



*President:* Mr. Ismat T. KITTANI (Iraq)

**AGENDA ITEM 5**

**The situation in the occupied Arab territories  
(continued)**

1. Mr. KIRCA (Turkey): Sir, the ninth emergency special session of the General Assembly is meeting under your presidency, and we are confident that our deliberations will benefit from your wise and able guidance.
2. I should like to extend our warmest felicitations to the Secretary-General, Mr. Javier Pérez de Cuéllar. The people and the Government of Turkey know him well; we wish him success in his challenging task in these difficult times. The international community will benefit from his wisdom, dedication and experience as a statesman. As before, we pledge to work and co-operate with him.
3. On this occasion, we should also like once again to put on record our appreciation for the efforts of his predecessor, Mr. Kurt Waldheim, in the cause of international peace, prosperity, justice and stability. History will speak highly of him.
4. We are met here to consider the situation created by Israel's decision to extend and apply Israeli laws, jurisdiction and administration to the occupied Syrian territory of the Golan Heights. The Government of Turkey has categorically condemned that decision—which is tantamount to annexation—and regards it as null and void and without any legal effect.
5. The United Nations has now been seized of the Golan Heights question for nearly six weeks. The intransigence of Israel continues, despite the adoption of resolutions in both the General Assembly and the Security Council on this very matter. However, it is not the first time that this has happened in regard to the Middle East question. All the major resolutions of the United Nations, even those that have been generally accepted as providing some of the elements of a reasonable basis for a comprehensive, just and lasting peaceful solution for the Middle East problem, such as Security Council resolutions 242 (1967) and 338 (1973), have been discarded and remain unimplemented. Hence, we are not really optimistic about the possibility of any significant improvement in the situation through the mere adoption of yet another resolution here, so long as attitudes and perceptions in the area remain unchanged. Yet, it is our earnest hope that the outcome of the current session will help Israel realize the wrongness of its decision and of its policies and their dangerous implications, thus impelling Israel to rescind without further delay this particular decision.
6. Turkey has already on two previous occasions explained in detail its position in regard to the various aspects of the Golan Heights issue, once in the General Assembly and then in the Security Council. Therefore, I should like at this time briefly to recapitulate the main points of our thinking on the matter and elucidate some further views in the light of recent developments.
7. Israel's decision is contrary to international law and the Charter of the United Nations, as it violates the cardinal principle of the inadmissibility of the acquisition of territory by force. That decision is also in contravention of Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973). Rather than withdrawing from the Arab and Palestinian territories occupied in 1967, as stipulated by these resolutions, Israel is bent, with impunity, on a policy of annexation and aggrandizement. The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>14</sup> which Israel had all along been violating in the occupied territories, with this decision has been set aside altogether in respect to the Golan Heights.
8. Israel's arguments in defence of its decision are spurious and unacceptable. The annexation of the Golan Heights has not and will not serve the purposes which Israel claims for it; nor will it make Israel's appeals for negotiation and peace more convincing.
9. The grave implications of the Golan Heights decision and its true meaning were forcefully dealt with by the Security Council when it unanimously adopted resolution 497 (1981), on 17 December 1981. In our view, that resolution constitutes a very important landmark and should be used as a valuable instrument for bringing pressure to bear on Israel to rescind its decision. We hope that the Security Council will still find it possible in the future to take appropriate action against Israel.
10. The annexation of yet another portion of occupied Arab territory is a recent and most telling manifestation of Israel's approach to, and understanding of, the Middle East question. Israel's actions do not serve the search for peace; therein lies the real problem. If resolving the question of the Golan Heights alone were enough to achieve a lasting solution in the area, we might all have cause to rejoice. But, alas, that is not the case.
11. As we have reiterated for years, the solution of the Middle East problem must be just, lasting and comprehensive. Any solution should as a minimum entail Israel's withdrawal from all Arab and Palestinian territories occupied in 1967, including Jerusalem, and permit the exercise of the inalienable rights and the realization of the legitimate aspirations of the Palestinian Arab people, including the right to establish their own independent State. For such a solution to be achieved there must be negotiations involving all the parties to the conflict, including the Palestine Liberation Organization. All must express readiness for conciliation and compromise and prove their readiness by their actions. Here Israel has primary responsibility, because it is Israel that is following a policy of annexation, aggrandizement, usurpation, provocation and *faits accomplis*.
12. In these circumstances, and in order to compel Israel to rescind its decision on the Golan Heights, the General Assembly's essential task is to reaffirm its resolution 36/226 B of 17 December 1981 and Security Council resolution 497 (1981) and urge all Member States to adopt

appropriate measures commensurate with the gravity of the situation if such measures have not already been implemented by them of their own volition.

13. Mr. NUSEIBEH (Jordan): The convening of this ninth emergency special session of the General Assembly is a watershed in the history of the United Nations since its founding in 1945. By its decision of 20 January 1982, the Security Council, taking into account that the lack of unanimity of its permanent members at its 2329th meeting had prevented it from exercising its primary responsibility for the maintenance of international peace and security, decided to call an emergency special session of the General Assembly to examine the question dealt with in the draft resolution proposed by Jordan.<sup>1</sup> This emergency special session is therefore being held at the specific request and pursuant to a decision of the Security Council itself.

14. It is a sad reflection on the current state of affairs in relations among nations and within the sanctuary of the United Nations and its Charter, to which we are all pledged, that the Security Council, the highest executive organ of the international order, should have found itself unable to act and paralysed, and hence prevented from exercising its primary responsibility for the maintenance of international peace and security, in consequence of a negative vote cast by one single permanent member, namely the United States. By deciding to refer the issue to an emergency special session of the General Assembly, the Security Council has called upon the General Assembly to do what must be done to preserve an orderly international system seriously threatened with a major breakdown in consequence of Israel's persistent acts of aggression and lawlessness and its audacious defiance of every provision of the Charter, every resolution of both the Assembly and the Council over years and even decades.

15. Indeed, that self-confessed and publicly boasted-of defiance has been extended to encompass even such humanitarian conventions as the Hague Conventions<sup>17</sup> and the fourth Geneva Convention of 12 August 1949.<sup>14</sup>

16. The occupied and annexed Palestinian and Arab territories, which have aptly been described as a large prison, have been studded with numerous squalid prisons which, the Israelis themselves admit, have housed, in Jerusalem and the West Bank alone at varying periods, close to a quarter of a million of the Palestinian Arab inhabitants. Given the total population of 1.2 million human beings, that is an incredible ratio of one inhabitant in five. Their land, water and other means of sustenance have been confiscated on a massive scale, and the savage process is being pursued relentlessly. Only yesterday it was announced that Israel was embarking on the establishment of an additional 15 settlements in the West Bank and the Golan Heights. The process has been pursued ruthlessly, systematically and according to premeditated plans to make the hapless victims of 14 years of occupation totally destitute.

17. Israel's record of brutality in every field has no equal since the Nazis ravaged and sacked Europe during the Second World War.

18. What we have before us today in Israel's lawlessness and defiance of the United Nations is so clear-cut, so indefensible, dangerous and provocative that it requires no elaboration or proof.

