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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI
PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION
OF THE OCCUPIED TERRITORIES

Report of the Special Political Committee (Part I)

Rapporteur: Mr. Zahary RADOUKOV (Bulgaria)

1. The item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories" was included in the provisional agenda of the thirty-sixth session of the General Assembly in accordance with resolution 35/122 C of 11 December 1980.
2. At its 4th plenary meeting, on 18 September 1981, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Special Political Committee.
3. At the 11th meeting of the Special Political Committee, on 22 October 1981, it was decided, at the request of representatives of the Arab Group and of the Organization of the Islamic Conference, that the Committee should, as a matter of urgency, hold a meeting on Monday morning, 26 October to discuss recent developments in connexion with excavations in eastern Jerusalem.
4. At the 12th meeting of the Committee, on 23 October, a draft resolution on the subject was circulated (A/SPC/36/L.3), sponsored by Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, and Yemen. At the same meeting, it was announced that Bangladesh, Chad, the Comoros, the Gambia, Guinea, Indonesia, Iran, Mali, the Niger, Pakistan, Senegal and Turkey had added their names to the list of sponsors.
5. The Committee devoted its 13th meeting, on 26 October, to consideration of the subject. Following the discussion, the Chairman announced that Afghanistan, Angola, Cuba, Cyprus, Egypt, the German Democratic Republic, Guyana, Hungary,

India, Madagascar, Malaysia, Maldives, Nicaragua, Uganda, the Ukrainian Soviet Socialist Republic, the Upper Volta and Yugoslavia had added their names to the list of sponsors of the draft resolution.

6. Before the vote, the representative of the United States of America made a statement in explanation of vote.

7. The Committee then adopted draft resolution A/SPC/36/L.3 by a roll-call vote of 101 to 2, with 23 abstentions (see para. 9). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, 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, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, United States of America.

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

8. Statements in explanation of vote after the vote were made by the representatives of Spain, the United Kingdom of Great Britain and Northern Ireland (speaking on behalf of the 10 members of the European Community), Canada, Japan, Finland and Greece.

RECOMMENDATION OF THE SPECIAL POLITICAL COMMITTEE

9. The Special Political Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Population
of the Occupied Territories

The General Assembly,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 2253 (ES-V), 2254 (ES-V) of 4 and 14 July 1967, 3092 (XXVII) of 1 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978 and 34/90 B of 12 December 1979 and 35/122 of 11 December 1980,

Recalling Security Council resolutions 252 (1968) of 27 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

Bearing in mind the need to protect and preserve the unique spiritual and religious character and dimensions of the Holy City of Jerusalem,

Expressing its very grave concern that Israel, as the occupying Power, persists in excavating and transforming the historical, cultural and religious sites of Jerusalem,

Noting with alarm that the excavations and transformations in progress seriously endanger the historical, cultural and religious sites of Jerusalem as well as its over-all configuration and that these sites have never been as endangered as they are today,

Noting with satisfaction and approval the decision of the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization to include the Old City of Jerusalem and its walls on the World Heritage list,

Noting with appreciation the recommendation of the Executive Board of the United Nations Educational, Scientific and Cultural Organization during its one hundred and thirteenth session that the World Heritage Committee should speed up the procedure for including the Old City of Jerusalem and its walls on the list of the World Heritage in danger,

1. Determines that the excavations and transformations of the landscape and the historical, cultural and religious sites of Jerusalem constitute a flagrant violation of the principles of international law and the relevant provisions of the

1/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; 1/

2. Decides that such violations by Israel constitute a serious obstruction to achieving a comprehensive and just peace in the Middle East as well as a threat to international peace and security;

3. Demands that Israel desist forthwith from all excavations and transformations of the historical, cultural and religious sites of Jerusalem, and particularly beneath and around the Moslem Holy Sanctuary of Al-Haram Al-Sharif, (Al Masjid Al Aqsa and the Sacred Dome of the Rock), the structures of which are in danger of collapse;

4. Requests the Security Council to consider this situation in case Israel fails to comply immediately with this resolution;

5. Requests the Secretary-General to report to the General Assembly and the Security Council on the implementation of the present resolution no later than 23 November 1981.
