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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 6th MEETING

held at the Palais des Nations, Geneva,  
on Thursday, 4 February 1982, at 10.30 a.m.

Chairman:

Mr. GARVALOV

(Bulgaria)

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The meeting was called to order at 10.55 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1481, E/CN.4/1482, E/CN.4/1483 and Add.1; A/36/706-S/14762)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1477 and Add.1, E/CN.4/1487, E/CN.4/1490, E/CN.4/1491, E/CN.4/1498, E/CN.4/1982/3, E/CN.4/1982/6)

1. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that, judging from the documents before the Commission on the subject of the occupied Arab territories, and in view of recent events, the situation in the Middle East appeared to have deteriorated, owing to Israel's intensified policy of aggression in the region. In pursuance of that policy, Israel was supported by its strategic ally, the United States, and its position had been strengthened by the signing of the Camp David accords. Examples of that aggressive policy were not lacking: the attack on the Iraqi nuclear installations, the shelling in Lebanon and the decision of the Knesset to annex the Golan Heights. Moreover, Israel was pursuing a policy of annexing the Arab territories occupied in 1967, where it was violating the human rights of the Arab population by establishing Jewish settlements and spreading terror. In doing so, it was flouting not only the most elementary human rights, but also the universally recognized rules of international law.

2. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had pointed out, in its last report (A/36/579), that the population of the occupied territories were denied their most basic rights and that the situation in those territories constituted a threat to international peace and security (para. 401). It appeared from that report that the Tel-Aviv authorities were considering establishing some 70 new settlements between 1980 and 1985 (paras. 31, 33) and that, in the period between October 1980 and June 1981 alone, a total of \$US 62.5 million had been allocated for projects of that nature (para. 35).

3. The Israeli Government made no attempt to conceal its intentions towards the Arab occupied territories. The Israeli Prime Minister himself had declared that his country would not abandon any area in the occupied territories (para. 56) and the Minister of Agriculture had stated that Israel was going to create a sound economic foundation for the Jewish settlements (A/36/579, para. 55). Israel had imposed a reign of terror in the occupied territories. Since the beginning of the occupation, the Israeli authorities had detained, at one time or another, more than 200,000 persons, that is to say, one-fifth of the total population of the territories in question. The Special Committee had also been concerned at the very bad conditions in which persons were being held in Israeli prisons.

4. Israel was persisting in its senseless policy, despite protestations from the international community and in defiance of the resolutions adopted by the United Nations and, more particularly, by the Commission on Human Rights. Since the Camp David accords, the Israeli Government had stepped up its activities. Israel was still occupying part of the territory of neighbouring Arab States, where it was exercising rigorous control, with a view to incorporating the confiscated portions of territory into the State of Israel. A de facto occupation was thus being replaced by a de jure annexation, as in the case of the eastern sector of Jerusalem.

