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CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/2318).....	1
Adoption of the agenda.....	1
The situation in the occupied Arab territories: Letter dated 14 December 1981 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/14791).....	1

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/...) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2318th MEETING

Held in New York on Thursday, 17 December 1981, at 10.30 a.m.

President: Mr. Olara A. OTUNNU (Uganda).

Present: The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Provisional agenda (S/Agenda/2318)

1. Adoption of the agenda
2. The situation in the occupied Arab territories:
Letter dated 14 December 1981 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the president of the Security Council (S/14791)

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories:
Letter dated 14 December 1981 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/14791)

1. The PRESIDENT: In accordance with the decisions taken at the 2316th and 2317th meetings, I shall invite the representatives of Israel and the Syrian Arab Republic to take places at the Council table and the representatives of Cuba, Egypt, India, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Saudi Arabia, Turkey and Viet Nam to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Blum (Israel) and Mr. El-Fattal (Syrian Arab Republic) took places at the Council table; Mr. Roa Kouri (Cuba), Mr. Abdel Meguid (Egypt), Mr. Krishnan (India), Mr. Abulhassan (Kuwait), Mr. Tuéni (Lebanon), Mr. Muntasser (Libyan Arab Jamahiriya), Mr. Allagany (Saudi Arabia), Mr. Kirca (Turkey) and Mr. Ha Van Lau (Viet Nam) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT: I should like to inform members of the Council that I have received letters from

the representatives of Pakistan, Romania, Yugoslavia and Zaire in which they request to be invited to participate in the discussion of the item on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Naik (Pakistan), Mr. Marinescu (Romania), Mr. Komatina (Yugoslavia) and Mr. Kamanda wa Kamanda (Zaire) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT: I should like to draw the attention of the members of the Council to the following documents: S/14796, a letter dated 16 December 1981 from the representative of Romania addressed to the President of the Council, and S/14797, a note verbale dated 16 December from the representative of Japan addressed to the Secretary-General.

4. The first speaker is the representative of Turkey. I invite him to take a place at the Council table and to make his statement.

5. Mr. KIRCA (Turkey): The Government of Turkey is deeply concerned at Israel's decision to apply Israeli laws, administration and jurisdiction to the Golan Heights. This action by Israel is fraught with grave danger for the stability of the region and is likely to undermine even further the tenuous potential for peace in the area.

6. The Golan Heights belong to Syria. That area is within its internationally recognized boundaries. Internationally recognized boundaries between States, including Syria's boundaries with its neighbours, cannot be modified by force or by any unilateral act or decision.

7. The Golan Heights have been under Israeli occupation since June 1967. The present decision is tantamount to the annexation of the Golan Heights by Israel. This creates a very grave situation. The haste with which Israel appears to have taken this decision and its timing in the context of the present configuration of the international political situation cause us to worry even more about Israel's real intentions and attitude.

8. To properly assess the possible consequences of the Israeli action we must first understand its true meaning.

9. Israel's decision is contrary to international law and the Charter of the United Nations in a fundamental sense, because one cardinal rule of international relations is that the acquisition of territory by force is inadmissible. By annexing the Golan Heights under its occupation, Israel is in violation of that principle.

10. This decision is also in contravention of the resolutions of the Security Council, in particular resolutions 242 (1967) and 338 (1973). Those resolutions set out some of the fundamental conditions under which a comprehensive, just and lasting peace in the Middle East can be achieved. Israel's withdrawal from the Arab and Palestinian territories occupied since June 1967 is one of those conditions. Like its illegal acts with respect to Jerusalem, Israel's decision to annex the Golan Heights is in flagrant violation of the Security Council's resolution.

11. There is more. Israel is also unilaterally and unlawfully negating the Agreement on Disengagement between Israeli and Syrian Forces of May 1974 [S/11302/Add.1, annex I]. The annexation of the Golan Heights makes a mockery of any demarcation lines in the area and of the cease-fire itself.

12. As if its constant violations were not enough, Israel, with its decision concerning the Golan Heights, has also demonstrated its complete disregard of the fourth Geneva Convention of 1949.¹ Israel is responsible for applying the provisions of said Convention to the Golan Heights, since it is occupied territory. Until now, Israel was only violating them. Now, with the illegal annexation of the area, Israel is contemptuously discarding the Convention altogether.

13. From whatever perspective one looks at Israel's decision, it is impossible to attribute an iota of goodwill to its intentions. We listened carefully to what the representative of Israel also had to say on the subject [23/6th meeting]. Yet we could not find a single element in that exposition which could even remotely be relevant to Israel's specific action on the Golan Heights. Israel has no case and cannot deceive the international community with its irrelevant justifications.

14. In this abrupt and shocking decision, the only element of consistency as far as Israel is concerned is its irrational persistence on the path of arrogance, opportunism, short-sightedness. Israel's inability properly to perceive and appreciate the interests of its neighbours and thereby its own interests and the concerns of its friends continues to have a devastating impact on the prospects of a durable settlement in the Middle East. If Israel believes that it has acted in its own interest in respect of the Golan Heights, we feel it is wrong. We urge Israel to take heed of the appeal of

the international community and, more specifically, to the eventual decision of the Security Council. Israel has the most to gain from a responsible and reasonable course of action. Israel's *fait accompli* with respect to the Golan Heights is fraught with extreme danger and portends the most serious and highly destabilizing repercussions in a volatile and fragile region. Many speakers before us have explained why and how; we need not repeat their remarks.

