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2159th MEETING

Held in New York on Friday, 20 July 1979, at 3.30 p.m.

President: Mr. Ivor RICHARD (United Kingdom of Great Britain and Northern Ireland),

Present: The representatives of the following States: Bangladesh, Bolivia, China, Czechoslovakia, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Provisional agenda (S/Agenda/2159)

1. Adoption of the agenda
2. The situation in the occupied Arab territories:
Report of the Security Council Commission established under resolution 446 (1979) (S/13450 and Corr.1 and Add.1)

The meeting was called to order at 4.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories:

Report of the Security Council Commission established under resolution 446 (1979) (S/13450 and Corr.1 and Add.1)

1. The PRESIDENT: In accordance with the decisions taken at previous meetings, I invite the representative of Jordan to take a place at the Council table. I invite the representatives of Egypt, Israel and the Syrian Arab Republic and the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to take the places reserved for them at the side of the Council chamber. I invite the representative of the Palestine Liberation Organization to take a place at the Council table.

At the invitation of the President, Mr. Nuseibeh (Jordan) took a place at the Council table, Mr. Abdel Meguid (Egypt), Mr. Lamdan (Israel), Mr. El-Choufi (Syrian Arab Republic) and Mr. Roa Kouri (Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People) took the places reserved for them at the side of the Council chamber and Mr. Terzi (Palestine Liberation Organization) took a place at the Council table.

2. The PRESIDENT: I wish to draw the Council's attention to document S/13461, which contains the text of a draft resolution which has emerged in the course of informal

consultations among members of the Council and which members have requested me to place before the Council.

3. Before calling on the representative of Portugal to introduce the draft resolution, I should point out that I have been asked by the members of the Security Council Commission established under resolution 446 (1979) to say that they are not the authors of the commendation of their work expressed in operative paragraph 1. We are indeed grateful to the three members of the Commission that, in the interests of the expeditious dispatch of the Council's business, they nevertheless feel able to vote for it.

4. Mr. MATHIAS (Portugal) (*interpretation from French*): My comments on the draft resolution will be very brief because, as a result of the discussion on the item on our agenda, the Council has clearly defined views on the question.

5. The text now before us takes up the conclusions and recommendations in the report of the Commission, above all, it reflects the spirit in which the Commission tried to carry out its mandate—a pragmatic, realistic and constructive spirit. It seems to us established that the States members of the Council regard the settlements policy as illegal, that they believe that the continuation of that policy has the gravest consequences in regard to a peaceful solution of the Middle East conflict, that the policy violates the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and that the effects of the policy are felt particularly by the local Arab and Palestinian people. In that context, the Council, in the draft resolution, calls upon the Government and people of Israel to cease, on an urgent basis, the application of that policy in the occupied territories, including Jerusalem.

6. In my delegation's opinion, that is the least the Council can do at this stage. We hope that the measures advocated in this text will be understood in Israel with all the gravity and seriousness they imply and with the urgency they require.

7. On behalf of the Commission, I wish to thank the Council for the confidence it will show in the Commission's work if it adopts this text. On the same assumption, and taking into account operative paragraph 4, the members of the Commission will meet and then contact you, Mr. President, for an exchange of ideas on the Commission's future work.

8. I should like to take this opportunity to thank all the delegations that were good enough to say such encouraging

and friendly words about the Commission and its work. We were deeply moved by those words.

9. The delegation of Israel accused us of lacking objectivity. We reject that accusation. We would have hoped—indeed, we continue to hope—to have the co-operation of and contacts with the Government of Israel, and to be able to work jointly with it; but that was refused to us. This refusal in itself takes away from the Israeli Government's arguments and comments on the question any value that they might have had.

10. The PRESIDENT: If I hear no objection, I shall take it that the Council is ready to proceed to the vote. I now put to the vote the draft resolution contained in document S/13461.

A vote was taken by show of hands.

In favour: Bangladesh, Bolivia, China, Czechoslovakia, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Zambia

Against: None

Abstaining: United States of America

The draft resolution was adopted by 14 votes to none, with 1 abstention.¹

11. The PRESIDENT: I shall now call on those representatives who have asked to be allowed to speak following the vote.

12. Mr. AASEN (Norway): My delegation is very pleased to see you in the chair, Mr. President, presiding over the work of the Security Council this month. The many difficult and delicate issues confronting us require the kind of leadership by a President which we know you are eminently qualified to give.