19. First, on 14 December 1981 the Israeli Knesset, itself built on usurped and confiscated land belonging to the beautiful Arab village of Ein Karem, enacted a so-called law to apply "the law, jurisdiction and administration of the 'state' to the Syrian Golan Heights"—the word "state" is in quotation marks. That is the same procedure

that the Israeli occupation authorities adopted when they annexed the Holy City of Jerusalem and its environs, which constitute one fifth of the occupied West Bank. The magnitude of the colonization has already reached the staggering figure of 40 per cent of the total area of Jerusalem and the West Bank, and, as I have said, the process is continuing. It is not necessary to reiterate that the annexation of the Golan Heights would perpetuate the dispersal of close to 200,000 inhabitants of the annexed territory and overnight transform the remnants—a mere 13,000, whose Syrian roots go back thousands of years—from Syrian citizens under occupation into Israeli citizens.

20. Secondly, the Security Council, by its unanimous resolution 497 (1981) of 17 December 1981, rejected categorically the Israeli decision and declared it null and void and without legal effect. The Council further decided that in the event of no compliance by Israel within two weeks, the Council would meet urgently to consider taking appropriate measures in accordance with the Charter of the United Nations.

21. Thirdly, in his report to the Security Council on 31 December 1981,<sup>11</sup> the Secretary-General conveyed to the Council Israel's refusal to rescind its law of annexation. This should have come as no surprise to anyone well versed in Israel's flagrant and publicly proclaimed policy of conquest, expansion, colonization and annexation of as much of other States' territories and lands as its massive military arsenal, provided primarily by the United States, can achieve. This is clearly a repudiation of the entire United Nations system, which had created Israel in the first place and admitted it conditionally into its fold.

22. It is a bitter irony that when Israel was admitted to membership of the United Nations by General Assembly resolution 273 (III), on 11 May 1949—that is, two years after the traumatic dismemberment of the Trust Territory of Palestine which had been transferred from the League of Nations to the United Nations—the General Assembly, in the aforementioned resolution had this to say:

"Having received the report of the Security Council on the application of Israel for membership in the United Nations,

"Noting that, in the judgement of the Security Council, Israel is a peace-loving State and is able and willing to carry out the obligations contained in the Charter,

". . .

"Noting furthermore the declaration by the State of Israel that it 'unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations',

"Recalling its resolutions of 29 November 1947"—which provided for the creation of a Palestinian Arab State alongside a Jewish State—"and 11 December 1948"—which mandated the return of all Palestinians wishing to return to their homes and homeland to do so unconditionally and to live in peace with their neighbours—"and taking note of the declarations and explanations made by the representative of the Government of Israel before the *ad hoc* Political Committee in respect of the implementation of the said resolutions,

". . .

"Decides that Israel is a peace-loving State which accepts the obligations contained in the Charter and is able and willing to carry out those obligations; . . .".

23. What irony! because it was during that period that the Arab States directly involved, which also included prominent Palestinians then, had been negotiating the Lausanne protocol,<sup>36</sup> which was initialled on 12 May 1949 by all the Arab States involved and Israel itself and which would have solved the entire Palestinian problem three decades ago; but the Israeli authorities reneged on their signature and that is why we still have had the question of Palestine on the agenda of the General Assembly until the present day.

24. Considering the sordid and reckless record of unbridled aggression, conquest, annexation and defiance of practically every United Nations resolution—I should like to be reminded of just one United Nations resolution which has been accepted by aggressive Israel—not only on Palestine and the Palestinian people, but subsequently on Lebanon, Egypt, Syria, Jordan, Iraq and on overflights and intrusions into Saudi Arabia—can anyone with sincere and unimpeachable integrity and insight consider that Israel is carrying out its obligations under the Charter or, still less, is a peace-loving State? If a person were to commit an act of murder and were taken to court, would the judge sentence him to a month's imprisonment and possibly a \$50 fine? This is an act of murder committed against a whole nation, against a whole State, against a whole region.

25. The Israeli Foreign Minister, Yitzhak Shamir—just to mention one example—declared at a recent meeting of the Herut party, which is Menachem Begin's party: let the whole world be under no illusion that Israel will ever withdraw from the Syrian Golan Heights, Jerusalem, the West Bank and the Gaza Strip. He referred to all those occupied territories as integral parts of Israel. He is telling the whole world, the whole world represented in this hall, that under no circumstances would Israel withdraw from those occupied and annexed territories. It is as obvious as anything that can be stated.

26. The Israeli refusal to rescind its law on the annexation of the territory of a sovereign independent State, the Syrian Arab Republic, constitutes an act of aggression under the Charter and under the General Assembly definition of aggression, adopted by consensus on 14 December 1974 [resolution 3314 (XXIX)]. Israel's defiance of Security Council resolution 497 (1981), which specifically demanded that Israel, the occupying Power, should rescind forthwith its decision, strikes at the very heart of international law and of the Charter.

27. It is not only an act of aggression against the Syrian Arab Republic and the Arab world, but also a challenge to the international community in its entirety. It poses a fundamental question as to the safeguarding of world peace and security. It is literally a question of Begin and his clique of reckless expansionists versus the whole of mankind. Verbal condemnations—which the General Assembly, the Security Council and other organs of the United Nations have been adopting and amassing—have proved ineffectual and of no avail as a deterrent, as the record establishes for all to see. We are not building up a library here at the United Nations, nor are we a debating society. We are here to ensure the maintenance of international peace and security, which are the ultimate objectives of the United Nations system.

28. The General Assembly should rise to the challenge of a recalcitrant Member and prove to the aggressor that the community of nations is determined to fulfil its solemn duties as set forth in the relevant provisions of the Charter; hence the draft resolution [A/ES-9/L.1], which we all hope will be adopted by a massive majority. Sabre-rattling indifference, enfeebled resolve, permissiveness, favouritism—right or wrong, intimidation—and we

know how much intimidation has been exercised over the past three years, even here within the sanctuary of the United Nations, let alone in the rest of the world—and acquiescence in a clear-cut act of aggression will simply encourage the aggressor to continue its relentless aggression without let or hindrance. The United States, which, largely in response to internal imperatives, has provided the most massive and sophisticated military arsenal to a self-confessed aggressor, bears a heavy responsibility not only as an accomplice in those acts of aggression but also in encouraging an inevitable breakdown of the international order as envisaged in the Charter. Indeed, a self-confessed aggressor should have no entitlement to a seat among the peace-loving peoples of the world. At least, that is what the Charter states and that is the principal condition attaching to the admission of any new Member State.

29. As President Eisenhower explained in similar circumstances in 1956, in a nationwide address given when the Israelis refused to withdraw from the occupied Sinai, and I excerpt passages from what he said because they are so timely, courageous and true:

“We are approaching a fateful moment when either we must recognize that the United Nations is unable to restore peace in this area, or the United Nations must renew with increased vigour its efforts to bring about Israeli withdrawal.”

He then asked a very pertinent question of principle:

“Should a nation which attacks and occupies foreign territory in the face of United Nations disapproval be allowed to impose conditions on its own withdrawal?”

President Eisenhower concluded his address as follows—and this is indeed an ominous warning to all of us, which we must heed:

“If the United Nations does nothing, if it accepts the ignoring of its repeated resolutions calling for the withdrawal of invading forces, then it will have admitted failure. That failure would be a blow to the authority and influence of the United Nations in the world and to the hopes which humanity placed in the United Nations as the means for achieving peace with justice.”

This is the voice of America that was, but is, alas, being heard no more.

30. Even though a General Assembly resolution is not mandatory, as are Security Council resolutions, I am convinced that it could be as efficacious as mandatory sanctions and as formidable if we had the will and were willing to exercise that will to make it so. The Security Council has entrusted us with ensuring that aggression shall not be allowed to prevail. A decisive response on our part will ensure that it will not prevail.