15. The Government of Turkey is of the view that Israel alone is responsible for the consequences of its action with respect to the Golan Heights. Turkey's position on Israel's illegal and unilateral decisions and practices in regard to the occupied territories is well known. Consistent with that position, the Ministry of Foreign Affairs of Turkey has declared, in an official statement published in Ankara, that the decision of Israel on the Golan Heights is not and will not be acceptable and that Turkey regards that decision as null and void.

16. In conclusion, we call upon Israel to rescind without delay its decision on the Golan Heights.

17. The PRESIDENT: The next speaker is the representative of Zaire. I invite him to take a place at the Council table and to make his statement.

18. Mr. KAMANDA wa KAMANDA (Zaire) [*interpretation from French*]: Mr. President, first of all I should like to address to you my sincere congratulations on your assumption of the presidency of the Security Council for the month of December. The outstanding qualities that you have displayed both as President of the Council and representative of Uganda have won our admiration and respect. Undoubtedly, this is a source of great pride to us Africans who invented neither gunpowder nor the compass, but who intend to provide proof that we are also people without whom the world would not really be a world.

19. Next, I should like to pay a well-deserved tribute to your predecessor, Mr. Taieb Slim. We all unanimously recognize his wisdom, keen judgement, sense of dialogue and total devotion to a patient and effective search for appropriate solutions to the problems of the world and we should like to thank him for the remarkable way in which he directed the work of the Council.

20. It is with mixed feelings of emotion and stupefaction that the entire world learnt of the decision taken by the Israeli Government to annex the Syrian Golan Heights, which had been occupied since the war of 1967. It is with equal emotion that we listened to the statement made by the representative of the Syrian Arab Republic [*ibid.*].

21. The occupation of the Syrian Golan Heights during the Six-Day War in 1967 was already ample reason for disquiet on the part of the entire inter-

national community, which was following closely the situation in that extremely sensitive part of the Middle East. The outright annexation of that Syrian land in 1981 is quite obviously the height of arbitrariness and adds further to the complexity of a problem to which the United Nations has for years been trying to find an appropriate solution, in the legitimate interests of all States of the region, which means equally in the interest of international peace and security.

22. We can all gauge the anxiety of a peaceful family which discovers that, perched on a tree next to its house, there squats an individual having a threatening and provocative demeanour who at his leisure scrutinizes the comings and goings of the household, because the Golan Heights, in fact, dominate the very heart of Syria.

23. We can all easily understand the pain and anxiety of a peaceful peasant who is drawing from the land the fruits of his existence, his subsistence and his nourishment, who overnight learns that a powerful neighbour has decided quite simply to deprive him of his land and his fields because he has the means to do this.

24. What is true of individuals is true of the life of States. There are certain rules of behaviour in society, there are norms of common and collective life which no one has the right to circumvent in the name of the loftiest ideals of man for peace, liberty, security and development. It is violations of these rules of social behaviour, rules that are enshrined in the Charter of the United Nations and in international law, which lead to war, to breaches of the peace, to tensions in international relations and imperil international peace and security.

25. The feelings of the entire international community, which, in Europe, Africa, Asia and Latin America, has forthrightly condemned this act of annexation, derive from the fact that this decision of annexation runs counter to numerous resolutions of the United Nations, in particular resolutions 242 (1967) and 338 (1973) of the Council, which stipulate the inadmissibility of the acquisition of territories by force and request the withdrawal from the territories occupied in 1967 and also because this decision is contrary to the Charter, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations [*General Assembly resolution 2625 (XXV), annex*], the Declaration on the Preparation of Societies for Life in Peace [*General Assembly resolution 33/73*], the Declaration on the Strengthening of International Security [*General Assembly resolution 2734 (XXV)*—to mention only a few. The principle of the inadmissibility of the acquisition of territory by force was laid down to prevent any situations involving a breach of the peace in the Middle East and as a guiding principle in the search for a comprehensive, just and lasting solution of the Middle East crisis.

26. Thus, Israel's act, which we deplore today, is an unjustified and gratuitous act that seriously endangers the process of a peaceful and negotiated settlement of the conflict and unnecessarily complicates the search for a comprehensive, just and durable solution to the Middle East crisis. Undoubtedly, it constitutes a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;¹ it constitutes a violation of the Agreement on Disengagement between Israeli and Syrian Forces [*S/11302/ Add.1, annex I*].

27. It is good to know that governments, political leaders and the peoples of the world are not necessarily priests; but even a priest absolves only when he sees that a sinner is sincerely repentant.

28. This emotion derives also from the fact that—at a time when the United Nations and the international community are expecting Israel to heed the resolutions of the Organization and to withdraw from the Arab territories occupied in 1967; at a time when the United Nations and the international community are expecting Israel, in accordance with the Camp David accords,¹ to withdraw altogether in April 1982 from the occupied Egyptian territories as an initial step towards the future withdrawal from other occupied Arab territories; at a time when the efforts of the United Nations, men and States, all of which cherish peace throughout the world, are trying to define a series of principles that would enable peace to return to that region, particularly through the complete cessation of any state of belligerency and the recognition of each other's right to exist and of the security of all States in the region—Israel is taking a completely different course, proffering the most serious threats to the future of harmonious and trusting international relations, to peace and security in the Middle East.

29. There can be no doubt, and this cannot have escaped the Israeli authorities, that this conduct of violating and provoking neighbouring peoples and States, this desire to dictate to or to confront the entire world, all the countries of the world, even friendly countries, with a *fait accompli* are not likely to create conditions propitious for a negotiated settlement of the problem of the Middle East. Once again, it would appear that Israel does not desire peace in the Middle East.

