

GENERAL
ASSEMBLY

THIRTY-FIFTH SESSION

Official Records *



SPECIAL POLITICAL COMMITTEE

34th meeting

held on

Tuesday, 18 November 1980

at 10.30 a.m.

New York

SUMMARY RECORD OF THE 34th MEETING

Chairman: Mr. MATHIAS (Portugal)

CONTENTS

AGENDA ITEM 57: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (continued)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one month of the date of publication* to the Chief of the Official Records Editing Section, room A-3550, 866 United Nations Plaza (Alcoa Building), and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/SPC/35/SR.34
2 December 1980

ORIGINAL: ENGLISH

The meeting was called to order at 11 a.m.

AGENDA ITEM 57: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (continued) (A/35/425, A/35/586; A/SPC/35/L.14, L.15, L.16, L.17, L.18, L.19)

1. The CHAIRMAN drew the attention of the Committee to four draft resolutions on agenda item 57 (A/SPC/35/L.14, L.15, L.16 and L.17).
2. He announced that the delegation of India had joined in sponsoring draft resolution A/SPC/35/L.17 and that the delegation of Mali had joined in sponsoring all four draft resolutions.
3. He also drew the attention of the Committee to the statement submitted by the Secretary-General (A/SPC/35/L.18) on the financial implications of draft resolution A/SPC/35/L.16, which was the only one of the above-mentioned four draft resolutions to have financial implications.
4. Draft resolution A/SPC/35/L.19, which Pakistan and Yemen had joined in sponsoring, would be considered and put to the vote at a meeting on Friday, 21 November.
5. Mr. RAHMAN (Observer, Palestine Liberation Organization) said that that very morning the Israeli occupation forces had committed another crime against Palestinian students in the occupied territories. Four students had been shot and a number of others had been seriously injured in incidents in the West Bank. Such incidents were further evidence of the fact that students and educational institutions were the primary targets of Israeli crimes. The international community had the moral responsibility to condemn those crimes and to censure the Government of Israel for its inhuman practices.
6. Mr. LIU (Representative of the Secretary-General), replying to a question by the representative of Kuwait concerning the delay in circulating the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/35/425), said that, although the report had been adopted by the Special Committee on 25 July 1980, it had been decided that the Chairman would later revise the report in order to include any further relevant information. The final edited version in English had been completed and sent for processing at the beginning of October; and the report had been circulated in all the working languages on 31 October. He assured members of the Committee that the Secretariat would take all necessary steps to ensure that future reports of the Special Committee were circulated as early as possible.
7. The CHAIRMAN suggested that the Committee should consider and vote on draft resolutions A/SPC/35/L.14, L.15, L.16 and L.17 in turn, but that any explanations of vote should be made after the voting on all four draft resolutions had been completed. If he heard no objection, he would take it that the Committee wished to follow that procedure.
8. It was so decided.

Draft resolution A/SPC/35/L.14

9. Mr. RAMIN (Israel) reiterated the position of his Government that, although Israel did not recognize the applicability of the Fourth Geneva Convention to the areas administered by Israel, it was applying the provisions of that Convention in those areas, and was also granting to the population privileges that were not set forth in the Convention.

10. Israel's position in that matter was supported by acknowledged authorities in the field of international law. The important point was that the population of the administered areas was in practice enjoying the benefits of the Convention. Under those circumstances, draft resolution A/SPC/35/L.14 was not acceptable to his delegation.

11. A recorded vote was taken on draft resolution A/SPC/35/L.14.

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: None.

12. Draft resolution A/SPC/35/L.14 was adopted by 109 votes to 1, with no abstentions.

Draft resolution A/SPC/35/L.15

13. Mr. KAZI (Pakistan), introducing draft resolution A/SPC/35/L.15 on behalf of his own delegation and of the other sponsors, said that the preamble expressed

/...

(Mr. Kazi, Pakistan)

concern at the serious situation in the occupied Arab territories as a result of the continued Israeli occupation and the measures and actions taken by the Government of Israel as the occupying Power.

14. The operative part of the draft resolution reiterated the illegality of those measures, which constituted a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East; and it called upon Israel once again to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Conventions.

15. He hoped that the Committee would adopt the draft resolution by an overwhelming majority.

16. Mr. RAMIN (Israel) said that the Special Political Committee was not competent to pronounce on the legal validity of measures and actions taken by Israel since 1967 in the areas concerned. The claim that Israel's policies constituted an "obstruction of efforts" to achieve a just and lasting peace was particularly out of place. Such resolutions as the one now before the Committee only impeded the search for lasting peace and harmony in the Middle East.

17. A recorded vote was taken on draft resolution A/SPC/35/L.15.

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: Malawi, United States of America.

