



VERBATIM RECORD (PARTIAL) OF THE 29TH MEETING**

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later: Mr. MUBAREZ (Yemen) (Vice-Chairman)

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AGENDA ITEM 57 (continued)

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES
(A/35/425, 586; A/SPC/35/L.14)

Mr. SAYEGH (Kuwait): I should like at the outset to associate myself with those speakers from other delegations who in the course of the present debate have paid a tribute to the Chairman and members of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and to the Secretariat staff assigned to that Committee for having produced every year, against all the odds and in spite of all the difficulties, a report which if not thorough, is at least adequate on the practices and policies of the occupying Power.

It is a doubly unpleasant task for them to deal with unpleasantness and to deal with it under unpleasant circumstances. My delegation congratulates them on their integrity, their forthrightness and the indefatigable application which this year as in past years has resulted in the report put before us.

Before I proceed any further, I wish to recall that at the opening of the present debate the representative of Sri Lanka, speaking on behalf of the Special Committee, drew our attention to the fact that, whereas the report was adopted in July and whereas the desire was expressed by many delegations last year to have it circulated as early as possible in the present session, it was not in fact circulated until the beginning of October. He also said, I believe, that this was a matter worth looking into.

I am certain that the competent authorities in the Secretariat heard that statement, have considered and perhaps also have looked into it. I am not aware of any statement made to this Committee by the Secretariat explaining why this delay occurred.

(Mr. Sayegh, Kuwait)

I should like to request on behalf of my delegation that you, Mr. Chairman, at this meeting, if possible, ask the representative of the Secretary-General to tell this Committee why this was so - why the will of this Committee was ignored, why the practices of the United Nations were ignored, why this report, adopted in July, was not made available to the members of the Committee until barely a few days before they had to begin the debate. It is important that we hear something on this matter today, because some of us might feel that any draft resolution that might be adopted on the report before us should include language that would ensure that next year and in subsequent years such situations would not recur.

In dealing with the report that is now before us I should like to recall that the first speaker in the present debate, representing Israel, made his observations and comments on the report in a manner which was hardly different from the manner adopted by his predecessors in previous sessions. But there was one thought that I felt was rather new this year, an observation that came as something of a surprise to me - and I consider myself a veteran listener to Israeli representatives. I believe I understood him to mean that the norms of international law regarding an occupied territory should not in their application be severed from or detached from the circumstances in which that territory became occupied.

I referred once again to the Fourth Geneva Convention. I can see nothing in that Convention to vindicate, to excuse, to exonerate an occupying Power or to allow it to deviate from the norms set in that Convention because of the manner in which the territory came to be occupied. In fact, I find the contrary. Article 1 of the Convention tells us that parties "undertake to respect and to ensure respect for the ... Convention in all circumstances". The concept of "in all circumstances" is repeated in article after article of the Convention. Nothing that is stated there exonerates an occupying Power or excuses it from applying the norms set forth in that Convention because of the manner in which or the reasons for which, that territory was occupied.

(Mr. Sayegh, Kuwait)

Then the representative of Israel proceeded to justify many of the violations of the Convention, in fact to justify what he considered to be the non-applicability of the Convention to the occupied territory in principle, on the basis of the theory of the security of the population or of the institutions of Israel and of the occupied territories. The representative of Jordan reminded us the other day of what a former Prime Minister of Israel had said about that concept of security. I quote again Prime Minister Sharett, whom Ambassador Nuseibeh quoted the other day:

"I have been meditating on the long chain of false incidents and hostilities we have invented and on the many clashes we have provoked, which cost us so much blood, and on the violations of the law by our men, all of which brought grave disasters and determined the whole course of events and contributed to the security crisis."

(Mr. Sayegh, Kuwait)

The security crisis invoked by Israel to justify the practices of its occupation authorities is itself Israel's invention. Even if the rules of international law could be justifiably biolated because of a so-called security crisis, we find that in this instance that explanation does not suffice because it is a crisis of Israel's own making.