30. It has been suggested, and reported in the press, that it was as a follow-up to the statements by President Hafez el Assad, according to which Syria would never recognize the Hebrew State, that Israel took the decision to annex the Golan Heights, a decision that has been described by the Israeli Prime Minister as historic and of major political importance. Mr. Begin, addressing the deputies, said: "This is not only an historic decision; it is also an important political decision".

31. That decision is indeed historic in that it perpetuates the Israeli tradition of annexing territories

which have not belonged to it since 1948. Undoubtedly, it is a token of its present power, but history will undoubtedly also view the eminently historic nature of its massive violations of the Charter of the United Nations, of the numerous resolutions of the Organization and of the principles of international law not as a contribution to peace or the effort to find a negotiated solution to the problem of the Middle East but, rather, as an expression of its desire to perpetuate a "no-war, no-peace" situation leading to the most reprehensible excesses and to the perpetuation of tension in that part of the world.

32. Thus, the highly political nature of this decision of annexation, which has today been proclaimed by Israel, may well be judged not on the basis of material or territorial gains made by Israel but, rather, in the light of the serious negative consequences of an attitude which will make it the object of universal international opprobrium.

33. There are serious reasons to be disturbed at the logic applied, according to which every time a State, a government or a politician, rightly or wrongly, for national or for other reasons, makes a statement which runs counter to the interests of Israel or any other powerful State in the world, the latter has the right to indulge in measures of reprisal and armed retaliation against the State responsible for that statement. If that is the case, we are in danger of moving slowly towards an order of international relations based on force or the power of weapons, in contempt of the legitimate interests of States which are not powerful or armed, or which are insufficiently armed. This would imply a return to the Middle Ages, when the right to might, when the policy of might is right, governed the relationships between men and States. In other words, this is one way of saying that no one, except the powerful, has the right to express his views or, indeed, to be right.

34. We thought those times were long since gone when the world unanimously condemned Hitler's Nazi adventure and the pogroms, the concentration camps and the massacre of the Jews, and finally laid the foundations of a new era of peace and understanding among nations, of recognition of human rights and the rights of peoples, an era which we wished to institute and to give concrete form to in an upsurge of solidarity by creating the Jewish State of Palestine—that is, Israel—pursuant to resolution 181 (II) of 29 November 1947.

35. How can we today explain why the State of Israel is trampling underfoot the entire set of principles the international community took into account when granting Jews their rights, all their rights, in Palestine? How can we explain that these principles, which derive from the very internal legislation of the State of Israel, which claims to be a State based on the law, have been flouted by Israel when it is a matter of applying them to the rights of neighbouring States and peoples?

36. With the annexation of the Syrian Golan Heights, Israel is inviting the international community to follow it along a slippery path. The Republic of Zaire, and undoubtedly the United Nations and the entire international community, cannot follow in Israel's footsteps. And if our tendency is not to follow in its footsteps, it is Israel itself which is isolating itself from the international community at just the time when the international community is offering its hand to undertake dialogue, in order to find negotiated solutions to the problems of the region, taking into account the obvious interests of Israel.

37. We must deplore the fact that the dynamic people of Israel—a creative people, an intelligent people, an imaginative people and, let us be frank, a people of genius whose spiritual values, allied with the values of the three major monotheistic religions of the world, belong to the cultural heritage of mankind—cannot today place all those qualities at the service of drawing together the peoples of the world to serve the goal of realizing man's profound aspirations, eminently conveyed in the ideals and objectives of the Charter. It is in that spirit that we request Israel to reverse the decision it has taken to annex the Syrian Golan Heights. Furthermore, we believe the Council should declare that annexation null and void and reaffirm that it in no way affects the legal status of the Golan Heights; it should also energetically and vigorously reiterate its request that withdrawal be effected from the illegally occupied Arab territories.

38. This occasion also seems a propitious one to make an appeal to all Member States of that region to display restraint and the patience required for any major creation, for any major achievement, and resolutely to undertake the search for a peaceful settlement of disputes, a recognition of the political independence, sovereignty and territorial integrity of all the States in the region and their right to live in peace within secure and recognized borders.

39. I think the time has also come to call upon the members of the Security Council, particularly the five permanent members, to explore the possibility, through a *sui generis* agreement and in the light of all the resolutions adopted by the United Nations on the Middle East and Palestine, in the light of all the suggestions and actions in good faith which have been made so far, in the light also of the principles of the Charter and of international law, to guarantee the existence and the security of all the States in that region, including that of a Palestinian Arab State which would not be a threat to its neighbours—a *sui generis* agreement which would settle this unfortunate affair of the Middle East before the end of this century, if possible. Because at the rate at which the international situation is deteriorating, at the rate at which irrationality and outbursts of violence seem to prevail over reason and a desire for peace, the persistence of serious sources of tension in the world is very likely to lead to or revive the horrendous holocausts of the past.

40. How can we tomorrow, facing coming generations, facing our children and our grandchildren, justify the prospect of such divergences, such divergences on the part of men, from the basis of the very existence of the United Nations, whose peoples solemnly proclaimed in the Preamble of the Charter:

"We the peoples of the United Nations determined

"to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

"to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

"to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

"to promote social progress and better standards of life in larger freedom,

"and for these ends

"to practice tolerance and live together in peace with one another as good neighbours, and

"to unite our strength to maintain international peace and security, and

"to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest". . . .

41. It is up to the Security Council, in which all the nations of the world have placed their trust, it is up to the Council, in which we have vested the main responsibility for maintaining international peace and security and to which we have granted the right of acting in our name when discharging the duties deriving from those responsibilities, to answer this question.