31. Mr. AL-THANAYAN (Saudi Arabia) (*interpretation from Arabic*): Sir, the Minister for Foreign Affairs of my Government has expressed to you his warm congratulations on your election as President of the General Assembly. Since this is the first time I am representing my Government before the General Assembly in this emergency special session, I wish to take this opportunity to express to you personally my appreciation and admiration and my Government's appreciation of your experience and efficiency in conducting the proceedings of the General Assembly. We have no doubt that these qualities will have a marked effect on the proceedings and resolutions of this emergency special session.

32. Furthermore, since this is the first occasion I have had to attend the session this year, I wish to take this opportunity to convey to Mr. Javier Pérez de Cuéllar my Government's warm congratulations on his election as Secretary-General. Everything we have learned about his

abilities and his integrity augurs well for the expectation that the United Nations, in which we continue to place high hopes, will be able to support all nations, save the world from the scourge of war and establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

33. We have great hopes that during Mr. Pérez de Cuéllar's term of office the Secretariat will play an important role in the administrative, political, economic and social fields. My country has been and will continue to be completely ready to co-operate with the Secretariat in all the areas which would strengthen this Organization and enable it to assume the role envisaged for it in the Charter of the United Nations. In this connection, I cannot fail to express my Government's appreciation of the positive and effective role played by the former Secretary-General, Mr. Kurt Waldheim.

34. We are meeting in this emergency special session because of an issue of the utmost gravity, an issue which is of profound concern to us and to the entire international community because of the grave danger it poses to peace and security in the Middle East region, and also because of its potential to dash all hopes for peace, unless certain States, particularly the permanent members of the Security Council, realize that disregard of the will of the vast majority of the international community and reluctance to abide by and implement the provisions of the Charter will lead not to peace but to more aggression and bloodshed. This is not the first act of aggression by Israel, nor is this the first emergency special session of the General Assembly convened because of the obstruction of the will of the Security Council and its failure to fulfill its functions laid down for it in the Charter. Scores of General Assembly and Security Council resolutions condemning Israel for its repeated attacks on the Palestinian people, Palestinian lands and the lands of neighbouring Arab States have piled up. But some of the permanent members of the Security Council which bear the largest share of responsibility for world peace and security have lacked objectivity in their attitude to efforts to limit Israeli aggression or to stand up to Israel's policy of expansionism.

35. At its thirty-fifth session, the General Assembly expressed its grave concern at reports indicating the intention of the Israeli authorities to enact legislation embodying changes in the character and status of the Syrian Arab Golan Heights. It condemned the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the Syrian Arab Golan Heights. Those provisions were incorporated in General Assembly resolution 35/122 E of 11 December 1980.

36. Before the end of its last regular session, the thirty-sixth, the General Assembly found itself confronted with the situation it had anticipated a year earlier. Israel in fact went ahead with that measure and extended the application of its laws, jurisdiction and administration to the occupied Syrian Arab Golan Heights, which is tantamount to an annexation of that territory by Israel. The Assembly considered that peculiar situation towards the end of the last session and adopted resolution 36/226 B, in which it declared the annexation decision to be null and void as it was in clear violation of the Charter of the United Nations, the principles of international law and relevant United Nations resolutions. The Assembly demanded that Israel rescind forthwith its decision, and requested the Security Council, in the event of Israel's failure to do so, to invoke Chapter VII of the Charter.

37. We have to admit that the Security Council responded promptly to the complaint of the Syrian Arab Republic on 14 December 1981, and adopted Council resolution 497 (1981), in which it decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights—which amounts to annexation—was null and void and without international legal effect. The Council demanded that Israel, the occupying Power, should rescind its decision forthwith. It also requested the Secretary-General to report to it on the implementation of the resolution within two weeks on the understanding that, in the event of non-compliance by Israel, the Security Council would meet urgently, and not later than 5 January 1982, to consider taking appropriate measures in accordance with the Charter.

38. The measures that were taken until 17 December 1981 were sound and logical, and in full accord with the provisions of Article 39 of the Charter. But as we anticipated—and we are certain that this was also anticipated by both the permanent and the non-permanent members of the Security Council—once more Israel adopted a negative position, that is to say, it declined to implement the Security Council resolution, as the Secretary-General indicated in his report.<sup>11</sup> That report came as a repetition of what had been stated by the representative of Israel and by the competent Israeli authorities, namely, that they would not comply with the Security Council resolution.

39. While we appreciate the support of the United States and other States for Security Council resolution 497 (1981), we cannot but express our deep regret at the change in the position of the United States when voting on the draft resolution submitted by Jordan.<sup>1</sup> We are truly surprised at the United States of America, whose history abounds in instances of its support of principles relating to freedom, human rights, the right to self-determination, the non-acquisition of right by force, and the adoption of democracy and freedom as its political pattern. We wonder at the fact that the United States should decline to support measures for implementing those principles when Israel is concerned and at its obstruction of efforts of the Arabs to free their lands and to enjoy their full rights on the same basis as other nations.

40. We believe that the main purpose of the appropriate measures proposed was to compel Israel to rescind its decision to annex the Golan Heights, which was declared null and void by the Security Council. We fear that Israel will interpret the United States veto as a signal to annex other parts of the territories under its illegal occupation and that the veto could constitute a factor that would encourage it to pursue its expansionist policy.

41. A glance at the United Nations resolutions will clearly indicate that never before has any member of the international community violated international laws and norms and gone so far as Israel in its challenge to and defiance of the will of the international community. Have not the resolutions adopted by the United Nations condemning Israel piled up with no deterrent effect on its continued policy of aggression and expansion? Has not leniency towards Israel encouraged South Africa to follow suit, to the extent that both now share a common policy of racism and expansionism?

42. Some of the strangest things we heard were the justifications put forward by members in the Security Council for abstaining on or voting against the draft resolution submitted by Jordan. There were those who stated that the draft resolution was too weak and lacked precision and firmness in defining the sanctions which should be imposed on Israel in a manner that would be

consistent with the gravity of the Israeli annexation. In justifying the negative vote, it was stated that the draft resolution went beyond the intended purpose of Chapter VII of the Charter. We do not accept those justifications, which we consider to be inconsistent with the text and substance of Security Council resolution 497 (1981). These are merely excuses by members of the Council to evade their responsibility to the international community and to history.

43. The subject that was before the Security Council related to the aggression of Israel against the Syrian Golan Heights and not to any other international development. That aggression was but one more link in a chain of continuous acts of aggression against the Arab nation and Arab rights. The international community and the world at large must realize that Arab rights will not be surrendered and that defiance of justice and human rights cannot last. Despite repeated United Nations resolutions, Israel has persisted for the past 33 years in challenging and violating all those resolutions and in denying the rights of the Palestinian people after stealing their homeland, driving them out of it and denying them the right to return and to live in dignity. It has considered their legitimate struggle to regain their lost rights as terrorism, but has alleged that its constant attacks against them and their homes, both inside and outside the occupied territories, are defensive acts. The international community is in duty bound, in weighing matters, to avoid the use of double standards and values and to forbid the continued violation of rights, since they would lead to a weakening of the Organization and its bodies.