I intend no disrespect whatsoever to the representative of Israel when I say that perhaps Mr. Sharett, the Prime Minister, knew more about what he was talking about than does now the representative of Israel. Perhaps Mr. Ben-Gurion, the predecessor of Mr. Sharett, the founder of Israel and its Prime Minister for almost half of its existence, had a greater vision and a more prophetic outlook on Israel and its problems than the present representative of Israel appears to have. And again I say that I intend no disrespect whatsoever; I am sure the Israeli representative would agree with me that Ben-Gurion was more visionary - I see that he is nodding his head in affirmation - and more prophetic in viewing the problems and future of Israel than he is.

What did the late Mr. Ben-Gurion have to say on this question? I have with me - not a photo-copy such as the representative of Israel waved in the Committee the other day, saying he had photostatic copies, we all can get photostatic copies - the original copy of a Zionist magazine published in the United States and called Moment. In its issue of September 1977, volume 2, number 9, Moment contained a long interview with another knowledgeable person, Nahum Goldmann, one of the veteran leaders of the Zionist movement in the world, a founder of at least half a dozen organizations of Zionism throughout the world. Goldmann, in that interview, was reminising and be began to talk about a meeting he had held with Ben-Gurion in private some years earlier, shortly before Ben-Gurion's death.

Even the climate of the conversation is interesting, the way Goldmann described it. He said, speaking of Ben-Gurion, "He knew better than I that without a settlement with the Arabs there cannot be a Jewish State. I was sitting once with him until 3 in the morning. It was a wonderful night, and Paula - Mrs. Ben-Gurion - was sitting there, mixing in. He always said to me" - this is Goldmann speaking of Ben-Gurion - "'Paula is in love with you, not with me. So, 'he said, 'tell her to go to bed. You tell her. She will do it. Me she does not listen to'."

(Mr. Sayegh, Kuwait)

Ben-Gurion was so careful that he wanted to be alone with Goldmann, to speak openly and candidly about the future of Israel. Goldmann continues, "So I told her, 'Go, do me a favour. We have to have a very serious talk'. She went to bed, he made coffee and sandwiches and we were sitting in his kitchen and we had a heart-to-heart talk."

I have given the background of the conversation because I want to emphasize the climate of privacy that prevailed there, enabling them to be candid and to have a heart-to-heart talk. Goldmann continues, on page 51 of that issue of Moment, Ben-Gurion told him, "If you ask me why I want arms and strength, it is simple. Why should the Arabs make peace with us? Are they crazy? If I were an Arab would I accept Israel?". This is Ben-Gurion talking to Goldmann, and he goes on to say, "We came and stole their country. Why should they make peace?". Goldmann says, "I was shuddering, and I said, 'How do you see the situation?' So he said, 'I will tell you. I will be, in two or three months, 70. If you ask me if I will die and be buried in a Jewish State, I will live 10 more years, maybe 15, I think, yes. I will die and be buried in a Jewish State. My son, Amos, will be 50 in October. If you ask me if he will die and be buried in a Jewish State, he has at best a 50 per cent chance'. I will never forget it", comments Goldmann. "So I said, 'B-G, how do you sleep at night, being the Prime Minister with this prospect?'. So he said, 'Who told you I sleep at night?'".

I want with all my heart that the representative of Israel in this Committee should be able to sleep at night. I hope he will ponder and reflect on these words of Mr. Ben-Gurion, a man more visionary and more prophetic than himself.

The representative of Israel seemed to tell us last week that the reason for all the problems of the occupied territories and all Israel's practices in the occupied territories is that the Arab States do not recognize Israel, and there is war and there are difficulties. Remember Ben-Gurion's words, "We came and stole their country. Why should they make peace?". I wish that the representative of Israel's contribution to the safety of his State, to the peace of mind of his countrymen and to his own ability to sleep at night would take a different form from the form his analysis of the report of the Special

(Mr. Sayegh, Kuwait)

Committee took last week. He denied summarily all the information contained in it. He denied all the charges. He said it was all untrue. He did not tell us how or why. He said, "Whatever happens in the occupied territories in any case happens because there is a state of war between the Arabs and ourselves".