13. My delegation would like also to join previous speakers in thanking Ambassador Troyanovsky for the way in which he presided over the Council during the month of June.

14. My delegation was able to vote in favour of the resolution which the Council has just adopted. We do not necessarily subscribe to each and every word of it but, in principle, the resolution reflects the views of my Government on the settlement policies. We do consider these policies to be inconsistent with international law, and an obstacle to peace, threatening *inter alia* the ongoing peace process which my Government has welcomed and fully supports.

15. Peace should be the main concern of all parties to the conflict. Consequently, they should refrain from such steps as can prove detrimental to the bold initiatives taken on behalf of peace over the past months.

16. In an intervention in the Council on 19 March, the position of my Government with regard to a comprehensive

and lasting settlement of the conflict in the Middle East was stated in these words:

“In the end, only a settlement which recognizes Israel's right to exist within secure and recognized boundaries and the legitimate national rights of the Palestinians can bring a just and lasting peace to the Middle East.” [2131st meeting, para. 7.]

17. That remains our position and has been fundamental also to our stand on the resolution which the Council has just adopted.

18. Mr. PETREE (United States of America): I should like first to express to you, Sir, the congratulations of my delegation on your assumption of the office of President of the Council. Your service this month is a fitting climax to one of the most distinguished careers of leadership in the Council and the United Nations. Your many friends will sorely miss the presence and contributions of Ambassador Richard. We join all in wishing you warmly all success in your future endeavours.

19. I also want to express our appreciation to Ambassador Troyanovsky of the Soviet Union, who smoothly led us through a busy month of work on a number of important questions with his usual firmness and fairness.

20. The United States would have supported the resolution, if it had not also raised issues other than settlements, which have to be resolved through sensitive negotiations.

21. The United States, on a variety of occasions, has stated in forceful terms its position on the question of Israeli settlements in the occupied territories. We have stated—and I repeat here today—that we oppose such settlements. Those settlements prejudice the outcome of Middle East peace negotiations and are inconsistent with international law and the fourth Geneva Convention. We have asked Israel to cease its practice of establishing settlements, and I repeat that request here today.

22. Since 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, the United States did not support it, and abstained. This is not to say that these questions are not important: they are. However, these matters, as well as issues such as settlements and the future of the occupied territories themselves, can only effectively be dealt with in the course of negotiations between the parties—negotiations which are now under way and which, we hope, will be extended to incorporate all parties with an interest in them. The important objective, and the one which more than anything else will influence our approach to matters such as those presented in the resolution, is the advancement of those negotiations. To that end we pledge ourselves.

23. One last point: While we do not agree with all of the points contained in the report, we recognize that the members of the Commission have worked diligently and in good faith on an issue of considerable sensitivity and emotion.

¹ See resolution 452 (1979).

24. Mr. BISHARA (Kuwait): I do not want to make an explanation of vote; I want to make some observations on a vote—and that is the vote of the United States.

25. I listened with great care and keenness to the statement just spelt out by my friend Ambassador Petree, and I must say it is a far cry from the vote: the words are in no way convincing; the action is discouraging.

26. Mr. Petree, I would say to you the following—and do not hold it against me, as you know the spirit in which we have been working together for two years: I must say that your vote today is, to borrow from Shakespeare again, “untender”. It is a vote that makes the moderate radical, the radical insane and the insane beserk in our area. It is a vote which I would describe, if you will excuse me, as the callousness of the powerful. Your vote, in my view, is an encouragement to Israel to continue with its policy of piracy, of violation of the Charter, of plundering and looting and of expulsion of the people of Palestine. Your vote, I must say in all frankness, adds fuel to irrationality and ammunition to further turmoil in our area.

27. We have shown through the conduct of consultations the maximum of restraint—the maximum of accommodation—and nobody, not even members of the United States delegation, can deny that. We have even gone so far as to delete words which went against the grain for the United States, such as “dismantling”. I myself suggested the word “confronting”, and I thought that we were approaching the final consensus which the Chairman of the Commission had so assiduously sought and worked for. Unfortunately, through no fault of his, through no fault of ours—through no fault of the members of the Council—the United States chose to abstain.