44. We have not passed judgement on Israel out of caprice and we do not regard the States Members of this Organization as less knowledgeable of the developments that have occurred and continue to occur in the Middle East. Israeli arrogance and defiance have reached a stage where its leaders do not hesitate to make open and unequivocal statements regarding their aggressive intentions. Following the occupation by Israel of the West Bank, the Golan Heights and other Arab territories, the Israeli leaders declared that the return of the Golan Heights was not negotiable since Israel will not withdraw from it. They made similar declarations from time to time with regard to Arab Jerusalem and the whole of the West Bank. When the situation with regard to the Golan Heights was before the Security Council, Yitzhak Shamir, the Israeli Minister for Foreign Affairs, declared before the executive committee of the Herut Party in Tel Aviv that:

“The Camp David agreements<sup>4</sup> represent the maximum of what we would give up”,

and went on to say that:

“After Sinai there will be no further withdrawals, no matter how much pressure is put on us”.

And Ariel Sharon, the Israeli Minister of Defence, told the Israeli newspaper *Yedioth Aharonoth* on 7 January 1982 that:

“Israel will not withdraw from any land, even if the United States asks us to do so”.

He went on to state that:

“Arab lands on which buildings have been constructed and farms established have become Israeli lands, and this fully conforms to our national charter and constitution. If we are compelled to enter into negotiations, such negotiations will be only on the basis of acceptance of existing facts”.

45. We believe that the situation may be reflected in the following summation in an article in *The Wall Street Journal* of 8 December 1981 written by Mr. Joseph Sisco,

a former Under-Secretary of State of the United States Government. He wrote:

“He [Begin] should be told by the United States that we will oppose Israeli annexation with all our resources for one simple reason: annexation is a prescription for war, not peace”.

46. The *Mideast Observer* of 1 January 1982 carried the following opinion of Representative Paul McCloskey, a member of the United States Congress:

“If we vote to give \$2.2 billion today to Israel immediately after Israel’s aggressive action [against the Golan], we will be viewed elsewhere in the world as endorsing that action.”

He went on to say:

“It is one thing to say we deplore Israel’s action but, if at the same time we vote the money by which that action is implemented, we are in effect endorsing it”.

47. The Arabs have never approached the General Assembly or the Security Council with a request that was not consonant with legitimacy. They carefully framed all their proposals in keeping with the provisions of the Charter of the United Nations, international law and the innumerable resolutions of the General Assembly and the Security Council. Conversely, all Israel’s actions were and continue to be based on illegality, violations of the Charter and a brazen challenge to and defiance of this world organization and its resolutions. Every time these Israeli actions meet with silence they invariably lead to complications and to encouraging Israel to pursue its violations of legality and norms. Israel is a lawless State. It has claimed and continues to claim that it is desirous of peace, while it ardently and zealously pursues aggression and undermines all initiatives that might lead to a just and lasting peace in the Middle East. It continues to follow this risky course, which is fraught with countless dangers. We have repeatedly cautioned the world that Israel’s policy poses the greatest danger to the Middle East. We repeat this fact now and we add that it is the responsibility of the international community to curb the defiance of this lawless Israel of international peace and security before it is too late, in order to make it cease its short-sighted, greedy and racist policy—a policy based on defiance and contempt for the will of the international community.

48. After 33 years of Israel’s policy of aggression, *faits accomplis* and defiance and violations of the provisions of the Charter, of international law and of United Nations resolutions, the United Nations has no alternative but to impose sanctions against that Member which places itself above the Charter and international law. As long as Israel is treated with tolerance and leniency, it will not be deterred. Several opportunities have passed for the establishment of a just, comprehensive and lasting peace in the Middle East, but Israel sees its interests served by other means than peace. We wish to remind the international community that the opportunity for establishing a just and lasting peace in the Middle East is slipping away rapidly. Conditions that may be controlled today may become unachievable tomorrow, and this may lead to developments that cannot be curbed. We therefore urge the international community to take urgent and firm steps to put an end to Israel’s acts of aggression and provocation. Condemnations and expressions of regret have no effect on aggressive Israel. The only solution is to impose and implement sanctions against Israel so that it will understand the serious nature of the resolutions adopted by the Organization and realize that the international community is firmly determined to establish justice and to maintain the effectiveness of the United Nations. Rights do not fade away, and the Arab nation was and

continues to be capable of reclaiming its usurped rights, however long this may take.

49. Mr. OUMAROU (Niger) (*interpretation from French*): Mr. President, at the outset I should like to say how happy my delegation is at seeing you, Sir, presiding over our work once again. It is also a pleasure for me to extend once again to our new Secretary-General, Mr. Javier Pérez de Cuéllar, our sincerest congratulations and best wishes for happiness and success in the discharge of his important and delicate functions. We know that, coming as he does from the third world, he will share the many concerns of that part of the human race and will at all times endeavour to reflect the sensitivity, the aspirations and the understandable demands that we have in this uncertain contemporary world, which once prompted Mr. Amadou Mahtar M'Bow, Director General of the United Nations Educational, Scientific and Cultural Organization, to say that "the third world is the conscience of the world".

50. Niger also wishes to express its appreciation to Mr. Kurt Waldheim, who for 10 years gave proof of his ability and dedication in guiding the United Nations with prudence, prestige and credibility. I should like to express to him our deepest appreciation and our best wishes for his future endeavours.

51. After South Africa, Israel; after Israel, South Africa. If the item is not *apartheid*, then it is Namibia; if it is not Jerusalem, then it is Lebanon, or else the outright plundering of the Palestinians, or a spectacular act of aggression against one or other of the Arab States. In any event, that seems to be the inevitable alternation in which Israel and South Africa, rather like accomplices, have kept us for the last 15 years, without the international community being able, either here or in the Security Council, to take the necessary steps to put an end to such stubbornness, arrogance and defiance.

52. And so it is against this frustrating background that we are once again meeting here today; we are obliged to hold an emergency special session to consider a matter that has constantly aroused the world's serious concern, a matter whose unacceptable, provocative and dangerous nature has so often been pointed out.

53. Not content with military occupation of the Syrian Golan Heights since 1967; not content with flouting the relevant provisions of the fourth Geneva Convention of 12 August 1949,<sup>14</sup> ever since; not content with ignoring, even scorning, the relevant resolutions of the Security Council which, taken together, constitute the international consensus on the peace process in the Middle East, Israel has unilaterally decided purely and simply to annex the Golan Heights—thus giving new impetus at a most untimely point to its policy of expansionism and domination, which has been universally condemned, and repeating without batting an eyelid its violations of the Charter of the United Nations which, unfortunately, have become so common.

54. Indeed, fresh information addressed to the Commission on Human Rights at Geneva includes data about new measures and other unacceptable forms of harassment suffered by the inhabitants of the Golan Heights since 4 December 1981. They involve, *inter alia*, the seizure of pastureland and water resources, many forms of harassment aimed at imposing Israeli citizenship, arbitrary arrests, refusal to register the newborn whose parents refuse Israeli identification cards, changes in the school syllabus, prohibition of attendance at Syrian universities, expropriation in all areas and unjustified dismissals designed to increase the pressure on populations which have already suffered so much under an extremely harsh fiscal system, and the establishment of local councils

that are completely in the pay of the occupier. And we have just learnt that, while we were here giving vent to our fears and our complaints, the first Israeli magistrate's court in the Golan Heights was opened yesterday, 3 February, by Mr. Moshe Nissim, the Israeli Minister of Justice, at Katzrin.