5. In December 1981, Israel had committed yet another illegal act by annexing the Golan Heights, to the indignation of the entire world. The Security Council of the United Nations had declared Israel's action null and void and had demanded its immediate cancellation. In its resolutions 446 of 1979 and 465 of 1980, the Security Council had already emphasized that all measures taken by Israel to change the physical or geographical character and the demographic composition of the territories occupied in 1967, including Jerusalem, had no legal validity and constituted a violation of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. It was reasonable to suppose that Israel had been encouraged to occupy the Golan Heights by the conclusion of its agreement on strategic co-operation with the United States. The so-called suspension of that agreement was merely a manoeuvre which could deceive no one.
6. The Commission on Human Rights and the General Assembly had recently reaffirmed, in their respective resolutions 1 (XXXVII) and A/36/147, that Israeli policy constituted a violation of the most basic human rights of the population of Palestine and of the other occupied Arab territories; they had also called for the revocation of all measures taken by the Israeli Government to annex territories, establish settlements, etc. However, that Government was paying no attention to those demands, for it was continuing to benefit from the support of the United States, which was providing it with thousands of millions of dollars and defending its cause before the world. As would be remembered, at the last session of the General Assembly, the United States delegation had not approved any of the seven draft resolutions submitted on the Middle East question and had voted against three of them. The United States had also used its veto in the Security Council to prevent the adoption of a resolution providing for sanctions against Israel following the annexation of the Golan Heights.
7. The Byelorussian SSR had always condemned the measures taken by Israel, all of which stemmed from its basic crime: its persistent occupation of the Arab territories. The only remedy against those violations of human rights was to find a global settlement in the Middle East. In view of recent events, it was essential to arrive at a just solution to that problem within the framework of an international conference in which all the interested parties, including, of course, the Palestine Liberation Organization, would be represented. At the Twenty-sixth Congress of the Communist Party of the Soviet Union, Mr. Brezhnev had expressed himself in favour of such an approach, in keeping with the Soviet Union's basic stand on that issue.
8. The Byelorussian delegation therefore hoped that the Commission on Human Rights would condemn Israeli policy in the occupied Arab territories and insist that an end be put to the violations of human rights in those areas. It was ready to participate in the formulation of proposals to that end.
9. Mr. SALAH-BEY (Algeria) said that the international community would have to continue to concern itself with the fate of the Palestinian people so long as that question remained unresolved and peace in the region continued to be threatened. Despite the numerous resolutions and decisions adopted by the United Nations and other international bodies to demonstrate their support for the Palestinian cause, the Zionist entity was pursuing its acts of international piracy and its terrorist and expansionist policy and was continuing its illegal occupation of Arab and Palestinian territories. In view of the Zionist challenge, it was the Commission's duty to reaffirm that the unacceptable could never become a fait accompli and to reject the institutionalization of a policy based on oppression, hatred and racial discrimination.

10. The Zionist régime was seeking to impose its law on the entire Middle East region, as its latest act - the annexation of the Golan Heights - had shown. That decision proclaimed the very nature of Zionism which, for three decades, had been practising the policy of the fait accompli and State terrorism, attacking neighbouring countries and seizing their territories by force.

11. It would be recalled that at its last session, the General Assembly had strongly condemned, in its resolution A/36/147, the persistent occupation by Israel of the Palestinian territory and other Arab territories, including Jerusalem, and had called for the immediate, unconditional and total withdrawal of Israel from all the occupied territories. The General Assembly had also rejected all partial agreements and separate treaties which ran counter to the establishment of a just and lasting peace in the Middle East and had expressly condemned Israeli policy in the occupied Syrian territory of the Golan Heights, with all its measures against Syrian nationals in that area. The Assembly had declared that all those measures were null and void and constituted flagrant violations of the Fourth Geneva Convention of 1949. Lastly, it had called for strict respect for the territorial integrity, sovereignty and independence of Lebanon, so that the Lebanese State could re-establish its exclusive jurisdiction over all its territory.

12. Furthermore, in its resolution A/36/157, the General Assembly had declared null and void the Israeli Government's decision to apply its legislation to the Golan Heights and had deplored the persistence of the Zionist policy of annexation. The Assembly had demanded that Israel should rescind its decision forthwith, as well as all the other measures which constituted a flagrant violation of international law. Lastly, it had requested the Security Council to apply chapter VII of the Charter in the event that Israel failed to implement that resolution. The United States veto had unfortunately prevented the Security Council from having recourse to the enforcement measures provided for in the Charter. In other words, some countries were voluntarily associating themselves with the criminal designs of a racist policy by lending Israel political and military assistance. Such provocation was solely attributable to the willingness of imperialistic circles to support the Israeli régime.

13. Although Israeli practices in the occupied Arab territories, including Palestine, had been unanimously condemned time and again, the most basic rights continued to be flouted. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had noted, in its last report (A/36/579), that the Israeli Government had intensified its policy of annexing occupied Arab lands and violating the fundamental rights of the Arab population subjected to Zionist domination. That situation, the Committee had declared, constituted a more serious threat than ever to international peace and security and the international community should intervene by every possible means in order to put an end to it.