28. Mr. Petree, I regret to say that your vote displays isolation from the mainstream of international intellectual, moral and political thought, and this hurts me. I remember, when I was in Kuwait two months ago, I had left the Ministry of Finance after meeting with the Minister, and was walking to my car in the heat of Kuwait, when an elderly man who had been following me shouted in a Palestinian Arabic accent: “Ambassador Bishara”. I turned to him and said: “Yes? What do you want?” He said: “Please do not forget us, the Palestinians; do not forget us in the work of the United Nations.” Then he said in a very innocuous, harmless, indeed innocent, manner: “But what is wrong with the United States? It has made us its enemy.” I answered him by borrowing a famous quotation from Jefferson, who swore to fight to eternity the issue of injustice. I uttered those words to soothe that miserable man.

29. On every issue pertaining to the Middle East in the past 16 or 18 months that I have been working on the Council, the first thing we have done has been to solicit, consult, negotiate with, talk to, confabulate—if you like—with the United States delegation with a view to achieving one thing: securing the vote of the United States. Nobody from the Mission of the United States can deny that fact. And sometimes I have thought that the vote of the United States was the key to the doors of heaven. But we have acted in good faith and in good spirit, and no member of the United States Mission can deny that fact.

30. Last night, when we left the caucus room after serious negotiations on the draft, with the active collaboration and

participation of the Chairman of the Commission, Ambassador Leonardo Mathias, I thought we were on the brink of obtaining a consensus. Unfortunately, power politics played their role.

31. The United States has no objection to the resolution on its merits, I am sure: it abstained not on the merits of the resolution—not because of the elements of the resolution, notwithstanding what my friend Ambassador Petree said—but because of power politics. And the poor Palestinians have no role in the power politics inside the United States.

32. I seem always to go back to English literature: I think we live in the famous “Waste Land” of T. S. Eliot, because we work hard, we follow logic, we pursue the demands of give and take and, all of a sudden, we find that it all backfires.

33. As I said earlier, we were accommodating. We showed flexibility, and I myself stuck my neck out—so much so that I was accused by my kith and kin of defending a wishy-washy resolution. But the important thing was to solicit for the cause of the poor, defenceless Palestinians. Unfortunately, we did not achieve a consensus, again through no fault of the Palestinians or of members of the Council, or of the members of the Commission who worked so assiduously and incorruptibly on behalf of the Palestinians to achieve a consensus.

34. I can only say that, in my view, it is unwholesome and unhealthy for the United States to be associated in our region of the world with abstentions or vetos. If we read the record of the United States with regard to issues concerning the Middle East, we always find it accompanied by abstention or its friend, veto. Hardly—or rarely—is there a positive vote, except on that famous monument, General Assembly resolution 194 (III) for the return of the refugees, a document that has become a chronic yearly ritual. What a distance there is between the present situation in which a veto is cast on an innocuous, harmless resolution, and the words of President Jefferson, the great founder of this great Republic, when he said he would swear to fight to eternity for justice. Sometimes, however, we are forced to realize, again as I have read in English literature, that even idols have their feet of clay.

35. Sometimes we are overcome by a sense of frustration, but in politics we should resist that. We are ready to give the United States the benefit of the doubt on this issue. We are hurt, we are taken aback and, in simple language, we are disappointed. But the sun, as I have said earlier, will not rise in the west simply because there was an abstention on this resolution. The Palestinians will remain. Their camps will remain. Their resistance will be strengthened.

36. In the lounge before we came here today, a Palestinian said to me, “My God”, he said, “what happened? The Americans are so eager and so earnest about the human cargoes of Viet-Nam”—which is praiseworthy and excellent—“What about the human objects in the miserable refugee camps of Palestine?” I said to him: “The crude facts of power politics play their role, and you have to understand that your battle is fierce, your fight is arduous, but in the final analysis, your goal will be achieved.”

37. Today, we have celebrated—I am sure the entire world celebrated—the downfall of a Somoza, and many

Somozas will disappear. Every disappearance of a Somoza is a victory for those who are fighting assiduously and with sacrifice for a noble cause. I say that, and I regret having to say it, and I apologize to my friend, Mr. Petree, if I have irritated him. I am stating a fact, and it is a fact we cannot deny. You cannot deny how flexible we were, nor can you deny that we displayed a willingness to reach accommodation through give and take, but—unfortunately—we have not obtained consensus. The issue, however, remains, and we will come back to the United States on another occasion.