42. If the Council shows itself to be impotent when tackling such situations, it is its authority, its prestige and its credit which will be completely shaken, and if the authority, the prestige and the credit of the supreme body of the United Nations responsible for maintaining peace and international security are irreversibly called into question and flouted, humanity will have to confront very gloomy prospects which will belie the existence of the Organization as well as the principles proclaimed in the Preamble of the Charter.

43. I do not know if such a prospect is in the interest of Israel or those States that make a practice of defying

the United Nations, but it is certainly not in the interest of nations such as ours which wish to live in peace with their neighbours and partners throughout the world. I should like to express the hope that the Council will be in a position, in this particular case as in others, to be equal to the tremendous hopes which people have placed in it.

44. I could not conclude my remarks without assuring the peoples and Government of Syria of our complete sympathy and solidarity at this time of grievous national trial.

45. The PRESIDENT: The next speaker is the representative of Yugoslavia. I invite him to take a place at the Council table and to make his statement.

46. Mr. KOMATINA (Yugoslavia): Mr. President, I should like to congratulate you on your assumption of the post of President of the Security Council for the month of December. My pleasure is even greater since you represent Uganda, a country with which Yugoslavia maintains and develops friendly and close relations of co-operation within the Movement of Non-Aligned Countries and at the bilateral level. Your proven skill and political perception are a guarantee that the Council will take a stand commensurate with the significance of the matter under consideration. I wish you success in performing this responsible duty. I should also like to pay homage to your predecessor, the representative of Tunisia, Mr. Taieb Slim, for the successful manner in which he conducted the proceedings of the Council for the month of November.

47. The Council is meeting again in connection with the situation in the Middle East, this time to prevent a new and provocative act of annexation of foreign territory by force, which threatens to push the already unstable situation in that sensitive region to the brink of a new conflict.

48. The Yugoslav delegation wishes to contribute to the consideration of this urgent problem, to underline its concern over the consequences of the annexation of the Golan Heights and to express its solidarity with Syria for this violation of its territorial integrity.

49. Undoubtedly, Israel's act of annexation constitutes a flagrant violation of the essential principle of international law—the inadmissibility of acquisition of foreign territory by force, which is one of the foundations of stable relations between States and the basic axiom of their behaviour. That principle is contained in the common stands of non-aligned countries as an inseparable part of the rejection of the policy of occupation, expansion and intervention, and as the fullest expression of the interest in and aspirations to peace and security of the overwhelming majority of States Members of the United Nations.

50. The Israeli act constitutes a brazen violation of the Charter and of all the resolutions of the United

Nations, as well as of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.¹ It is a reflection of Israel's unchanged policy of reliance on force, which attempts to create a completely new situation in the Middle East by the accumulation of *faits accomplis*. The continued occupation of the Arab territories, followed by the repeated acts of annexation, yesterday of Jerusalem, today of the Golan Heights, together with the continuous acts of aggression against Lebanon, completely disregard the Charter of the United Nations and all elements that the international community considers as unavoidable conditions for a lasting, just and comprehensive peace in the Middle East.

51. The decision of the Israeli Government to annex the Golan Heights constitutes an extremely dangerous act of unilateral change of status of that part of occupied Arab territory. It is a serious challenge to Syria and the Arab world, as well as a direct threat to international peace and security. It is one in a series of acts testifying to the fact that Israel has reached the limit, which can have global consequences for the Middle East region and the world as a whole.

52. It is not necessary to point out the illegal character of such and similar acts. Hence, they are null and void since they were committed by occupying authorities in a foreign territory. That is an undeniable norm of international law which all States, including Israel, have undertaken to abide by. Israel is constantly violating this norm, aiming at the strengthening of the occupation, at the legalization of annexation and at the definitive prevention of any attempt peacefully to solve this acute focal point of crisis. This act reconfirms once again that what Israel strives for is not peace in the Middle East but expansion.

53. The international community cannot accept any policy of *faits accomplis* or any form of usurpation of the legitimate rights of other peoples if it does not wish to become their involuntary accomplice. No country can remain indifferent in this and in similar cases. Therefore, this act of annexation must be condemned in the name of the protection of the essential premises on which the international order is founded, namely, security and peace for all countries, particularly militarily and economically weak countries.

54. We consider that the Council should, by immediate and energetic action, undertake measures which would annul this act of annexation, protect the sovereign rights of Syria and the Arab States in the territories which were taken from them by the Israeli aggression and compel Israel to rescind its decision. The Council must effectively prevent and nip in the bud any future activity in that direction. All those measures can have lasting effects and guarantees only in the context of the comprehensive endeavours towards a just and peaceful solution of the Middle East crisis within the framework of the United Nations, a solution based on the withdrawal of Israel from all

territories occupied in the 1967 war, on the realization of the right of the Palestinian people to self-determination and on the recognition of the Palestine Liberation Organization (PLO) as its sole and legitimate representative.

55. My delegation strongly condemns this action by Israel and supports the demand for the nullification of the decision to apply its law in the Golan Heights. In case of Israel's refusal, we expect that the Council will apply all the measures provided by the Charter.

56. Mr. OUMAROU (Niger) (*interpretation from French*): Israel's decision to extend its laws to occupied Golan must undoubtedly be regarded as a particularly serious and distressing event, in the present international context fraught with uncertainty and tension.

57. Occurring furthermore at a time when the General Assembly has just started to consider the situation in the Middle East, that decision, which was debated in and adopted by the Knesset in circumstances of which we are aware, must be considered as a further act of defiance on the part of the authorities of Tel Aviv to the international community and, indeed, to all bodies endeavouring to find a just and lasting peace for the region. In that light, the law annexing the Golan Heights, like the foul attack on the nuclear centre in the Iraqi city of Tamuz or the bombing, so far unpunished, of Beirut by Israeli aircraft, cannot but deserve our unanimous disapproval and condemnation.