14. Israel's deliberate policy took the form of systematic challenges, based on violence and oppression. Cases of torture, collective punishment, arbitrary arrest and the most unjust sentences were increasing in number. The confiscation of land and property, the establishment of new settlements and seizure of the wealth of the Palestinian subsoil were proceeding on an all-out scale. That policy, aimed at changing the character of the occupied territories, was contrary to all the rules of international law and, in particular, the Fourth Geneva Convention of 1949; it could only hamper the efforts being made to achieve a peace which was already compromised by the attitude of the Zionist State.

15. The international community could not remain indifferent in the face of those grave and persistent acts of aggression. The Commission on Human Rights should therefore take practical and vigorous action, as a matter of urgency.
16. Inasmuch as the Palestinian problem was at the core of the Middle East crisis, the settlement of that crisis must necessarily entail the realization of the inalienable national rights of the Palestinian people. Those rights included the right of that people to self-determination and to organize themselves within the institutional framework of their own free choice. Any partial or compromise solution which ignored the rights of the Palestinian people would only aggravate the situation and jeopardize peace in that strategic part of the globe. That was why the Camp David accords and the Washington agreement, which implied the abandonment of the Palestinian cause, had been strongly condemned by the international community. Still less could the Palestinian question be solved by so-called self-government. The new Zionist policy in the occupied Arab territories aimed at perpetuating their occupation and denying Palestinian people the right to self-determination and to found their own State under the aegis of their sole legitimate representative, the Palestine Liberation Organization.
17. The Palestine question was still being discussed in international forums because the Israeli occupation had been going on since 1947. That showed the similarity of that question to the question of the violation of human rights in southern Africa. There was a significant collusion between Israel and South Africa in their campaign of racism and apartheid, which constituted a danger to the international community owing to the fact that the two régimes were committing war crimes and crimes against humanity in the meaning of The Hague Convention respecting the Laws and Customs of War on Land and the Universal Declaration of Human Rights.
18. The Commission on Human Rights could not fail in its traditional, eminently humanitarian task, but should help to alleviate the distress of a people deprived of its rights. The persistence of the illegal, the odious and the unacceptable could not be met with indifference. It was the duty - to the point of involving even their honour - of the United Nations, other international bodies and the Commission, in particular, to speak out against the situations created by massive and persistent violations of fundamental human rights.
19. Mr. SOFFER (Observer for Israel) called attention to the biased nature and unreliability of the latest report of the so-called Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/36/579); those features, moreover, had already characterized its earlier reports. The presence and activities of the Committee did not stem from solicitude for human rights, but from an attempt to arouse world opinion against Israel, and the image it conveyed of the situation was thereby distorted. His delegation intended to set the facts in their true light for the Committee.
20. The Special Committee purported to study the situation in the territories, without considering its unique circumstances. It completely disregarded the reasons for Israel's presence in the territories and therefore approached the subject from an unbalanced and improper perspective. It should be remembered that Israel had been the victim of a war of aggression in 1967, and had taken control of those territories after hostile Arab countries had attempted to destroy it. Israel's administration therefore stemmed directly from Arab aggression and any other "explanation" put forward was simply a blatant falsification of history.

21. According to experts in international law, the Fourth Geneva Convention of 1949 was not legally applicable to the sui generis situation in the territories currently administered by Israel, particularly since those territories had never been under the "legitimate sovereignty" of Jordan in the case of Judea and Samaria, or of Egypt in the case of the Gaza Strip. The Jordanian presence in Judea and Samaria from 1948 to 1967 was the result of an invasion and the unilateral "annexation" of those territories in 1950 by Jordan had no legal basis and had been recognized by only two countries in the world. Egypt had conquered the Gaza Strip in the 1948 war and had never attempted to claim it as Egyptian territory. Therefore Israel could not be considered an occupying power within the meaning of the Convention; it was merely exercising its right under international law to administer those territories. It was necessary to stress, however, that, since 1967, the Israeli Government had voluntarily applied and indeed exceeded, in respect of the protection and welfare of the territories' inhabitants, all the humanitarian provisions of The Hague Regulations and the Fourth Geneva Convention and that it had consistently ensured that its civil and military organs abided by them as if they were binding and applicable.

