members to consult their Governments and thus be able to vote on the draft resolutions before the Committee.

It was so decided.

The meeting rose at 1.05 p.m.

991st meeting

Friday, 5 December 1975, at 3.10 p.m.

Chairman: Mr. Roberto MARTINEZ ORDOÑEZ (Honduras).

A/SPC/SR.991

AGENDA ITEM 51

Comprehensive review of the whole question of peace-keeping operations in all their aspects: report of the Special Committee on Peace-keeping Operations (concluded) (A/10366, A/SPC/L.339)

CONSIDERATION OF DRAFT RESOLUTIONS (concluded) (A/SPC/L.339)

1. The CHAIRMAN said that if there was no objection, he would briefly suspend the meeting in order that those speakers who wished to do so might have their names entered on the list for explanation of vote before or after the vote on draft resolution A/SPC/L.339. He also announced that the delegation of Kenya had become a sponsor of the draft resolution.

The meeting was suspended at 3.12 p.m. and resumed at 3.14 p.m.

2. The CHAIRMAN recalled that in 1974 a draft resolution very similar to the one now before the Committee had been adopted by consensus. Accordingly, if there was no objection, he would take it that the Committee adopted draft resolution A/SPC/L.339 by consensus.

The draft resolution was adopted by consensus.

3. Mr. AMISSAH (Ghana) said his delegation did not believe that the mandate of the Special Committee on Peace-keeping Operations should be extended automatically. The fact that on the present occasion Ghana had agreed with the current decision to extend that mandate reflected Ghana's concern that the General Assembly should adopt clear and practical guidelines in order that the

United Nations might carry out its task in the sphere of peace-keeping operations authoritatively and effectively.

4. In Ghana's view, the Special Committee's inability to carry out its mandate could be attributed to a lack of political will on the part of some of the great Powers to delineate clearly the role of the General Assembly in peace-keeping efforts or to assume their proper responsibility under the Charter of the United Nations as members of the Security Council. The report of the Special Committee (A/10366) confirmed that view.

5. After expressing his full agreement with the statement of the representative of the United Kingdom, at the 984th meeting, concerning certain important differences between some members of the Working Group of the Special Committee, he stated that in supporting the extension of the Special Committee's mandate, his delegation was endorsing the conclusion in paragraph 7 of that Committee's report to the effect that the Working Group should also give attention to the consideration of specific questions related to the practical implementation of peace-keeping operations. He also agreed with the statements by the delegations of Canada and the Nordic countries, at the 984th and 983rd meetings respectively, that greater attention should be given to the preparation of a training programme for peace-keeping operations which would seek to unify and co-ordinate the various national programmes.

6. At a time when tensions were mounting in already troubled areas, as was currently the case, it was more than ever necessary to review the function of the United Nations in peace-keeping operations, with particular attention to what the representative of New Zealand, at the 983rd meeting, had called the "legitimate role" of the United Nations. He also agreed with what the representative of