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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Thirty-fourth year

Letter dated 1 August 1979 from the Chairman of the Committee
on the Exercise of the Inalienable Rights of the Palestinian
People addressed to the Secretary-General

I have the honour to inform you of the deep concern felt by the Committee on the Exercise of the Inalienable Rights of the Palestinian People at the statement made by the representative of the United States of America in explanation of his delegation's abstention in the recent vote on Security Council resolution 452 (1979). That resolution relates to the report (S/13450 and Corr.1 and Add.1) of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem. In his statement, the representative of the United States of America said that his delegation had abstained because "this resolution, like the recommendations of the Commission which this resolution accepts and incorporates, goes beyond the question of settlements to deal with such matters as Jerusalem". 1/

In fact, it is self-evident that the mandate of the Commission, as stated in Security Council resolution 446 (1979), unquestionably extends to Jerusalem. The report of the Commission contains a description (S/13450 and Corr.1, paras. 99 and 100) of testimony heard by the Commission concerning the measures taken by the Israeli Government in preparation for the establishment of settlements in Jerusalem and its environs. Those settlements themselves are the subjects of paragraphs 101 and 103 of the report. It is therefore difficult to accept the argument that the Commission exceeded its mandate by taking up the question of Israeli settlements in Jerusalem.

Those Jerusalem settlements are obviously illegal under international law, under the 1949 Fourth Geneva Convention 2/ and under a number of United Nations

* A/34/150.

1/ S/PV.2159, p. 6.

2/ United Nations, Treaty Series, vol. 75, No. 973, p. 257.

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resolutions, including General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 respectively and Security Council resolutions 252 (1968), 267 (1969) and 298 (1971) of 21 May 1968, 3 July 1969 and 25 September 1971 respectively. According to those resolutions, the measures taken by Israel in Jerusalem are invalid, and Israel is called upon to rescind the measures already taken and to refrain from any action which would change the status of Jerusalem. The Commission's recommendation contained in paragraph 241 of its report simply refers to that status and proposes that the Security Council should once again call upon the Israeli Government "to implement faithfully Security Council resolutions adopted on that question as from 1967". Here again, it is difficult to see how the Commission can be accused of having exceeded its mandate, particularly when it does not propose any definitive solution to the broader problem of the status of Jerusalem.

The question of illegal Israeli settlements established on land taken from the Palestinian people, including the settlements established in Jerusalem and its environs, is of great importance to our Committee. For that reason, the Committee is concerned at the idea that the statement in question might imply the drawing of a distinction between Jerusalem and its environs and the "Arab territories occupied by Israel in 1967". That would seem to be inconsistent with the position which has long been held by the United States of America. Such a development would have profound repercussions and would be a cause for grave concern to the Committee of which I have the honour to be Chairman.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly, under items 24 and 25 of the provisional agenda, and of the Security Council.

(Signed) Médoune FALL
Chairman of the Committee
on the Exercise of the Inalienable Rights
of the Palestinian People