22. The inhabitants of the territories participated democratically in managing their domestic affairs, which was more than they had been allowed to do in 19 years of Arab rule, and they enjoyed improved living conditions. Despite the PLO attempts at sabotage, free municipal elections had been held in Judea and Samaria in 1972 and 1976, and elected candidates who were radical PLO supporters had been accepted like the rest by the Israeli authorities. Jordanian legislation was enforced in Judea and Samaria, and Egyptian legislation in the Gaza Strip. Israel had never executed a single terrorist, and arrested terrorists were given a fair trial in open court. Under the Camp David accords, Israel had encouraged the population of Judea and Samaria to establish their own autonomous administrative councils and, in November 1981, had replaced the military governor of the administered territories by a civilian administration. The Israeli legal system, with its well deserved reputation for independence, integrity and impartiality, guaranteed the rights of the population of the administered territories just as it did for Israeli citizens. The inhabitants of the territories could, for example, petition the Israeli High Court of Justice against the Government of Israel, its ministers and its civil servants, as well as against members of the civilian administration; they could submit habeas corpus applications in cases of arrest which they believed to be illegal.

23. Unlike prior to 1967, there was complete freedom of the press in the administered territories. Arabic language dailies and other journals, even hostile to Israel, appeared freely, the only line being drawn at incitement to violence and terrorism. Everyone was free to follow the radio or television programme of his choice, whether it came from Jerusalem, Cairo, Amman, Beirut or Damascus.

24. On 28 June 1967, the Israeli Government had promulgated the Protection of Holy Places Law which guaranteed members of all religions freedom of worship and access to their respective holy places, which were administered by representatives of the religions concerned. There were special religious schools for Moslems, and religious teachers and university students were allowed to receive training in Arab States.

25. The inhabitants of Judea, Samaria and Gaza, as well as tourists and visitors, enjoyed complete freedom of movement. Under the "open bridges" policy, they could visit Jordan and other Arab States for personal or business reasons and return freely to their homes. Every year, more than 400,000 Arabs availed themselves of that liberty, and 150,000 coming from Arab countries were granted permits for prolonged visits to Judea and Samaria. Some 70,000 Arabs living in the administered territories were gainfully employed in Israel.

26. Israel had made a special effort to introduce quantitative and qualitative improvements into the education system. Before 1967, there had been no university in Judea and Samaria; today, that region had 13 institutions of higher learning, including four universities. The number of children attending school, especially girls, had increased considerably. The total number of classrooms in all the administered territories had risen by 80 per cent since 1967, and the total funds allocated by the Israeli Government to education in the territories had increased by more than 4,000 per cent between 1967 and 1981. The authorities had occasionally been compelled to close certain educational facilities temporarily, following outbreaks of violence.

27. The rising standard of living and of primary health care as well as of specialized health services had led to conspicuous improvements in the health of the population of the administered territories. Hospital services and medical training institutions had expanded quantitatively and qualitatively, as had the preventive, diagnostic, curative and rehabilitative services available to all residents of the territories.

28. Since 1967, the Israeli Government had successfully promoted rapid economic growth in the administered territories. The per capita gross national product had grown faster than in Israel, Egypt, Jordan, Syria, Iraq and Lebanon. Agricultural output and the industrial growth rate had both risen by approximately 11 per cent per annum. The most striking phenomenon was that unemployment had been reduced to one per cent.

29. Unfortunately, there were those who strove to undermine security in the region. The PLO campaign of terror had claimed 2,396 victims in 14 years in Judea, Samaria and Gaza alone. Those who sought to create disturbances should not expect to go unpunished. The Israeli authorities had no choice but to counter incitement, intimidation and ruthless terror with the appropriate measures - including the demolition of houses, which the Fourth Geneva Convention authorized in certain instances. However, the number of houses demolished was small and steadily decreasing; only 35 houses had been demolished during the last four years. The report of the Special Committee contained totally unfounded allegations concerning ill-treatment and torture of prisoners by Israeli officials, whereas it merely noted the reports prepared by non-governmental organizations, particularly Amnesty International and the International Federation of Human Rights, without mentioning their conclusions. In its report published in December 1980, the International Federation of Human Rights concluded that thorough medical examinations of security prisoners had not revealed any trace of physical or psychological torture or mistreatment. Similarly, in its 1981 report, Amnesty International stated that it had found no evidence of any torture or mistreatment in Israel or in the administered territories, whereas it contained horrifying descriptions of systematic torture and mass executions in many Arab countries. It should be noted that Israel