55. Everything goes to show that the Israeli leaders have no more intention now than they had in the past of voluntarily complying with the international injunctions clearly expressed in Security Council resolution 497 (1981), which states that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect, and demands that Israel, the occupying Power, should rescind forthwith its decision.

56. Alas, this is nothing new. No later than July 1980, employing almost the same procedure, we had recourse to this Assembly to denounce the same country—Israel—which had just proclaimed the Holy City of Jerusalem its eternal capital, despite universal protests and despite a strong Security Council resolution calling that other serious decision null and void. But, alone against the world, Israel remained stubborn and calmly waited for the storm to blow over before regally institutionalizing its illegal occupation, which it must then have used as a precedent in preparing for the annexation we are condemning today.

57. And our fear at this point is the same as that of Ambassador Nuseibeh of Jordan who, disillusioned and outraged, made the following statement in the Security Council on 14 January last:

"It is in no way out of generosity or respect for international law that they" [the Israelis] "have not yet annexed the West Bank. They are biding their time until the moment comes when they have settled enough of their intruders there and sequestered a preponderance of the occupied territories of the West Bank and Jerusalem. Then we shall see the kind of annexation which occurred in the Golan Heights."<sup>25</sup>

58. Fatalism, defeatism or pessimism? No—rather, this is a tragic cry of alarm, a timely and clear-sighted warning that if we allow Israel to continue, the day is not far off when it will simply start redrawing the map of the Middle East arrogating to itself "secure and recognized" boundaries that are to its liking. For, apart from the case of the Sinai, which has been settled or is now being settled in the circumstances of which we are all aware, what other territory occupied by Israel in 1967 has today escaped the brutal colonization and creeping Judaization which the Hebrew State has no hesitation in applying in order to annex the lands it has taken by force, despite the provisions of the Charter and the rules of international law?

59. But what is extremely disturbing and depressing is that not once in the memory of the United Nations has Israel been firmly called to order by the Organization, either to make it abandon its policy of defiance and its frequent acts of aggression or to prevent it from enjoying the fruits of such aggression. To this unruly offspring of the community of nations, this is an encouragement; for the victims, it means further humiliation; and for us, Members of the United Nations, all these injustices and violations constitute a painful dilemma. In this unstable world, where the desire for conquest and domination, even of the economically least developed countries, is rife, what dreams might the Israeli example and the powerlessness of the United Nations not arouse in some other country which is armed to the teeth and suddenly wants to play the conqueror?

60. My country, Niger, still believes in the validity of the lofty principles that govern beneficial coexistence

among peoples, on which this prestigious organization was based. I therefore repeat that we have faith in the role of the United Nations and in its ability to save mankind from its own aberrations. This authorizes me to state on behalf of my Government that any violations of the Charter, and particularly any aggression, wherever it may come from, must be punished, without weakness or leniency, because the Assembly has already stated in its wisdom, in its resolution 3314 (XXIX), of 14 December 1974, that no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

61. In occupying the Syrian Golan Heights in 1967, Israel had already committed an intolerable invasion. In deciding 14 years later to annex the Golan Heights by a law of its own making, it is repeating and aggravating that situation. Defying the international community once again by its openly stated refusal to abide by a unanimous decision of the Security Council, it is now becoming increasingly rebellious. And today, self-satisfied by its actions, it is accusing us all of ill-will and complicity for convening this session, which it has described as a meeting of propaganda and conspiracy against its very existence and security, as though it were not this very organization which had conceived Israel, given birth to it, set it on its way and protected it.

62. Israel likes to say and to repeat in its own defence that the part of the Golan that it has annexed is only a small area—about 450 square miles, it claims—that is vital to its security and that was being used by Syria as a kind of blockhouse for carrying out aggression against Israel. An answer has already been given, by the Charter and the rules of international law, namely, that the integrity of a sovereign State is inviolable. That means that even the smallest corner, the smallest stone, the tiniest hillock of the territory of a country is an integral part of the country and cannot with impunity be usurped, occupied or annexed by another country. It has also been proclaimed, as I mentioned earlier—and I think it is worth repeating here—that “No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression”, which excludes any kind of supposedly preventive actions such as those that Israel has increasingly been taking, probably because of the insecurity and fear which it itself has helped to establish in the region.

63. Thus, the only positive word that we have heard from the representative of Israel during this debate could be at best his call for the end of hostilities between the parties and Israel's frequently stated desire to have peace negotiations immediately with its neighbours. We should take note of that. But anybody who talks about peace negotiations implies an atmosphere of détente and trust. However, one does not create détente or trust by caressing someone's face while, at the same time, treacherously trampling on his toes.

64. If peace in the Middle East is to be real and lasting, it must be the result of two inseparable processes: peace with the Arab States and rehabilitation of the Palestinians. Therefore, a good approach would not be to defy, to commit aggression against, to fight or to divide the former or to pursue and persecute the latter in a vain and ruthless struggle against their sole and authentic representative, the Palestine Liberation Organization. On the contrary, a good approach would be an overall—I was going to add, a realistic—re-examination of the situation, in trying to give the peace initiatives, and particularly the relevant resolutions of the General Assembly and the Security Council as well as the courageous and far-sighted Fahd plan,<sup>37</sup> the attention and the follow-up that they deserve.

65. That is what was said by President Seyni Kountché when he spoke from this rostrum on 5 October last, during the thirty-sixth session of the Assembly, and stated:

“Let Israel merely know 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 co-operate 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. It must in any case realize, having lived through the recent suffering of its own people under nazism, that neither pogroms, nor brutal oppression nor blind persecution will defeat a people whose selflessness and collective determination are ennobled every day by each new fallen martyr in its ranks . . . As for the Arab States of the area, no one can reasonably wish to destroy them or humiliate them to the point of inducing them to renounce their duty to help their Palestinian brothers to win back their inalienable rights and their dignity. Finally, Jerusalem must be allowed to enjoy international status, for that status alone is compatible with its prestige as the city of three religions.” [25th meeting, para. 46]

Let Israel think about that statement!

66. And now I shall conclude. I shall conclude by reaffirming Niger's full and active solidarity with the Syrian Arab Republic and with the Arab nations. We proclaim our total commitment, side by side with them, until their rights and legitimate demands are satisfied, that is to say until the liberation of Jerusalem and the other occupied Arab lands, until there is a settlement of the Palestinian problem, which means the establishment of an internationally recognized Palestinian State and the rehabilitation of the entire Palestinian people.

67. We would also join with equal resolution those who, within the context of the provisions of the Charter, have called urgently for appropriate measures to be taken against Israel, and those—and there were many of them—who spoke to the friends of that country, calling upon them to refrain from giving any co-operation, aid or assistance, particularly in the military field, to the Hebrew State until it mends its ways in the region and agrees to comply with international rules and the provisions of the Charter of the United Nations and international law. We would urge those friends, who are also our friends, to act in that manner for the sake of peace, justice and equity and, I would add, for the sake of the enormous contribution that they would thus be making towards enhancing the prestige of the Organization.

68. Mr. KAM (Panama) (*interpretation from Spanish*): Mr. President, I should like to begin by expressing my delegation's pleasure at seeing you presiding once again over the General Assembly at this ninth emergency special session.

69. We should also like to extend our cordial greeting and sincere congratulations to Mr. Javier Pérez de Cuéllar. His election as Secretary-General has been an event of singular significance for Latin America, for he is one of its most distinguished diplomats whose skill and dedication have been devoted to the service of the international community.