18. Draft resolution A/SPC/35/L.15 was adopted by 110 votes to 1, with 2 abstentions.

Draft resolution A/SPC/35/L.16

19. Mr. KAZI (Pakistan), introducing draft resolution A/SPC/35/L.16 on behalf of its sponsors, said that it took into account the commendable work being done by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and deplored the continued refusal by Israel to allow the Special Committee access to the occupied territories. It referred also to specific measures taken by Israeli authorities in flagrant violation of previous United Nations resolutions and in total disregard of the fundamental precepts of international law and morality; and it called for a renewal of the mandate of the Special Committee to underscore the commitment of the international community to ensuring the protection of the basic human rights of the inhabitants of the occupied territories.
20. He noted that the Committee would adopt the draft resolution by an overwhelming majority.
21. Mr. RAMIN (Israel) said that draft resolution A/SPC/35/L.16 endorsed various false allegations made by the Special Committee and completely disregarded the actual circumstances prevailing in the areas administered by Israel. It also ignored the principle of international law that, in addition to ensuring the welfare of the local population, the authorities had the clear obligation to protect that population, together with their own, against the dangers of disorder and terrorism.
22. Typical of the biased methods used by the Special Committee was the fact that the false information and conclusions presented by that Committee were based largely on unreliable evidence. According to the Letter of Transmittal from the Chairman of the Special Committee, Mohammed Bseiso had been one of the Committee's main sources of information. Mr. Bseiso had been convicted and sentenced in 1973 to 15 years of imprisonment on charges of espionage and giving aid and support to the enemy during wartime. He had been released from prison in February 1980. While in prison he had acted as the local leader of the Fatah terrorist organization, and had been responsible for issuing internal sentences against other prisoners. In every prison in which he had stayed, he had incited disruptions and initiated hunger strikes. In August 1975 he had attacked a prison guard and brutally wounded him. That was the type of person who had become a source of evidence for the Special Committee.
23. Relying on evidence of that type, draft resolution A/SPC/35/L.16 repeated the major false allegations of the Special Committee, as had been done in previous years, and called for the renewal of the mandate of that Committee which had become a sinecure for its members.
24. For those reasons, draft resolution A/SPC/35/L.16 was also unacceptable to his delegation.
25. A recorded vote was taken on draft resolution A/SPC/35/L.16.

In favour: Albania, Algeria, Argentina, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Spain, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

26. Draft resolution A/SPC/35/L.16 was adopted by 91 votes to 2, with 22 abstentions.

Draft resolution A/SPC/35/L.17

27. Mr. RAMIN (Israel) stated that on 2 May 1980 Jewish worshippers outside the Hadassah House in Hebron had been attacked and six worshippers had been killed and 16 wounded. The three persons mentioned in draft resolution A/SPC/35/L.17 had subsequently been deported on charges of incitement to violence prior to that attack. The deportations had been based on the Defence (Emergency) Regulations of 1945 which authorized deportations on grounds of activities against security.

28. On 19 August 1980, the High Court of Justice had denied a request by those three persons for the rescission of their deportation orders, but had declared that the two mayors could return to appeal those orders. At the same time, the Court had ruled that the third deportee, the Qadi of Hebron, did not have the right to appeal because he had called for Israel's destruction at a demonstration in Hebron on 24 March 1980.

29. The two mayors had already appealed to the Israeli Supreme Court sitting as the High Court of Justice, and had again sought the annulment of their deportation orders. The Court had heard their appeal and would issue its decision in due course. The draft resolution in question was, therefore, totally unwarranted since the matter was sub judice and the draft sought to interfere with the due process of law.

30. A recorded vote was taken on draft resolution A/SPC/35/L.17.

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: Malawi, United States of America.

31. Draft resolution A/SPC/35/L.17 was adopted by 117 votes to 1, with 2 abstentions.

32. Mr. DIDIER (Luxembourg), speaking on behalf of the nine member States of the European Community, said that the Nine had voted for draft resolutions A/SPC/35/L.14, L.15 and L.17, thus reaffirming their position that the provisions of the Fourth Geneva Convention were applicable to the occupied Arab territories. Their support for draft resolution A/SPC/35/L.15 reflected their feeling that the Israeli settlements and the demographic and land-ownership changes in the occupied Arab territory were in violation of international law. They interpreted the expression "Palestinian territories", which was used in the three draft resolutions, as referring exclusively to the territories occupied by Israel in 1967.

33. The Nine had abstained in the vote on draft resolution A/SPC/35/L.16 because of their reservations concerning General Assembly resolution 2443 (XXIII), which had established the Special Committee and also because of their reservations regarding operative paragraphs 4 and 5 of that draft resolution, which contained certain inappropriate elements. The condemnation of Israeli policies and practices in paragraph 5 was unjustified in view of the lack of conclusive proof of the use of torture by the Israeli authorities.