was the only country in the world that allowed representatives of ICRC to visit any prisoner or detainee within 14 days of detention, and thereafter on a regular basis, and to talk with him, without witnesses being present. Indeed, in their desire to respect the civil rights of security detainees, in Israel and in the administered territories, the Minister of Justice of Israel and other Israeli officials closely followed the situation of the detainees, who were allowed to have frequent visits from defence counsel of their choice and had the right to appeal to the high courts of Israel. It should be emphasized that only six persons were being detained for security reasons in the territories administered by Israel. The Knesset had recently enacted legislation stipulating that every proposed case of administrative detention must be reviewed and approved by a civilian court judge before it could take effect.

30. The Special Committee dealt extensively in its report with the subjects of land acquisition and Jewish settlements. Land had always been acquired in accordance with procedures conforming fully with local and international law, particularly articles 52 and 53 of The Hague Regulations. Most land acquired in the administered territories had been purchased privately, through free transactions. It was true that some land had been appropriated from absentee landlords, but when they had been located, the landlords had been offered the choice of due compensation or other land. Any property owner who was dissatisfied with the offer made to him had the right of appeal to the Supreme Court of Israel. In the Eilon Moreh case, land had been requisitioned in order to establish an Israeli settlement, and the owners had exercised their right to file a petition. The Israeli High Court of Justice had upheld the petition, annulled the requisition order and ordered the removal of the settlers. That decision had been fully implemented. It had been claimed that Jewish settlements were an obstacle to peace. If such was the case, Israel would have made peace with its neighbours long ago. From 1948 to 1967, Egypt and Jordan had controlled the Gaza Strip, Judea and Samaria and there had been no Israeli settlements in those areas. There was therefore no "obstacle" to peace, and the truth was that the Arabs had refused even to discuss peace.

31. In its report, the Special Committee stated that Israeli settlements in the territories violated article 49 of the Fourth Geneva Convention. Such a contention disregarded the circumstances in which the Convention had been drafted. According to experts in international law, article 49 (1) forbade forcible transfers and deportations of the type carried out by the Nazis during the Second World War. Article 49 (6) covered the case of an occupant which displaced the inhabitants of an occupied territory in order to settle its own nationals in it. It so happened that the overwhelming majority of Jewish settlements had been established in uninhabited areas and that no indigenous Arab population had been displaced. On the contrary, there had been a 20 per cent increase in the Arab population of the territories since 1967. Israel had also allowed 45,000 Arabs to return to the administered areas as permanent residents, under the family reunion programme. Some international organizations had not regarded those developments as "demographic changes", but the same organizations viewed the settlement in Judea, Samaria and Gaza of only 17,000 Jews, who formed 1.5 per cent of the total population of those regions, as such a change. According to the new international slogan, it was wrong for Jews because they were Jews, to live among Arabs. That racist philosophy was the same as that embodied in the Nazi PLO Covenant. The condemnation of Israeli settlements was similar to the Nazi plan for creating an area that was "Judenrein", an area free of Jews.



32. Israel should therefore be commended rather than condemned for its efforts to maintain order, security and justice in the administered territories.

33. It was ironical that many of those who campaigned against Israel in the Commission on Human Rights had been condemned by other international organizations for serious human rights violations. The Commission had shown little interest in the most flagrant illegal actions and human rights violations occurring throughout the world. It was deplorable that many manifestations of slavery, international terrorism, political murder and mass executions had never been seriously considered. The real principles of human rights had been buried in a flood of verbose resolutions, each more detached from reality and inapplicable than the one before. The condemnation of all Israel's actions created a diversion, distracting attention from international events and situations. Indubitably, Israel was accused of terrorism by terrorists, police tactics by police States, torture by torturers and racism by racists. Israel's measures against terrorists were denounced, but the terrorist acts themselves were ignored. Such bias and hypocrisy applied to human rights constituted a flagrant violation of the Charter of the United Nations.