58. Indeed, nothing justifies Israel's attitude in this affair—nothing, alas, other than confirming what we have suspected, namely, the periodically revealed determination of the Hebrew State to maintain a state of successive crises in the region in order to better cement its policy of aggression, war and domination.

59. Three months cannot pass without Israel's provoking, harassing or attacking, in one way or another, one of its neighbours. Sometimes its guns open fire because of a simple troop movement or the arrival of additional *matériel* on the other side of its borders; sometimes it is its own fear of upheavals and of the tension created in the region by its own fantasies that lead it to undertake aggressions, which it claims to be preventive, aimed against very carefully chosen targets, the attack upon which has obviously been patiently prepared and premeditated. Of course, later it uses this as a pretext to accuse the aroused international community of partiality and to do everything it can to maintain and increase its isolation.

60. Nevertheless, as President Seyni Kountché solemnly stated from the rostrum of the General Assembly on 5 October, it is high time that Israel understand

that its tranquillity, development, survival cannot be found in military power or in war, but in a

peaceful and rapid settlement of the Palestinian problem. Its stubborn desire to pursue its policy of aggression, expansion, confiscation and frantic Judaization of the Arab territories that it has occupied since 1967 will probably do less for its future than would a courageous willingness to cooperate with the international community in order to reach an agreement on the ways and means of bringing about a just and lasting solution to that sad problem, which is eminently political and human.”

61. Any other attitude will simply perpetuate the tragedy of the Middle East and indefinitely put off the advent of an era of peace in that part of the world, one in which the immense material and human resources that are presently being wasted will finally serve to promote the development and well-being of the Arab, Jewish and Palestinian peoples.

62. It goes without saying, therefore, that my Government, which rejects the use of force in relations among States, vigorously denounces and condemns any acquisition of territory in this manner. In this particular case, the decision taken by Israel to impose its laws, its jurisdiction and its administration on the occupied Syrian Golan Heights is declared null and void by my Government.

63. For Niger and for the rest of the world that cherishes peace, justice and law, the Golan Heights are and will continue to be an integral part of Syrian territory. More than ever, the Council has the duty to ensure the triumph of that principle in the interest of the Charter and of respect for the rules of international law.

64. Mr. YANGO (Philippines): I should like to place on record my delegation's felicitations to you, Mr. President, on your assumption of the presidency of the Security Council for the current month. My delegation is gratified to see you directing the deliberations of the Council. You have already shown outstanding qualities of leadership. Your skilful guidance is further needed as we continue to grapple with the remaining issues for the month. Allow me also to pay a special tribute to your predecessor, Mr. Taieb Slim of Tunisia, another eminent son of Africa, whose tireless and tenacious efforts in managing the business of the Council last month under trying circumstances deserve our admiration and gratitude.

65. We are at present considering the recent passage by the Israeli Knesset of a legislative measure providing that the laws, jurisdiction and administration of Israel shall apply to the Golan Heights. It is known to all that the Golan Heights have been under military occupation since Israel captured them from the Syrian Arab Republic. In our view, therefore, that legislation amounts to an annexation of the Golan Heights that cannot be accepted by the international community.

66. The Philippines cannot acquiesce in this latest action taken by the Israeli Parliament because of the

following considerations. First, no State, under whatever pretext, has the right to acquire territory by the use of armed force. Territorial disputes between States should be resolved peacefully at the negotiating table. Secondly, this legislation violates both the letter and the spirit of Council resolution 242 (1967), in which the premises for the peace process in the Middle East are set forth and in which the Israeli withdrawal from the occupied territories, the termination of all states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force are called for. Thirdly, it is a breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ since the Golan Heights, being territory occupied by Israel in the wake of the 1967 war, fall within the ambit of that Convention. Fourthly, it is a transgression of the territorial integrity, political independence and sovereignty of Syria, a State Member of the United Nations. Fifthly, and more important, it has the serious effect of further complicating and obstructing the arduous search for a just, comprehensive and lasting solution to the situation in the Middle East.

67. In the light of the foregoing, the Philippines views the recent law passed by the Israeli Parliament affecting the Syrian Golan Heights as null and void and in flagrant violation of the Charter of the United Nations and of the general principles of international law.

68. It is regrettable that the Israeli Government should choose to embark on this inexcusable move at a time when strenuous efforts are being made to resolve the long-festered problem of the Middle East in a just, comprehensive and lasting fashion. For, in the long term, the solution of the problem does not lie in the acquisition of occupied territory by annexation, but rather in demonstrations of good faith and in the avoidance of provocative acts.

69. With this brief outline of the position of my country with regard to the matter before us, my delegation is prepared to support a draft resolution that would declare the Israeli action null and void and demand that it be rescinded forthwith.

70. Mr. MUÑOZ LEDO (Mexico) (*interpretation from Spanish*): All those who have taken part in this debate, with the sole exception of the representative of the offending Government, have agreed on the seriousness of the matter under consideration because it involves a flagrant violation of international law and because it is an action in blatant disregard of United Nations decisions and a further step backward in the process of bringing peace to the Middle East.

71. The annexation of the Golan Heights by the State of Israel is null and void as far as the international

community is concerned, since to allow it would be tantamount to admitting the validity of acquiring territory by force.

72. The principle of the territorial integrity of States is at the very basis of international coexistence and, if we were to accept its violation with impunity, we would be seriously damaging international peace and security, which it is our duty to safeguard. We would be leaving the definition of frontiers to the sway of the most powerful and condemning most countries to a state of defencelessness.