34. Mr. SLOTTE (Finland) said that his country had abstained in the vote on draft resolution A/SPC/35/L.16 because of its reservations with respect to certain formulations, especially operative paragraphs 4 and 5. His delegation had consistently stressed the importance of finding as soon as possible a just and lasting political solution to the problems in the Middle East - a solution which would safeguard the legitimate rights of the Palestinian people, including their right to self-determination. It was of utmost importance that the rights of the population of the occupied territories should be respected and safeguarded. In view of the urgent need to obtain reliable information on the current situation in that regard, his delegation deplored Israel's continued refusal to allow the Special Committee access to the occupied territories.

35. Finland had voted for the three remaining draft resolutions, because it felt they fully complied with the Security Council resolutions 242 (1967) and 338 (1973).

36. Mr. PETREE (United States of America) said that his delegation had voted for draft resolution A/SPC/35/L.14 since it felt that Israeli settlements in the occupied territories were inconsistent with international law, particularly the Fourth Geneva Convention. The resettlement of the Israeli civilian population which had occurred in the occupied territories was clearly illegal and was an obstacle to peace.

37. His delegation had abstained in the vote on draft resolution A/SPC/35/L.15 solely to make clear its objections to the use of the phrase "Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem". It considered that that phrase, which described the territories demographically, did not prejudice the outcome of negotiations for a just, lasting and comprehensive peace in the Middle East, and that the reference to Jerusalem was to that part of the city which had been occupied in 1967. He reiterated his Government's position that the final status of Jerusalem must be settled in the context of negotiations for a final peace. Whatever solution was eventually agreed upon should preserve Jerusalem as an undivided city, should provide free access to the Jewish, Moslem and Christian holy sites without distinction or discrimination for the free exercise of worship, and should safeguard the basic rights of the city's residents. His Government had taken no position on the question of exactly how the final status of Jerusalem might be defined.

38. His delegation had voted against draft resolution A/SPC/35/L.16, which contained sweeping, unfair and unfounded charges against the conduct of Israeli authorities.

39. He had abstained in the vote on draft resolution A/SPC/35/L.17. His delegation believed that the deportation of the Mayors of Hebron and Halhoul was contrary to the Fourth Geneva Convention - which applied to the conduct of the Israeli authorities in the occupied territories - and that they should be allowed to return to their homes and resume their official functions; but it could not vote for that draft resolution because in the interest of fairness the text should have contained a reference to the attack on Israeli citizens in Hebron which preceded the deportation of the officials. Recent public revelations concerning

(Mr. Petree, United States)

the identity of those responsible for that despicable attack, and concerning the source of their criminal education in terrorism, should be kept in mind when considering that draft resolution.

40. Mr. HUTCHENS (Australia) said that his delegation had voted for draft resolutions A/SPC/35/L.14, L.15 and L.17 but had abstained in the vote on draft resolution A/SPC/35/L.16.

41. Although his Government was firmly opposed to actions by Israeli authorities which violated the human rights of the inhabitants of the occupied territories, draft resolution A/SPC/35/L.16 condemned Israel for certain actions which had not been proved. The reputation of the Special Committee would be enhanced if it limited itself to proven and provable data.

42. Mr. IRUMBA (Uganda) said that, if his delegation had been present at the time of the vote, it would have voted for draft resolutions A/SPC/35/L.14 and 15.

43. Mr. SHERIFIS (Cyprus) reiterated his Government's position in support of the applicability of the Fourth Geneva Convention to the occupied Arab territories and against Israeli settlements in those areas. His delegation had accordingly voted for draft resolutions A/SPC/35/L.14 and L.15.

44. Mr. MALONGA (Congo) said that if his delegation had been present at the time of the vote, it would have voted for draft resolutions A/SPC/35/L.14 and L.15.

45. Mr. MOUTARI (Niger) said that if his delegation had been present at the time of the vote, it would have voted for draft resolution A/SPC/35/L.14.

46. Mr. BENDAÑA (Nicaragua) said that if his delegation had been present at the time of the vote, it would have voted for all four draft resolutions.

47. Mr. DIGUINY (Ivory Coast) said that, if his delegation had been present at the time of the vote, it would have voted for draft resolutions A/SPC/35/L.14 and L.15, and would have abstained in the vote on draft resolution A/SPC/35/L.16.

48. Mr. SHAMMA (Jordan) said that, if his delegation had been present at the time of the vote, it would have voted for the four draft resolutions.

49. Ms. de BELLAVITA (Panama) said that, if her delegation had been present at the time of the vote, it would have voted for draft resolutions A/SPC/35/L.14, L.15 and L.16.

The meeting rose at 11.45 a.m.