34. The Israeli delegation appealed to the members of the Commission to desist from groundless condemnation of their country. False accusations could only harm the status, credibility and effectiveness of the Commission and weaken the United Nations.

35. His delegation appealed to the Commission to take positive steps towards peaceful co-existence between Israel and all its Arab neighbours. The Camp David accords provided a solid and practical basis for a peaceful solution to all aspects of the Arab-Israeli dispute, including the important question of the Palestinian Arabs. They envisaged for the Palestinian Arabs residing in Judea, Samaria and Gaza an active role in shaping their future, by participating fully in the negotiations which would determine the final status of the areas in which they lived. The Palestinian Arabs were offered greater opportunities for self-government, prosperity and a peaceful existence than they had ever had before. Regrettably, the continuation of the peace process had been frustrated by those who preferred terrorism to negotiation, dogma to democracy and war to peace. It was to be hoped that all that would soon change, and that genuine negotiations would take place, and culminate in a comprehensive and permanent settlement. Israel, for its part, continued to believe that the future would bring peace, co-operation and mutual respect to all people in the Middle East. The Government and people of Israel would therefore continue to strive for the realization of those goals, for the benefit of the region and all mankind.

36. In his statement at the previous meeting, the representative of the Syrian Arab Republic had shed crocodile tears over the "illegal Israeli occupation". The Syrian representative should be the last person to speak about occupation. Since the Syrian army had invaded and occupied Lebanon in 1976, in the guise of an "Arab Deterrent Force", it had controlled and strangled the sovereign State of the Lebanon. Syrian troops in Lebanon had implemented a policy of genocide against the Lebanese Christians and had caused the death of tens of thousands of Lebanese citizens. It was ironic and deplorable that the Commission did not concern itself with those crimes perpetrated against the Lebanese people.

37. Syria also encouraged and supported terrorist attacks against Israel and had helped the PLO to establish a lethal infrastructure in southern Lebanon. In addition, it had twice attempted to conquer Jordan and had permanent territorial claims on Turkey and Iraq. Arab leaders themselves, such as Khaled Sultan, a Kuwaiti deputy, Saëb Salam, a former Prime Minister and Salim Hoss, a former Prime Minister, denounced that policy of Syria.

38. Mr. DAOUDY (Syrian Arab Republic), speaking on a point of order, said that he had spoken at the preceding meeting on the question of the occupied Golan Heights because it was an occupied territory which was referred to in the report of the Special Committee and was on the Commission's agenda. That was not true of the comments which had just been made with regard to Lebanon.
39. Mr. SCHIFTER (United States of America), speaking on a point of order, said that the statement of the representative of Syria violated rule 42, paragraph 2, of the Commission's rules of procedure.
40. Mr. SOFFER (Observer for Israel), continuing his statement, also quoted Mr. Joumlatt, head of the Lebanese National Movement, who, on 8 January 1982, had said: "They wanted to make Beirut into a horrible, tainted, anarchic, sectarian town. They wanted to turn it into the dustbin of the world and of history ... our only hope is that this will be the end of our ills and that the forces of legality will assume their responsibilities fully."
41. Mr. DAOUDY (Syrian Arab Republic), speaking on a point of order, asked the Chairman whether the question of the occupied Golan Heights was on the agenda. In his view, the Parliament's decision in December 1981 to annex the Golan Heights was covered by the agenda; however, that was not true of the Syrian presence in Lebanon, whose renewal had been requested by the Lebanese Government several days previously. The statement made by the representative of the United States merely proved that that country and Israel were in complete agreement.
42. Mr. SCHIFTER (United States of America), speaking on a point of order, repeated that the statement made by the representative of the Syrian Arab Republic violated rule 42, paragraph 2. Furthermore, Syria's presence in Lebanon was covered by agenda item 9, concerning the rights of peoples to self-determination; the point of order raised by the representative of Syria was therefore irrelevant.
43. Mr. DAOUDY (Syrian Arab Republic), exercising his right of reply, said that he found the United States representative's comments amazing. Had that representative forgotten that there was a Lebanese Government, which was represented at the United Nations? Did he believe that Israel should defend Lebanon?
44. Mr. SCHIFTER (United States of America), reiterating his point of order, requested that rule 42 be observed.
45. The CHAIRMAN, wishing to avoid further points of order, asked the observer for Israel to conclude his statement. He proposed then to give the representative of the Syrian Arab Republic an opportunity to exercise his right of reply in respect of that statement.
46. Mr. SOFFER (Observer for Israel) referred to the Syrian Army's attacks against Israeli villages in Galilee in 1947 and pointed out that on 30 July 1949 an armistice had been signed between Israel and Syria. Since then, however, Syria had refused to recognize Israel's right to existence. It had used the topographical advantage of the Golan Heights for shelling, making the lives of thousands of people a nightmare, as well as for terrorist infiltration. The current occupation of the Golan Heights by Israel was justified under international law; the occupier could remain until a peace treaty was concluded. The Syrian Government's belligerence and expansionism threatened not only Israel's security, but also peace in the Middle East.