73. This act by the Government of Israel not only runs counter to the relevant resolutions of the Security Council and the General Assembly, but Israel also seeks to find grounds for it in a fanciful interpretation of those resolutions.

74. In stating that its national security calls for the occupation of the Golan Heights, the Government of Israel makes nonsense of Council resolution 242 (1967), the purpose of which is precisely to guarantee the observance of frontiers and to offer security to all States of the region, not only to one to the detriment of the others.

75. It will be difficult for Israel in the future to avail itself of the provisions of the Council's resolutions, which are the best guarantee of its own security, if it flouts and disregards them in this way.

76. The occupation of Arab territories in 1967 has not been, and cannot be, validated. Israel is obliged to withdraw from them and, if it has not done so thus far, it is because it has acted with impunity—timely denunciation and condemnation have not had any effect on it. Insofar as we tolerate the causes, we will also be responsible for the consequences.

77. The population of the occupied territories is subject to the provisions of the fourth Geneva Convention.¹ In keeping with those provisions, and in accordance with resolution 465 (1980), we cannot allow legal or administrative measures likely to alter the institutional, physical or demographic aspects of the occupied territories, let alone condone annexation, whose aim is obviously to give validity to such measures.

78. The so-called justification for this annexation given by the representative of Israel in the Council is wanting in logic and scarcely fitting. To defend annexation by the presumed need "to regularize" the legal situation of the inhabitants of an occupied territory is absurd. It is not possible, in law, to regularize what by definition is irregular, nor is it possible to legalize what in principle is illegal.

79. The actions we are considering are causing concern because they clearly show the refusal of the offending State to seek solutions to the problems of the

area through negotiation and dialogue. Those actions demonstrate the persistence of an unacceptable criterion with respect to bringing peace to the Middle East, consisting in the continued expansion of only one of the parties to the conflict. Furthermore, they place in jeopardy the partial agreements that have been concluded.

80. Those who have advanced the doubtful theory of preventive strikes are now demonstrating that their strategy is deliberately offensive. Those who would justify acts of aggression by the defence of their frontiers are now revealing their purpose of extending them to unknown limits.

81. Hence this should become a point of no return for the question of the Middle East. If this act of annexation is not rescinded in keeping with the provisions of the draft resolution [S/14798], the Council should take decisions commensurate with the seriousness of the violation.

82. The international situation is particularly critical at the moment; hence, we should act quickly and energetically. Otherwise, we shall be encouraging dangerous opportunistic policies which take advantage of tensions arising in other parts of the world in order to present the international community with *faits accomplis*.

83. Finally, let us not forget that tolerance of territorial annexation has frequently been at the root of major wars.

84. In the light of the above arguments, my Government has instructed me to be a sponsor of the draft resolution submitted for the consideration of the Security Council and to give it my firm support.

85. The PRESIDENT: The next speaker is the representative of Pakistan. I invite him to take a place at the Council table and to make his statement.

86. Mr. NAIK (Pakistan): Mr. President, I should like first of all to offer you our warmest congratulations on your assumption of the presidency of the Security Council for the month of December. The outstanding manner in which you have conducted the important tasks before the Council has already won you the approbation and the respect of all States Members of the United Nations. It testifies to your diplomatic skill and vast experience in international affairs. I also wish to pay a tribute to Mr. Taieb Slim of Tunisia, who presided over the deliberations of the Council last month. It is a matter of pride for us that you, Mr. President, and Mr. Slim, representing two brotherly States members of the Organization of the Islamic Conference, have steered the work of the Council with great distinction. Pakistan enjoys fraternal and friendly relations with both Tunisia and Uganda.

87. The Israeli decision to extend its laws and jurisdiction to the occupied Syrian territory of the

Golan Heights, with a view to their annexation, is the latest manifestation of Israeli lawlessness and a grave violation of the Charter of the United Nations and the universally recognized principles of international law. Israeli expansionism was all too evident in its policy of transforming the historic and demographic character of the occupied territories by establishing illegal settlements there. The Israeli decision to annex the Holy City of Jerusalem, and now the occupied Golan Heights, represents yet another stage of its unbridled expansionism and continued aggression against the Arab and Palestinian peoples.

88. The Israeli move to convert its occupation into *de jure* annexation is a blatant assertion of the right to conquest. In an attempt to justify the illegal action of his Government, the Israeli representative even put forward a preposterous thesis that the Israeli action did not constitute a violation of Council resolution 242 (1967), since, in the eyes of Israel, the Council, in this resolution, "did not determine any boundaries" [2316th meeting, para. 41].

89. This Israeli contention represents a wilful distortion of the true intent of resolution 242 (1967), in which the Council unequivocally emphasized the principle of inadmissibility of acquisition of territory by war. It also betrays an arrogant disdain for the various Council resolutions regarding the status of the occupied territories, of which I shall quote resolution 465 (1980), in whose paragraph 5 the Council determined:

"that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East".

90. Indeed, the Israeli pursuit of systematic annexation of the occupied territories is aimed at mutilating the very basis of United Nations efforts for a just and lasting peace in the Middle East.

91. The Israeli illegal actions have repercussions far beyond the Middle East. They are eroding the moral authority of the United Nations and hopes for the strengthening of world order based on the principles of the Charter. Those who protect Israel must realize that, while they can prevent the Council from taking punitive action against Israel, by so doing they cannot prevent the deterioration of the Middle East situation nor its ominous consequences for international peace and security. The cause of peace will be advanced only by discouraging Israel from consolidating its control of the occupied territories and compelling it to vacate them.

