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CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/2157)	1
Adoption of the agenda	1
The situation in the occupied Arab territories:	
Report of the Security Council Commission established under resolution 446 (1979) (S/13450 and Corr.1 and Add.1)	1

NOTE

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

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

2157th MEETING

Held in New York on Thursday, 19 July 1979, at 3.30 p.m.

President: Mr. Ivor RICHARD
(United Kingdom of Great Britain and Northern Ireland).

Present: The representatives of the following States: Bangladesh, Bolivia, China, Czechoslovakia, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Provisional agenda (S/Agenda/2157)

1. Adoption of the agenda
2. The situation in the occupied Arab territories:
Report of the Security Council Commission established under resolution 446 (1979) (S/13450 and Corr. 1 and Add. 1)

The meeting was called to order at 4.10 p.m.

Adoption of the agenda

The agenda was adopted.

**The situation in the occupied Arab territories:
Report of the Security Council Commission established under resolution 446 (1979) (S/13450 and Corr.1 and Add.1)**

1. The PRESIDENT: In accordance with the decisions taken at the 2156th meeting, I invite the representative of Jordan to take a place at the Council table. I invite the representatives of Egypt and Israel and the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to take the places reserved for them at the side of the Council chamber. I invite the representative of the Palestine Liberation Organization to take a place at the Council table.

At the invitation of the President, Mr. Nuseibeh (Jordan) took a place at the Council table, Mr. Abdel Meguid (Egypt), Mr. Lamdan (Israel) and Mr. Roa Kouri (Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People) took the places reserved for them at the side of the Council chamber and Mr. Terzi (Palestine Liberation Organization) took a place at the Council table.

2. The PRESIDENT: I wish to inform members of the Council that I have received a letter from the representative of the Syrian Arab Republic in which he requests that he be invited to participate in the discussion of the item on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in

accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. El-Choufi (Syrian Arab Republic) took the place reserved for him at the side of the Council chamber.

3. Mr. BISHARA (Kuwait): Mr. President, I congratulate you sincerely on your assumption of the presidency of the Council for the month of July. This presidency is your pleasant finale after five years of distinguished service in the United Nations, in which you served the cause of your country brilliantly. Relations between the United Kingdom and Kuwait have always been excellent, always splendid, and they date back for some years. I must say, in all fairness, that the British in my country have sometimes overstayed their time on the parking meter. We wish you the best in your future career. The Council will miss you. We who have known you for a long time, both outside the Council and in the work of the Council, have benefited greatly from your pragmatic approach.

4. I should also like to express with appreciation our gratitude to your predecessor, Mr. Troyanovsky of the Soviet Union, for the skilful manner and the dignified style in which he handled the proceedings of the Council for the month of June. We place on record our admiration for the way he led the Council's work during that month.

5. The members of the Security Council of the Commission established under resolution 446 (1979) merit our admiration. The report they submitted is fair, objective and important for what it states directly and for what it conveys between the lines. When the Council established the Commission, the idea was to send it to investigate Israeli practices relating to settlements. The Commission did its best under the circumstances to maintain strict objectivity. In paragraph 17, the report states that the Israeli representative informed the Commission that

"the Israeli Government had nothing to hide concerning its actions in the territories under its control; that the situation there had been freely examined by numerous impartial observers who had always confirmed the statements made by the Israeli Government, and that his Mission was not prepared to have any contact with the Commission".

6. If the Government of Israel has nothing to hide, would it not be better for its image to admit the Commission to the occupied territories to see on the spot what has been done there? If Israel says that everything is normal, what does it fear from the arrival of the Commission? The posture of righteousness that Israel assumes cannot be reconciled with its brutal refusal to admit the Commission.

7. In paragraph 23, the report states that the Israeli representative informed the Commission that

“the Government of Israel had rejected that resolution [446 (1979)] in its entirety and accordingly could not extend any form of co-operation to a Commission set up under it”.

What hypocrisy. In paragraph 17, we are told that Israel has nothing to hide; then in paragraph 23, Israel tells us that it has nothing to do with the resolution. Let us draw the attention of the Council to his dangerous treatment of the Security Council resolutions. A Member State cannot select the resolutions it likes and discard the resolutions it does not like. According to Article 25 of the Charter, Member States agree to accept and carry out the decisions of the Council.

8. Israel's defiance of the Council's resolutions is an inevitable and unavoidable result of its policy. The problem lies in the concept of Zionism, as we have been saying for a long time, and the report of the Commission, although it does not clearly state this, has left to the reader to draw the obvious conclusion. The issue of settlements cannot be detached from this concept of Zionism.