Yes, there were a couple of moments when he tried to be analytical with regard to the information contained in the report. We were told that the information concerning settlements was irrelevant. "What do settlements", we were asked, "have to do with the human rights of the population?". I do not know where he gets his concept of human rights. I get it from United Nations instruments, from the Universal Declaration of Human Rights, from the Covenants on human rights. We are told in all those documents that one of the chief human rights is that of self-determination, and surely the establishment of settlements in territory under occupation is an attempt, by changing the demographic composition and the institutional structures of the occupied territory, to deny the population the right in future to self-determination.

(Mr. Sayegh, Kuwait)

The right to property, I am told by the United Nations, is a basic human right. And these settlements are built on property stolen from the population of the occupied territories.

We were told that security is the reason why Israel does what it does in the occupied territories. But Israelis in public office and more authoritative than the present representative of Israel have said that that is not the only reason. They have invoked the doctrine of Eretz Israel and claimed that the occupied territories - the West Bank particularly - are part of Eretz Israel. But this Committee should be made aware of the fact that before its admission to the United Nations and as part of the lobbying for its admission to the United Nations, Israel announced to the Palestine Conciliation Commission, in no uncertain terms, that the West Bank belonged to its Palestinian inhabitants and that its future should be determined on the basis of the principle of self-determination. How often have I wished that I would see the day when a representative of Israel would stand in the General Assembly and say that the West Bank belongs to the Palestinian population and that its future should be determined on the basis of the principle of self-determination.

I invite the attention of this Committee to the report of the Palestine Conciliation Commission (A/927), of 21 June 1949, containing the third progress report of the Palestine Conciliation Commission submitted on 13 June 1949, in which we are told, in paragraph 28, that:

"As regards the central area of Palestine at present under Jordanian military authority the Israeli delegation proposed that without entering now into the question of the future status of that area the boundary between it and Israel should follow the present line between Israel and the Jordanian military forces, subject to certain modifications, in the interests of both parties, to be discussed at a later date."

(Mr. Sayegh, Kuwait)

In paragraph 29 we are told:

"The Israel delegation declared that Israel had no ambitions as regards the above-mentioned central area of Palestine. The Israel delegation considered that disposition of that area was a matter concerning which a proposal agreed upon by the delegations of the Arab States, the Arab inhabitants of the territory and the refugees should be put forward; and until the future status of that area was settled, Israel would continue to recognize the Hashemite Jordan Kingdom as the de facto military occupying Power."

That was in 1949.

Shortly thereafter, Israel was admitted to the United Nations. Its then Foreign Minister, Moshe Sharett, told the General Assembly:

"The question of our population"

- namely, the question of the return or non-return of the refugees -

"and the question of our boundaries are matters within our own sovereignty, and they are not for the United Nations to interfere in."

At that time they were outside the West Bank. In 1967 they occupied the West Bank, and how they are working towards making their presence there permanent by practices and policies which are in flagrant violation of the norms set forth in the Fourth Geneva Convention of 1949.

In the ode to the paradise that exists on the West Bank, in the Gaza Strip and in Golan, which the representative of Israel sang to us the other day, we were told, among other things, that freedom of the press exists in the occupied territories, that the occupied territories are an open society, that anyone can go there and look and find out for himself. Unfortunately, anyone can go to the occupied territories except former residents of the occupied territories and other Palestinians in exile. Anyone can go to the occupied territories - but certain journalists, simply because in a speech here or in a speech there they may have said something that did not please the authorities of Israel, cannot go there.

(Mr. Sayegh, Kuwait)

If the representative of Isreal questions that, I shall have plenty of opportunities to quote a number of journalists who have indicated that they were prevented from entering the occupied territories for, among other reasons, having made speeches or statements contrary to Israeli policies.