92. Pakistan has strongly condemned the Israeli action to illegally annex the occupied Syrian territory of the Golan Heights. In his statement of 14 December before the General Assembly, the Foreign Secretary of Pakistan said that Pakistan considered that action totally null and void and a flagrant violation of the Charter of the United Nations.⁴

93. I take this opportunity to express our complete solidarity with the Syrian Arab Republic in its efforts to preserve its territorial integrity and to regain sovereignty over the occupied Golan Heights.

94. The Council should no longer tolerate the blatant repudiation of its decisions by a stubborn aggressor. The Council has already expressed its profound concern by convening this urgent meeting. This concern should now be matched with firm action. It must censure, in the strongest terms, the Israeli decision to enforce law on the occupied Golan Heights and declare it to be unacceptable and totally invalid. The Council must demand that Israel rescind this decision forthwith. If Israel persists in its lawlessness and fails to comply with the Council's decisions, we urge the latter to act firmly and to proceed to impose mandatory sanctions under Chapter VII of the Charter. Such action would be necessary for the preservation of the authority and effectiveness of the Council in carrying out its primary responsibility for the maintenance of international peace and security.

95. The PRESIDENT: The next speaker is the representative of Romania. I invite him to take a place at the Council table and to make his statement.

96. Mr. MARINESCU (Romania) (*interpretation from French*): Mr. President, first of all I should like to express our most sincere congratulations to you on the outstanding and efficient way in which you have conducted the business of the Security Council during your presidency this month. You have gained the well-deserved admiration of all the representatives at this session of the General Assembly. It is our conviction that under your expert guidance the Council will continue to carry out its work under the best possible circumstances. We also wish to congratulate Mr. Taieb Slim, the representative of Tunisia, who, with his well-known flair, conducted the business of the Council during the month of November.

97. Like previous speakers, Romania wanted to take part in this debate of the Council because of its constant desire that there be a comprehensive, just and lasting peace in the Middle East and the dangerous and very harmful consequences of the recent decision of the Israeli Parliament on the beginning of such a peace process, on the security in that region and on international security.

98. Like the rest of the world, Romania noted with concern the decision of the Israeli Parliament to annex the Golan Heights, territory belonging to the Syrian

Arab Republic and occupied by the Israeli troops since the 1967 war.

99. As the Romanian Press Agency, authorized to do so by the Government of the Socialist Republic of Romania, said in its statement of 15 December [S/14796], we regard as illegal and null and void this act by the Israeli authorities, which constitutes a flagrant violation of the principle of the inadmissibility of the annexation of territories occupied by force, and of the national sovereignty and territorial integrity of an independent State.

100. It is also an action that runs counter to Security Council resolutions agreed to by Israel, which expressly state Israel's obligation to withdraw from the Arab territories occupied since 1967. We are obliged to note that Council resolution 242 (1967) was not only agreed to by Israel but indeed is repeatedly invoked by its representatives as the basis for peace in the Middle East.

101. Three days ago, in the General Assembly, within the framework of the debate entitled "The situation in the Middle East", my delegation said that Romania's position of principle, which is similar to that of almost all other countries, is that, pursuant to the Charter of the United Nations and the generally accepted rules of international law, the acquisition of territory by force is inadmissible and all territories so occupied must be restored to the peoples to which they belong by right. This is precisely the case for the territories occupied by Israel since 1967. The General Assembly and Security Council resolutions that establish the fundamental principles of a just and lasting peace in the Middle East and ways and means of achieving it provide that Israel has a clear obligation to withdraw from all the Arab territories it occupies. Consequently, any illegal and arbitrary act, designed to change the status of the territories and to annex part of them, is a flagrant violation of the rules of international law and the relevant resolutions of the United Nations and will serve only to increase tension in that part of the world and to further impede a comprehensive political settlement of the conflict in the Middle East.

102. The impact of the events in the Middle East shows that real peace and security cannot be achieved through the use of force, disregard for international law or the denial of the right of other peoples to a free existence. Quite the contrary: events have incontrovertibly shown that acts of force and expansion and violation of the independence, sovereignty and territorial integrity of other States, far from contributing to the solution of a problem, merely further complicate matters and create further premises for fresh conflagration.

103. Israel's continued occupation of Arab and Palestinian territories, the increasing number of illegal steps taken by it in those territories, including Arab

Jerusalem, the refusal to recognize the legitimate rights of the Palestinian people to an independent existence, Israel's military activities against its neighbours—all have been strongly condemned by the international community. These acts, which cannot be justified and the latest one of which is now under discussion, increase instability, maintain a dangerous source of conflict and exacerbate tension, with the most serious consequences for peace and security in the region and throughout the world.

104. The very serious state of tension in the Middle East requires all States to act most responsibly so that the situation may be settled through negotiations and a lasting and just peace be established among all peoples and States in the region.

105. It is precisely in this spirit that Romania has actively and steadfastly advocated a peaceful solution to the Middle East conflict and the establishment of calm and stability in that suffering region. As President Nicolae Ceaușescu recently said:

"We feel that efforts must be intensified to bring about a comprehensive and lasting peace in the Middle East based on the withdrawal of Israel from the Arab territories occupied in 1967, on the solution of the problem of the Palestinian people, including the constitution of an independent Palestinian State. At the same time, it is necessary to ensure the integrity and sovereignty of all States in the region".

