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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 to the General Assembly in pursuance of its resolution 45/73 I of 11 December 1990, entitled "Protection of Palestine refugees", the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Holds Israel responsible for the security of the Palestine refugees in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, 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;

"2. Calls upon all the High Contracting Parties to the Convention to take appropriate measures to ensure respect by Israel, the occupying Power, for the Convention in all circumstances in conformity with their obligation under article 1 thereof;

"3. Strongly urges the Security Council to consider the current situation in the occupied Palestinian territory, taking into account the recommendations contained in the reports of the Secretary-General dated 21 January 1988 and 31 October 1990;

"4. Urges the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for

Palestine Refugees in the Near East, to continue his efforts in support of the upholding of 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;

"5. Calls once again upon Israel to desist forthwith from acts of aggression against the Lebanese and Palestinian population in Lebanon;

"6. Demands that Israel, the occupying Power, release forthwith all arbitrarily detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"7. Calls once again upon Israel to compensate the Agency for damages to its property and facilities resulting from the invasion of Lebanon by Israel in 1982, without prejudice to the latter's responsibility for all damages resulting from that invasion, as well as for other damages to the Agency resulting from the policies and practices of Israel, the occupying Power, in the occupied Palestinian territory;

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

2. On 15 February 1991, 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 taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 2 July 1991, the Permanent Representative of Israel replied as follows:

"Israel's position on this resolution was fully set forth in statements by Israel's representative to the Special Political Committee on 15 November 1985 (A/SPC/41/SR.14), and in the report of the Secretary-General (A/45/61) dated 23 October 1990.

"The adoption of resolution 45/73 I entitled 'Protection of Palestinian Refugees' is clearly hypocritical, anachronistic and out of place. Despite Israel's withdrawal from Lebanon in 1985, this resolution still blames Israel for the 'suffering of the Palestinians' in Lebanon. Not surprisingly, the sponsors of this resolution continue to blame Israel for Arab persecution of Palestinian refugees.

"In recent years, thousands of Palestinians have been killed and wounded in Lebanese refugee camps in vicious fighting totally unconnected

with Israel. Likewise, Palestinian refugee camps in Syria and Jordan have been the scenes of considerable human misery which the authors of Resolution 45/73 I choose to ignore.

"This selective and distorted presentation of the Palestinian refugees' situation in Arab countries by the sponsors of Resolution 45/73 I, clearly illustrates the double standards inherent in this resolution and the blatant disregard for the general welfare of the Palestinian refugees.

"The unabashed cynicism employed by the authors of this resolution reaches its pinnacle in the total disregard of the gruesome, ruthless and systematic campaign of assassinations carried out against, *inter alia*, the Palestinian Arab refugees in Judea, Samaria and the Gaza District, in which over 437 Palestinian Arabs have been murdered in cold blood by PLO and other terrorist death squads since December 1987. Notwithstanding innumerable appeals by the Government of Israel, including a letter of the Permanent Representative of Israel to the Secretary-General dated 2 April 1990 (A/45/189-S/21225) and repeated statements by the Permanent Representative of Israel to the Security Council, the latest being 24 May 1991 (S/PV.2989), the United Nations remains ominously silent in this regard.

"In the context of the operative part of this resolution, it is emphasized that in keeping with international law, Israel alone is competent to ensure full protection to all the inhabitants of Judea, Samaria and the Gaza District."

4. As set out in his annual report for the period 1 July 1990 to 30 June 1991 1/ the Commissioner-General of UNRWA has continued his efforts, in consultation with the Secretary-General, in support of the safety and security and the legal and human rights of the Palestine refugees in the occupied territory. In this connection, UNRWA international staff in the occupied territory, in particular Refugee Affairs Officers, have continued to play an important role in helping to reduce tensions and to prevent maltreatment of the refugees, especially vulnerable groups such as women and children. The Commissioner-General has also protested to the Israeli authorities against excessive use of force, collective punishments, punitive demolitions, sealing of shelters and other such measures, as a failure on the part of the Israeli military authorities to uphold standards required under international humanitarian law. A fuller description of the efforts of the Commissioner-General in this regard is contained in his annual report 1/ and in the report submitted to the Security Council by the Secretary-General in accordance with resolution 681 (1990). 2/

5. Following the withdrawal of the Israeli forces from the Saida and Tyre areas in February and April 1985 respectively (see A/40/756, para. 5), there is nothing further to state regarding the Palestine refugees in Lebanon in the context of the present report.

6. Section IV.D of the annual report of the Commissioner-General of UNRWA to the General Assembly 1/ reviews the efforts UNRWA has made during the period to continue its programme for the repair of refugee shelters damaged and destroyed during the fighting in Lebanon.

7. 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-sixth Session, Supplement No. 13 (A/46/13).

2/ S/22472.

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