38. Mr. HRČKA (Czechoslovakia) (*interpretation from Russian*): In its statement at this morning's meeting, the Czechoslovak delegation pointed out that in order for the Security Council to respond to the demands of the task incumbent upon it, it must condemn Israel's policy of occupation and envisage taking the coercive measures provided by the Charter to that end.

39. Nevertheless, we voted in favour of the resolution, although we feel it is unduly marked by compromise and lacking in substance. Unfortunately, the resolution does not contain elements designed to prevent the creation of new settlements and to ensure the dismantling of existing settlements.

40. The Czechoslovak delegation would like to express the hope that in the future the Council will be able to adopt specific, firm decisions on the question.

41. Mr. KHARLAMOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): The Soviet delegation voted in favour of the resolution just adopted by the Security Council, although it believes the resolution is very weak. It does not duly reflect the discussions that took place on this important issue.

42. We understand that other delegations share our view. In drawing up the draft resolution, there was a question of making the resolution acceptable to all, and the sponsors made great efforts to make the resolution one that could be adopted by consensus. In that connexion, we cannot but express our regret that one member of the Council, the representative of the United States, abstained during the vote, even though during the preparation of the draft everything possible had been done to eliminate what were not unduly strong words or expressions in order that the United States would be able to vote in favour of the resolution along with other members, as the representative of Kuwait has just stated.

43. In the view of the Soviet delegation, the Council should have adopted a firmer, tougher position with regard to the illegal actions of Israel in the occupied Arab territories. It should not only have demanded that Israel cease its policy of establishing new settlements but have adopted measures for the dismantling of the settlements already in existence. As pointed out earlier, the Security Council has adopted many resolutions on the issue. Although the present resolution contains a general reference to previous decisions and resolutions, we believe that some of these should have been referred to directly, and I am thinking in particular of resolution 252 (1968).

44. I must reiterate that my delegation regrets the fact that the resolution as adopted is weak, but it hopes that in the course of the broader discussions on Palestine that will be

held in the near future, the Council will adopt a tougher, firmer position with respect to Israel's annexationist policy.

45. The PRESIDENT: I should now like to make a statement in my capacity as representative of the UNITED KINGDOM.

46. It is no secret that when resolution 446 (1979) was adopted earlier this year, my delegation had reservations about the decision to establish a commission to examine the situation relating to settlements in the occupied territories, including Jerusalem. Nonetheless, that resolution and its recommendations were adopted with no dissent. Once the decision to send the Commission had been taken, we think that all Members of this Organization should have sought to co-operate with it. We were disappointed, therefore, when the Government of Israel declared itself unable to do this. Given their lack of co-operation, an important source of information was denied to the members of the Commission. This made it difficult for them to gather sufficient first-hand material to make all the statistics and conclusions wholly water-tight. Inevitably, therefore, there are one or two areas where the statistics and conclusions leave some room for doubt. According to our own researches, for instance, we estimate that the total number of settlers in the West Bank and East Jerusalem is some 58,000, compared with the figure given in the report of 90,000. This may reflect different figures for the settlement population of East Jerusalem. Then again, the figure of 27 per cent for land seized by Israeli authorities for settlement and other purposes, whilst close to our own estimate of 25 per cent, may also be somewhat misleading. We believe that only some 2 to 3 per cent of West Bank land is, in fact, in use for actual settlements.

47. But those discrepancies are few and relatively minor and my delegation is in broad agreement with the statistics and the conclusions of the report. We have no difficulty in accepting the recommendations which, in our opinion, reflect a praiseworthy effort to avoid acrimonious polemics and represent a genuine contribution to the solution of this most difficult problem. My Government's attitude towards settlement activity in the occupied territories remains unchanged. We consider the settlements to be illegal in international law. We continue to consider that they make a negotiated solution to the over-all problem in the area more difficult and that they represent a major obstacle to peace. That view was again publicly stated in the latest statement on the Middle East by the Governments of the nine member countries of the European Community on 18 June [S/13423]. I do not therefore intend here to rehearse at length those clear expressions of our views.

48. In conclusion, may I pay a tribute to the endeavours of the authors of the report before us. The reservations my delegation initially felt about the setting up of a commission reflected a concern that its activities might only serve to complicate the peace efforts currently under way. The representatives of Portugal, Bolivia and Zambia are to be congratulated for the balance and objectivity of the outcome. Since the resolution before us is based almost entirely on their report's recommendations, which we have no difficulty in accepting, my delegation was able to vote in favour of it.

The meeting rose at 4.45 p.m.

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