47. Mr. SOLA VILA (Cuba) said that the observer for Israel had spoken hypocritically about the situation in the Arab occupied territories. That occupation violated the right to self-determination of the Palestinian people, who could therefore legitimately have recourse to all forms of struggle to recover that right, under the leadership of the Palestine Liberation Organization, which was its sole representative. Since 1967, Israel had imposed its will on the Arab occupied territories in accordance with its national interests, invoking its security for that purpose, while in fact the lack of security in the region was the result of its aggressive expansionism. Israel did not heed the decisions of the United Nations, the Islamic Conference, the Summit Conference of the Non-Aligned Countries or the Commission on Human Rights. The persecution and crimes committed daily in the occupied territories, the shelling of defenceless populations, the bombing of the Tammuz power station in Iraq and the annexation of the Golan Heights were part of Israel's strategy, which was linked to that of the United States of America, which wished to thwart the aims of the Arab countries. Israel could always count on political, military, and economic support from the United States and on that country's veto in the Security Council. It was significant that its other ally was South Africa and that it also had ties with the fascist régimes of Latin America. There could be no peace in the Middle East until the crucial problem of the Palestinian people was solved, and the Commission must condemn Israel for its policy in the occupied Arab territories.

48. The CHAIRMAN, referring to rule 76 of the rules of procedure, said that, in the absence of objection, he proposed to give the floor to the observer for the International Indian Treaty Council.

49. Mr. BURNSTICK (observer for the International Indian Treaty Council), speaking at the invitation of the Chairman, first drew attention to the fact that his organization represented 98 Indian nations in the western hemisphere, enjoyed consultative status with the Economic and Social Council (category II) and was a member of the Committee of Non-Governmental Organizations on Human Rights. The Indian people of the western hemisphere had followed the human rights situation in the territories occupied by Israel closely for a number of years. There were striking parallels between the history of the Indian people and the Palestinian people. Current developments in the occupied territories, particularly on the West Bank and in the Gaza Strip, bore an uncomfortable resemblance to the colonization of the Indian people.

50. The colonization and genocide of that people had begun with the removal policy based on the United States Indian Removal Act of 1830. Then, between 1840 and 1900, the reservation policy had been applied in order to limit Indian areas and open up more land for non-Indian settlement. Between 1887 and 1935, the assimilation policy based on the Dawes Act of 1887 had been aimed at completing the expulsion of the Indians and settling non-Indians around the remaining Indian land areas. Between 1934 and 1950, the "self-government" policy based on the Indian Reorganization Act of 1934 had been introduced to establish an Indian élite to carry out the policies of the colonizer. In the 1950s and 1960s, the Indians had been relocated in urban centres and since 1950 the "termination policy" had been applied to end reservation status and force Indians to integrate into the surrounding non-Indian society.