Journalists currently in the occupied territories are, as a rule, prevented from going to the areas at a time when things are happening in the territories. In other words, precisely when they want to cover what is happening in the occupied territories, that is when they are told: "You cannot go to Ramallah", or "You cannot go to Nablus", or "You cannot go to Halhoul", and "you cannot cover what is happening". Journalists from the occupied territories are arrested; they are deported; they are detained; they are not free to practise their craft of journalism.

We were told that censorship applies only in matters affecting security. But it is a well-known joke in the occupied territories that when an Arabic newspaper wants to publish a story and is afraid the censor is going to delete it, it goes to Ha'aretz or Yedioth Aharonoth, or some other newspaper, and copies the story from that paper. And the censor deletes it, even though it has appeared in an Israeli newspaper.

We are told that censorship of political views does not exist. I have with me here issues of one newspaper, Al Fajr, for the week of 11 November 1977, from which five editorials on five successive days were deleted, and the paper appeared with a blank space where its editorial normally appears, saying: "We apologize." That is all they are allowed to say. They are not even allowed to mention the fact of censorship. The paradise in the occupied territories we were told about is no paradise.

(Mr. Sayegh, Kuwait)

There is one thing we have not heard much about. Normally we are told how Israel guarantees religious freedoms and the exercise of religious rights and the protection of religious places in Jerusalem and elsewhere. But that is not the case. For the past four or five years, neither religious places nor even religious bookstores belonging to Christian churches have been immune to the destructive activities of Zionist Israeli terrorists. Mayor Kolley of Jerusalem reprimanded Begin for his silence: "Why are you silent when Christian and Moslem holy places are being defaced?" They were daubed with writing: in one case, with the word "pigs" in another case the minister in charge complained of windows having been spat upon by small young terrorists. So Kolley asked: "Why are you silent, Mr. Begin, after so many entreaties by the religious groups in Jerusalem?"

(Mr. Sayegh, Kuwait)

Begin made a statement saying that he does not approve of those activities. But the harassment, persecution and destruction of religious places and the humiliation of religious people and religious groups, Christian and Moslem alike, in the occupied territories have been going on. Had it not been for the wisdom of the Mayor of Jerusalem, Begin would not have opened his mouth about them. Yet it was Begin in the last few weeks who was lecturing European countries and saying that they were guilty of promoting, facilitating or encouraging the anti-Semitism that now exists in some European countries by not taking a forceful stand against the anti-Semites who were painting ugly words on synagogues. Where was he when ugly words were daubed on churches in the occupied territories? When that activity takes place in Europe, he calls it anti-Semitism but when it takes place in Israel and in the Israeli occupied territories he does not call it anti-Christian and anti-Moslem. Those are the matters that should be probed if one wants to see the entire climate that exists in the occupied territories.

It would perhaps be tiring if I continued to show the ugliness of the information contained in the report of the Special Committee about Israeli practices in the occupied territories. Many members have already dwelt with that aspect of the question. I have tried to avoid doing so because, after all, the report is public property and it is in the hands of every delegation. However, I have tried to question some of the Israeli arguments in defence of Israel's practices, as submitted to us this year by the present representative of Israel, and as submitted to us in previous years by his predecessors almost word for word.

It is clear that what is happening now in the occupied territories and that what has happened in the past year after year is another indication of Israel's belief that it is, as the representative of Jordan said the other day, above the law, that the law is made for other mortals to abide by but not for Israel, that Israel can invoke the question of security one day, the doctrine of Eretz Israel the next, and do so whenever it wishes in order to suspend to its own satisfaction the applicability of international instruments relating to occupied territories.

(Mr. Sayegh, Kuwait)

If the representative of Israel really wants to know, that is the reason why Israel has no security - that is the reason why Ben Gurion could not sleep nights pondering the future of his country.

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