106. In order to attain those objectives, Romania has spoken out, and most resolutely continues to do so, in favour of a new framework of negotiations, of the holding of an international conference under the auspices of the United Nations, which should take an active part in it, with the participation of the PLO and the countries concerned, the Soviet Union and the United States, together with other States which can make a positive contribution to a settlement of the conflict in the region. We believe that in such a framework all the complicated problems of the region could be settled, including the withdrawal of Israel from the Golan Heights and the other Arab territories occupied in the 1967 war.

107. Basing ourselves on the interests of bringing about a comprehensive settlement and a lasting and just peace in the Middle East, and the interests of the peoples of that region, including the people of Israel itself, we believe that the Parliament and Government of Israel should without delay revoke and annul this illegal decision to annex the Golan Heights.

108. We hope that the present debate will lead to such a result and that the resolution to be adopted by the Council will stipulate most clearly and resolutely that Israel's decision to impose its laws, jurisdiction and administration in the occupied Golan Heights is null and void and that the Israeli authorities must immediately renounce it and annul it.

109. We are convinced that the adoption and, above all, the implementation of such a resolution will strengthen confidence and create a climate conducive to the process of peaceful settlement of the Middle East conflict and to the establishment of stability and tranquillity in that part of the world.

110. The PRESIDENT: The next speaker is the representative of the Libyan Arab Jamahiriya. I invite him to take a place at the Council table and to make his statement.

111. Mr. MUNTASSER (Libyan Arab Jamahiriya): Mr. President, first of all I should like to congratulate you on your assumption of the presidency of the Security Council and to express to you our admiration and pride on the way you have presided over the deliberations of the Council this month as well as on your brilliant achievements in other capacities. I also take this opportunity to express our thanks and admiration to Mr. Taieb Slim for the excellent way in which he presided over the deliberations of the Council last month.

112. Israel's decision to annex the Golan Heights to the usurped Palestinian lands has come as a surprise to those who were misled by Israel and by its claims that it was seeking peace and security and wanted to live in peace with warmonger neighbours which never responded to its continued lavish offers of peace.

113. The annexation of the Golan Heights may come as a surprise to the friends of Israel with which Israel was supposed to have consulted and whose views it is supposed to have taken into consideration, in particular those of the United States, with which a few days ago it had signed an agreement on strategic co-operation. Israel would not have dared to carry out this aggression, to turn its back on the international community and the United Nations and to ignore the resolutions of the General Assembly and the Security Council, had it not been for the total support and alliance in evil and aggression extended to it by the United States of America.

114. I said that Israel's annexation of the Golan Heights might have come as a surprise, but the truth is that it comes as no surprise to those who know the true nature of Israel and its aggressive, expansionist intentions. It is an entity established on aggression, the expulsion of the indigenous inhabitants and the occupation of their land. Its pronouncements of peace mean nothing but its own peace and the capitulation of others. Its pronouncements about secure borders mean striking at all positions that can stand up to resist and confront the Israeli acts of aggression, the latest, but not the last, of which was the destruction of the Iraqi nuclear facility.

115. The annexation of the Golan Heights is no surprise to those who know the true nature of the Zionist entity, its aggressive, expansionist goals and

the policies on which it is established, which are manifested in the occupation of lands, the expulsion of the original inhabitants, the continuing annexation of new territories and the persistence of aggression to eliminate any ability of resistance or even of construction and development in the Arab countries so that those countries may remain at the mercy of the entity created by the colonialist Powers and adopted by the United States of America to be a tool and extension of its aggression against the Arab nation. The material, military, political and economic support which makes of Israel an American State with priority over everything, even over the United States itself, makes the United States a partner of Israel in any act of aggression it commits, despite all the appearances of innocence and surprise that the United States may assume.

116. Israel's annexation of the Golan Heights is not only a violation of the principles of international law, the Charter of the United Nations and the resolutions of the Security Council, it also provides to all those who are misled by Israel and who protect it solid evidence that Israel is an entity established on aggression, occupation and expansion and that unless it is faced with a firm and strong position world-wide, this entity will lead to a breakdown in the concepts on which international peace and security are based. Unless the world today, having seen this clear evidence of Israel's intentions and aims, stands firm and united against it, this entity will become a destructive danger against human civilization in this part of the world.

117. This is true terrorism, and this is State terrorism as defined by the concepts of international law. These are not the thrillers concocted by the American news media in the vicious campaigns against Libya, designed to provide frail justification for intervention and aggression and to cover Israeli crimes and terrorism.

118. The United States support for Israel and its strategic alliance with it make of the United States a collaborating partner in all aggressive, terrorist and expansionist acts committed by Israel.

119. The United States of America is obliged to comply with the will of the international community and not to oppose the resolutions of the Council. It has to be committed to the Council's resolutions and go along with the condemnation of Israel and the rejection of the measures adopted by the latter. The United States must stop providing support to Israel—support without which Israel would not have dared to commit its aggressive and expansionist acts and practices.

120. The delegation of my country therefore calls for the strongest sanctions against Israel, for the imposition of a world-wide and total boycott against it, for the rejection of its measures of annexation of land and for a declaration that those measures are null and void. It is absolutely clear to the whole world how Israel was

established, how it extended itself up until now and how it plans to exist and expand. It is the duty of the international community to cease recognizing an entity established on expansion, aggression and occupation and which persists in these practices despite the resolutions of the General Assembly and the Security Council.

The meeting rose at 12.45 p.m.

NOTES

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

² A Framework for Peace in the Middle East, Agreed at Camp David, and Framework for the Conclusion of a Peace Treaty between Egypt and Israel, signed in Washington, D.C., on 17 September 1978.

³ *Official Records of the General Assembly, Thirty-sixth Session, Plenary Meetings*, 25th meeting, para. 46.

⁴ *Ibid.*, 27th meeting, para. 209.

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