70. My delegation would like to express publicly its appreciation to Mr. Kurt Waldheim for the work he performed as Secretary-General of the United Nations. His

devotion to the cause of international peace and co-operation will be remembered with gratitude by all those who share similar concerns.

71. Speaking on 30 September 1981 in the general debate of the thirty-sixth session of the General Assembly, His Excellency the President of the Republic of Panama, Mr. Aristides Royo, reiterated my country's clear position on the question of the Middle East in stating the following:

“My country advocates the achievement of a just, comprehensive and lasting peace in the region of the Middle East based on the withdrawal by Israel from all occupied Arab lands, the right of Israel and neighbouring States to live in peace within secure and recognized boundaries and the exercise of the inalienable rights of self-determination by the Palestinian people, including its right to its own independent State, with the participation of the Palestine Liberation Organization [PLO] as its sole legitimate representative.”  
[20th meeting, para. 44]

72. Accordingly, my delegation deeply regrets that instead of progressing towards the achievement of this just, comprehensive and lasting peace, today we are faced with a worsening of the situation in the Middle East as a result of Israel's decision to impose its laws, jurisdiction and administration in the occupied Syrian Arab territory of the Golan Heights, which is increasing tension in the area and further endangering international peace and security.

73. This question was the subject of a lengthy debate at the thirty-sixth session of the General Assembly, which adopted resolution 36/226 B, supported by the Panamanian delegation. Similarly, Panama voted for resolution 497 (1981), which was unanimously adopted by the Security Council on 17 December 1981 when it considered the question relating to Israel's annexation of the Syrian Arab territory of the Golan Heights.

74. Nevertheless, Panama wishes to reaffirm once again its unwavering commitment to the universal validity of the principle of respect for the territorial integrity of all States and the principle of the inadmissibility of the acquisition of territory by force.

75. In keeping with these principles, which my country always follows, Panama condemns Israel's annexation of the Syrian Arab territory of the Golan Heights as an act in breach of the Charter of the United Nations, of the principles of international law and of the relevant resolutions of the General Assembly and the Security Council, in particular resolutions 242 (1967) and 338 (1973), which remain the corner-stones for peace in the Middle East.

76. My delegation listened with interest to the words of the representative of Israel to the effect that Israel wishes peace with its neighbours. We feel that Israel can give concrete proof of this goodwill by rescinding forthwith its decision to annex the occupied Syrian Arab territory of the Golan Heights. Israel must speedily heed the call of the international community and world public opinion.

77. We believe that the current international situation is such that today more than ever the actions of all States must be inspired by the purposes and principles of the Charter and aimed at the implementation of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States and the Declaration on the Strengthening of International Security [resolution 2734 (XXV)], to which my country strictly adheres; in our view, that offers the best guarantee for the harmonious coexistence of States and peoples.

78. Mr. ADAN (Somalia): The Security Council's decision on 17 December 1981 to the effect that Israel's annexation of the Syrian Golan Heights was null and void and without international legal effect—a decision it took in the context of the principle that territory cannot be acquired by force—was welcomed by the international community. The Council's demand that Israel rescind forthwith its illegal action and its decision to consider taking appropriate measures under the Charter in the event of Israel's non-compliance were appropriately strong responses to Israel's violation of international law.

79. The Council could hardly have acted otherwise. It was dealing with Israel's latest attempt to add to its longstanding practice of illegal expansion; it was dealing with a serious contravention of its resolutions; it was dealing with actions which could only exacerbate tensions in the Middle East, obstruct the road to peace in the area and threaten world peace and security; and, above all, it was dealing with a callous and calculated attack on the system of world order based on the Charter which the United Nations seeks to promote.

80. The satisfaction of the international community over the adoption by the Security Council of resolution 497 (1981) has, unfortunately, been overshadowed by the failure of the Council in January 1982 to carry out the virtual ultimatum it had handed to Israel only a few weeks previously. Israel has refused to comply with the Council's demand that it rescind its illegal actions, and its non-compliance has been expressed both in and outside the United Nations with customary arrogance.

81. My delegation deeply regrets that the moderate measures proposed by the non-aligned members of the Council<sup>1</sup> in response to Israel's intransigent attitude were defeated by a veto. The experience of the past has shown that mere condemnations or demands which are not backed by any of the enforcement measures available under the Charter are ineffective against Israeli violations of international law. The failure of the Security Council to validate its own resolution was therefore a blow not only to the hopes of the international community for progress towards a just and lasting Middle East peace but also to the authority and credibility of the highest organ of this world organization.

82. In the Security Council debate which ended last 20 January, the Israeli representative tried in typical fashion to distract attention from the main issue. He presented hollow excuses for Israel's act of aggression, substituted arrogance for logic and, when all else failed, resorted to irrelevant attacks on the policies of States participating in the debate. But he did not succeed in obscuring the issue, which is clearly one of aggression through the annexation of the territory of a sovereign State.

83. And what is Israel's explanation for its gross violation of international law? It makes the ridiculous claim that it acted “to normalize” an anomalous situation. We are now faced with the strong possibility that Israel will proceed “to normalize” in similar fashion the undoubtedly anomalous situations in other areas of illegally occupied Arab territory.

84. Israel also insults the intelligence of the world community when it claims to be ready to enter unconditionally into negotiations leading to peace, after it has confronted the Arab States with a *fait accompli* through its annexation of the Golan Heights. It is also a matter of record that immediately after the June 1967 war Israel began to impose conditions and create *faits accomplis* which could only preclude the achievement of a just and lasting Middle East peace on the basis of United Nations resolutions and international law.



85. We are all familiar with the repeated and blatantly annexationist statements of Israeli leaders to the effect that the West Bank, Gaza, the Golan Heights and East Jerusalem will never be returned. We are familiar, too, with the policies and practices used over the past 14 years to turn similar statements into grim reality.

86. Creeping annexation has been effected through massive Israeli settlement in Arab territory, the expropriation of Arab land and the terrorizing of Arab populations. Those policies have repeatedly earned the censure and condemnation of the General Assembly and of the Security Council. Creeping annexation is obviously now giving way to open, unabashed and instant annexation. As Member States will recall, little over a year ago Israel enacted the so-called "Basic Law", illegally annexing East Jerusalem in flagrant violation of a Security Council warning on that matter [resolution 476 (1980)]. Emboldened by its ability to violate international law with impunity it has now turned to the Syrian Golan Heights.

87. Israel's annexationist ambitions clearly extend also to Lebanon, which has been the target of repeated acts of aggression, culminating in the indefensible aerial bombardment of civilian populations in Beirut and southern Lebanon last year. In the same year we saw the unprovoked attack on Iraq's nuclear research centre, an action which illustrated—if further illustration were necessary—Israel's belligerency and its contempt for the norms of international relations and accepted principles of international law.

88. This background of lawlessness and intransigence increases the gravity of Israel's latest act of aggression and underlines the importance of Security Council resolution 497 (1981). The world community has indeed wondered for how long and to what extent Israel would be allowed to continue unchecked on its illegal and destructive course.

89. In this chamber we cannot, of course, enforce the measures provided by the Charter for so flagrant a breach of regional and international peace and security as Israel's illegal annexation of the Syrian Golan Heights. We can and must, however, use the moral authority of the General Assembly to reaffirm that the acquisition of territory by force is inadmissible and to call on the Security Council to take effective measures to check Israel's continuing policies of expansion, belligerency and contempt for the very Organization which brought it into being.