51. Thus the colonization and genocide of an entire people had taken more than a century and still remained to be completed because of Indian resistance. In the Arab occupied territories the same pattern was being repeated, but compressed into a relatively short period of time. The policies applied had different names, but their effects on human rights were the same. The encirclement of Palestinian

populations by Israeli settlements, the breaking-up of Palestinian villages, the proposed self-rule plan for the West Bank and the Gaza Strip, the control of Palestinian resources by the occupier and the attempts to establish a Palestinian ruling élite controlled by the colonizer all boded ill for the survival of the national and cultural identity of the Palestinian people. The International Indian Treaty Council urged the members of the Commission, who adhered to the principles set out in the Universal Declaration of Human Rights, not to allow the repetition of a tragedy.

52. The CHAIRMAN drew attention to the General Assembly's guidelines concerning rights of reply: the maximum duration of such replies was 10 minutes the first time and five minutes the second; observers could make statements of the same length.

53. Mr. DAUDY (Syrian Arab Republic), exercising his right of reply, deplored the fact that, in his statement, the observer for Israel, had denigrated the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories by accusing it of being biased and unreliable and adopting an unjust approach. However, that Committee represented the United Nations and its members had been selected by the President of the General Assembly; they were honourable people who had shown considerable objectivity. In fact, Israel had not deigned to answer their questions. How could it accuse of being biased a body which it treated with such contempt?

54. The observer for Israel alleged that in 1967 Syria, Egypt and Jordan had attacked Israel, which was therefore in mortal danger, and that it had had to occupy the Arab territories in order to defend itself. The fallacy of such a claim was clear from the statements made by Israelis themselves. In 1968, several Israeli generals had in fact stated that Israel was not in mortal danger and had not been forced to attack, but had wanted war. He also quoted from the book written by two Israelis, entitled "La guerre secrète d'Israel", which referred to secret meetings between Israel and the United States in May 1967 and plans submitted to the United States concerning an attack against Nasser. According to that book, members of the Israeli general staff had met high-ranking United States officials at that time and one of the latter had asked: "What are you waiting for to attack Syria?" He could provide the Commission with the names of the authors of the book and the publisher.

55. With regard to the events of 1947 referred to by the observer for Israel, he drew attention to the fact that his country had controlled a demilitarized area at that time from which it had subsequently withdrawn; Israel had occupied the area, sending in bulldozers to develop it. The Syrian forces had fired on the bulldozers and not on villages as the observer for Israel had claimed. He also observed that, in 1952, Syria had had to appeal to the Security Council concerning Israel's diversion of the waters of the Jordan river; the Council had considered that such action violated the armistice agreements.

56. The way in which the observer for Israel claimed legality for the occupation of the Arab territories was based on a strange interpretation of international law. That observer had even spoken of advantages of the occupation for the Arabs; that false argument was reminiscent of the colonial justification which South Africa continued to invoke in Namibia. The observer for Israel had also spoken of his country's will to defend itself: but had Israel been defending itself when it had attacked the Tammuz reactor, which, according to the International Atomic Energy Agency, had been built for peaceful purposes? Lastly, with regard to Syria's

presence in Lebanon, he drew attention to the Lebanese Government's protest following an attack by Israel; he reminded the representative of the United States of America that his country had supported the aggressor at that time.

57. Mr. SCHIFTER (United States of America), exercising his right of reply, said that he was not acquainted with the book quoted by the representative of the Syrian Arab Republic. Whether or not the book mentioned a plot prior to the 1967 war, any such allegation was false.

58. Mr. DAOUDY (Syrian Arab Republic) confirmed the existence of the book, entitled "La guerre secrète d'Israel", which had been written by two Israelis, and of the phrase he had quoted: "What are you waiting for to attack Syria?". If the representative of the United States of America was not acquainted with the book, he could consult the United Nations library or request the State Department to send him a copy.

The meeting rose at 12.45 p.m.