90. My delegation hopes that the Security Council, which is still seized of the question of Israel's illegal annexation of the Syrian Golan Heights, will meet again as soon as possible so that it can continue with its unfinished business in this matter. We believe that the Council will indeed be able to take appropriate measures against the Israeli aggression if all partisan considerations are set aside and if objectivity and concern for the rule of international law are taken as guiding principles. In following such a course, the Security Council would restore faith in its integrity and would contribute to the achievement of justice and peace in the Middle East.

91. Mr. DORJI (Bhutan): As this is the first time for my delegation to speak since the new Secretary-General, Mr. Pérez de Cuéllar, assumed his duties as head of the Organization, I should like to take this opportunity to congratulate him on his election to that high office. We are confident that, with his vast experience in international affairs and with his qualities of leadership, he will be able to make a noteworthy contribution towards further strengthening the role of the United Nations.

92. At the same time I should like to express the appreciation of my delegation to former Secretary-General Kurt Waldheim, whose relentless efforts towards the aims

and objectives of the United Nations will leave their footprints in the sands of time.

93. Once again we are assembled to unite our strength to maintain international peace and security. This time we address ourselves to the situation in the occupied Arab territories, and in particular to Israel's unilateral action concerning the occupied Syrian Golan Heights.

94. The decision taken by Israel on 14 December 1981 to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is tantamount to annexation. This act of aggression, in violation of the Charter of the United Nations and contrary to the fourth Geneva Convention, has been strongly condemned by the international community. The consensus of the international community was clearly demonstrated when the Security Council, on 17 December 1981, unanimously adopted resolution 497 (1981). The resolution, among other things, declared Israel's decision concerning the occupied Syrian Golan Heights null and void. It demanded Israel to rescind its decision and requested the Secretary-General to report to the Council on Israel's compliance with the provisions of the resolution within a specific time-frame.

95. Subsequently, the report of the Secretary-General<sup>11</sup> made clear Israel's refusal to comply with the Security Council decision. The Council, which met again, failed to exercise its primary responsibility for the maintenance of international peace and security because of the lack of unanimity. In the light of that development, it was incumbent on the international community as a whole to assume that responsibility.

96. We have heard the Israeli delegation's arguments in support of Israel's action of 14 December. However, none of the arguments presented by Israel can justify the action taken by it. The international community cannot condone the occupation of territories by force under such a pretext, nor can it ever accept the annexation of those territories. Even after fourteen and a half years, Israel continues to occupy Arab territories and to deprive the Palestinian people of their legitimate homeland. It further continues to ignore all Security Council and General Assembly resolutions, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981). This is undoubtedly the principal cause of the continuing tensions in the Middle East.

97. The recent Israeli decision concerning the occupied Syrian Golan Heights has further aggravated the existing problems and jeopardized prospects for a comprehensive settlement in that region.

98. It is therefore the hope of my delegation that this emergency special session will be able to take a firm decision to initiate peaceful and practical measures within the framework of the Charter of the United Nations, so that the Syrian Golan Heights and all other occupied territories can be restored to their status prior to the 1967 Arab-Israeli war. We believe that only such a course of action can bring about a just and lasting peace and ensure the peaceful co-existence of all the countries in the region.

99. Mr. SLIM (Tunisia) (*interpretation from French*): Mr. President, the current emergency special session was convened to debate an item of particular gravity which has called into question both the fundamental principles of the Charter of the United Nations and the very role of the Organization. Undoubtedly, if it is to do what is expected of it, it will need all your skill and talent which we know so well and which you demonstrated so eloquently as President of the thirty-sixth session of the General Assembly. You may rest assured of our wholehearted co-operation.

100. The particularly disturbing trend of events around the world is such that the United Nations needs to be stronger and more respected than ever. The wisdom, devotion and determination shown by the new Secretary-General, Mr. Javier Pérez de Cuéllar, since he took office, reassure us of his determination to devote himself to strengthening the Organization and safeguarding international peace and security. In repeating the Tunisian delegation's warmest congratulations to him, we wish to assure him of our total support in the noble and difficult task awaiting him.

101. If the United Nations is to be strong and respected, if it is to be the conscience of the world as well as the champion of those among us who are victims of any violations of the principles to which we have adhered, the Organization must be able to state what is right and to ensure that it is respected.

102. On 14 December 1981, Israel committed one of the most flagrant violations of the Charter. By extending its laws, jurisdiction and administration to the Golan Heights, Israel quite simply annexed a territory which it has been occupying by force since 1967 and which belongs to an independent sovereign State that is a Member of the United Nations: the Syrian Arab Republic.

103. The world reacted promptly, with energetic and general condemnation. Living up to its responsibilities, the Security Council on 17 December 1981 stated what was right by declaring the Israeli measure null and void. It stated what was just by condemning Israel for its illegal action. It declared its intention to ensure respect for the law by ordering Israel to rescind its decision within two weeks.

104. It must, however, be noted that, meeting at the end of the time allotted and duly taking note of Israel's refusal to comply, the Security Council found itself unable to take necessary measures to ensure respect for law—measures which it had, however, committed itself to taking in its resolution 497 (1981).

105. The Security Council's failure, due to systematic blocking which it has come up against too frequently, prompts us to wonder about the way in which it intends to fulfil its principal responsibility: namely, the maintenance of international peace and security.

106. On 28 January 1982, in its resolution 500 (1982), the Security Council, noting the impasse with which it was faced, decided to convene an emergency special session of the General Assembly to consider the situation deriving from Israel's act of aggression.

107. We therefore now find ourselves vested with the competence and responsibilities, transferred by the Security Council itself, to take steps to ensure respect for justice and for law.

108. During last December's debate, Tunisia, in its capacity as a member of the Security Council, had occasion to state at length its opinion on the question before us.<sup>38</sup> While standing side by side with the sister nation of Syria, affording it our active solidarity and unwavering support, Tunisia called upon all States to denounce and to condemn in the most energetic fashion Israel's decision, which could only add to tension in the area and constitute a further obstacle to a comprehensive, just and lasting settlement to the problem of the Middle East.

109. Considering only the context of today's problem, we would first of all recall that the United Nations has never endorsed Israel's occupation of the Golan Heights; far from it, it has constantly reaffirmed that Israel, as the occupying Power, must evacuate all the Arab occupied territories, including the Holy City of Jerusalem. We would further recall that the United Nations, particularly

in Security Council resolution 465 (1980), which was adopted unanimously, denounced attempts to alter the legal, physical and demographic character of the occupied territories. We would note lastly that never has the population of the occupied Arab territories, much less that within the Golan Heights, shown the slightest indication of resignation or acceptance of this *fait accompli*, despite attempts by the occupying authorities to impose Israeli identity upon Syrian nationals living in that territory. In the face of the failure of these attempts, Israel decided upon annexation.

110. Need I recall that the Charter of the United Nations formally prohibits acquisition of territory by force? Need I recall that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which prohibits any form of annexation, was declared applicable to the Golan Heights? Need I recall, lastly, that Israel's action constitutes a grave and flagrant infringement of Syrian sovereignty and territorial integrity? Need I recall further that Israel's action is part of an over-all plan aimed at expansionism and employing the device of the *fait accompli*?

111. Less than two years ago, we witnessed the sacrilegious decision to annex Al Quds; the world found itself faced with a *fait accompli*. Last June, it was the attack against Arab technological and scientific progress: the peaceful nuclear installations of Iraq were bombed and destroyed. Once again, the world found itself faced with a *fait accompli*. As regards Lebanon, each time that it sets out to bind its wounds, Israel reminds it that it is always being watched. The acts of aggression and bombings, wreaking death and desolation, which are committed against that martyred country are also intended as a *fait accompli*. Today, we see the annexation of a part of Syrian territory.

112. Lastly, there is the tragedy of our age, that which lies at the heart of the Middle East conflict: the plundering of an entire people, the Palestinian people, and the refusal to recognize its right to self-determination and to a State.

113. When are we going to put a stop to this series of *faits accomplis* carried out by Israel, assured up to now of seemingly unlimited indulgence and impunity? When are we going to move beyond the stage of verbal condemnations which, however useful they may be, have proved to be totally ineffective? The time has come to go beyond the stage of moral support and to take effective steps to put a halt to the conduct of Israel, which still regards might as right. We must put an end to the era of impunity and impose upon Israel the sanctions that it deserves.

114. It is to respond to this requirement, to defend the principles of the Charter, to strengthen the Organization and safeguard international peace and security that we have been called here in emergency special session. The draft resolution to be voted on, which Tunisia is co-sponsoring [A/ES-9/L.1], constitutes the logical conclusion and the appropriate response to the gravity of the situation. Let us act in unanimity on this and live up to our responsibilities.

115. Mr. NOWAK (Poland): The debates on such items on the agenda of the thirty-sixth session of the General Assembly as the situation in the Middle East, the question of Palestine, the Israeli attack on Iraqi nuclear installation and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories gave us a clear picture of the policies pursued by Israel.

116. In those debates and in the resolutions that were adopted, it was once again pointed out that the grave and explosive situation which persists in that sensitive region

calls for a settlement that can ensure peace. It was emphasized that a comprehensive, just and lasting peace in the region cannot be established without the withdrawal of Israel from all the Arab territories it has occupied since 1967, including the Arab part of Jerusalem, without the achievement of a just solution of the problem of Palestine based on the recognition of the inalienable rights of the Palestinian people, including its right to the establishment of its own independent State, or without the safeguard of the sovereignty and security of all the States of the region.

117. The debates emphasized more strongly than ever before that, as long as it remains unresolved, the question of Palestine—which is the crux of the problem of the Middle East—contributes greatly to the continuing existence of one of the most dangerous hotbeds of tension in the world, thus posing a serious threat to international peace and security.

118. The General Assembly heard numerous accounts of Israel's non-compliance with United Nations resolutions and of measures taken by the Israeli authorities in pursuing their policy of creeping annexation of the Arab territories.

119. As a whole, the Members of the United Nations condemned the bombing by the Israeli air force of the Iraqi nuclear centre as an unprecedented act of international terrorism.

120. To a long list of Israeli acts of aggression there has recently been added yet another hostile act against its neighbours. With indignation, the world has learned of Israel's decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights. In fact, those measures were intended to change the status of the Golan Heights from that of an occupied territory to that of an annexed territory. This was done in open violation of international law and in defiance of international public opinion.

121. In its resolution 497 (1981), the Security Council declared the Israeli decision to be null and void and without international legal effect. It also demanded that Israel, the occupying Power, rescind forthwith its decision. The unanimous adoption of Security Council resolution 497 (1981) was a forceful expression by the international community of the universal condemnation of Israel's action. It reiterated the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations, with principles of international law and with the relevant resolutions of the Security Council. It was a clear confirmation of a principle which is the cornerstone of the international legal order.

122. By violating that principle, Israel has once again given evidence of its expansionist ambitions and of the aggressive policies it has pursued for many years against the neighbouring States. Those ambitions and policies are well illustrated in Israel's annexationist measures, whether directed against Jerusalem in 1980, or against the Golan Heights in 1981. They are reflected in the continued brutal attacks on Lebanon, where hundreds of innocent people have perished during air raids by the Israeli air force, and in attacks on Iraq and Syria—all committed under false claims of "national security" and on the pretext of ensuring "safe and recognized boundaries".

123. In its resolution 497 (1981), the Security Council decided to provide Israel with an opportunity to comply with the resolution's provisions. As might have been expected in light of previous experience of Israel's total rejection of past United Nations resolutions, the report

submitted by the Secretary-General in accordance with that resolution<sup>11</sup> left no doubt whatsoever as to the refusal of Israel to comply even with the unanimous decision of the Security Council. Israel's statements demonstrated beyond any shadow of a doubt that it has no intention of honouring its obligations under the Charter of the United Nations.

124. This emergency special session has been called to examine the question of an act of open Israeli aggression: the annexation of the Golan Heights. The lack of unanimity among the permanent members of the Security Council was apparent when, at the 2329th meeting, the United States veto prevented the Council from adopting a draft resolution which would have imposed sanctions against Israel. It thus prevented the Security Council from fulfilling its primary responsibility for the maintenance of international peace and security.

125. That was not the first time that, when dealing with the most urgent issues of the situation in the Middle East, the Security Council has met with an attitude not only of tolerance, but also of support for the aggressor whose policy has for years been making it impossible to reach a lasting and just solution to the Middle East conflict. For behind the smoke-screen of separatist formulas and piecemeal approaches, one can easily see an encouragement for the policies of interference in the internal affairs of Lebanon, of disregard for the rights of the Palestinian people, of annexation of the occupied Arab territories, of increasing tension in the region and of hampering all true efforts towards peace in the Middle East.

126. The annexation of the Golan Heights obviously endangers both peace in the region and international security, because it increases tension in the Middle East and aggravates an already serious situation. It places yet another obstacle on the road leading to a comprehensive, just and lasting solution of the crisis. It is directed against the international community as a whole, as it defies the norms of international law and the international code of conduct. It is an act which violates both one of the most fundamental principles of the Charter of the United Nations and the relevant resolutions of the Security Council and the General Assembly. Last but not least, it constitutes a link in the well-known chain of actions characterizing the Israeli policy of *faits accomplis*.

127. The proper conclusions must be drawn by the international community from Israel's open contempt for the United Nations and its disdain for the decisions of the United Nations organ responsible for maintaining peace and international security. Attempts made both in the General Assembly and in the Security Council to divert the attention of Member States from the real issue at stake by the interjection into the debates dealing with the annexation of the Golan Heights of extraneous matters—extraneous specifically to those debates and generally to the United Nations—have utterly failed.

128. The course of action before Members of the United Nations is clear. It derives from the explicit provisions contained in the Charter. The Israeli measures concerning the status of the Golan Heights must be strongly condemned without delay or hesitation. Israel must at last realize that in the final accounting the policy of aggression does not pay, that one cannot strengthen one's national security by diminishing the security of others and that the norms and principles of international law cannot be changed by arbitrary, illegal decisions.

129. Such a condemnation must be strong enough to prevent future aggressive Israeli actions and to protect the sovereign rights of the Syrian Arab Republic and

other Arab States in the occupied territories. The role of the United Nations, and of the Security Council in particular, in maintaining international peace and security and preserving the territorial integrity of Member States must be emphasized in the strongest terms. Likewise, the

immediate withdrawal of Israel from all occupied Arab territories should be stressed as one of the prerequisites for a comprehensive solution of the Middle East conflict.

*The meeting rose at 1.05 p.m.*