9. On 16 July, only three days ago, the world celebrated the centenary of Dr. Albert Einstein, a great scientist and humanist. He had this to say on the concept of Zionism:

“It is important to reach an understanding with the Arabs. To do this is the responsibility, not of the Arabs, not of the British, but of the Jews. And to reach such understanding is no less than the founding of new institutions in Palestine.”

10. In paragraph 45, the Commission's report speaks of the members meeting with the Minister of Information of Jordan who told the Commission that Israel's policy of settlements was a step towards the realization of the primary goal of Zionism, namely the creation of a purely Jewish State in the Middle East. That goal required that space be readily provided for new immigrants until the local Arab population could be outnumbered.

11. This statement of the Jordanian Minister is not a product of our fantasy, especially if we take note of the following. *The Guardian* of 18 June 1979 published a letter, from which the following excerpt is taken:

“In the official history of Haganah (published jointly by the Zionist Federation and the Israeli Army), the editors approvingly quote Rabbi Isaac Rulf, an early Zionist thinker. He said: ‘In our country, there is room for us. We shall tell the Arabs, “Move away”. If they do not agree, if they resist by force, we shall force them to move. We shall hit them on the head and force them to move.’”

12. Dr. Theodor Herzl, the founder of the Zionist movement, noted in his diary in the entry dated 12 June 1895 that the

“poorer section”—meaning the Palestinians—“of the indigenous population of what is to become the Jewish State must be transferred across the border”.

In fact, this plan has been systematically carried out since 1948, although in practice Israel has ignored Dr. Herzl's advice that this should be done delicately and cautiously.

13. In 1940, Joseph Weitz, then head of the Colonization Department of the Jewish National Fund and a prominent leader of the Mapai Labour Party, wrote in his diary that the Palestinian Arabs “must evacuate this small country for us” and that:

“There is no room in this country for both peoples together. . . . The only solution is . . . Eretz Yisrael . . . without Arabs. In this, there is no room for compromise.”

He further reported that, together with other top Zionist leaders, including Ben-Gurion, he worked out a detailed plan for expelling all Arabs from Palestine. This was written in his diary, published in 1965, volume 2, pages 154 and 181. In a subsequent volume of that diary, he reported how he and others worked in 1948 and 1949 under the guidance of Ben-Gurion to put that plan into effect. That was published in *The Guardian* in June 1979.

14. What is happening now in the West Bank and in Gaza is the frantic pursuit of that goal. The present Government of Israel makes no bones about its policy of colonizing Palestinian land through the establishment of massive Jewish settlements.

15. The Labour Government, which was less forthcoming, argued that the policy of settlements was followed for security reasons. Mr. Begin does not mince words. He says, “The land is ours. We inherited it from our forebears. We have the right to settle anywhere”. Unlike the former Labour Government that pegged everything on the pretext of security, Mr. Begin uses the Bible. No matter what excuse Israel uses, the goal remains the same—the realization of the concept of Zionism. And now the West Bank and Gaza are witnessing a feverish race for the establishment of Jewish settlements. The report of the Commission speaks about the ways and means used for the expulsion of the poor and defenceless Palestinians.

16. As was the case before 1967, the first thing the Government of Israel resorts to is the expropriation of the land of indigenous Palestinians. According to paragraph 44 of the Commission's report, 1,500,000 dunums have been taken by Israel. This figure constitutes 27 per cent of the total area of the occupied West Bank. With land always comes water, and that is why Israel has been diverting water—the lifeline of the poor Palestinian—to its Jewish settlements. The terrorizing and intimidation of the population usually follows the arrival of the Jewish settlers, as we have witnessed in a recently reported case, when a bunch of Jewish vandals ran amuck, beating defenceless Palestinians and destroying their homes and furniture.

17. When Mr. Sharon, the present Minister of Agriculture, was criticized for his over-zealousness in colonizing the West Bank, he said that these critics “did not understand that the issue is part of the struggle against the establishment of a Palestinian State”. Accordingly, he said: “Israel will go ahead with its settlement programme. No fifth

column will prevent it from doing so and no band of hypocrites will succeed in undermining zionism”.

18. The delegation of Kuwait expresses its sincere appreciation to the Chairman of the Commission, Ambassador Leonardo Mathias, and to its two members, Mr. Julio de Zavala of Bolivia and Mr. Kasuka Mutukwa of Zambia, for the efforts they made in producing this lucid report. We understand and appreciate the pains they took and the inconveniences they encountered in the discharge of their mission—and we apologize for those inconveniences. It was a noble mission for a noble cause, for the sake of an aggrieved people whose land is being plundered and colonized. The scolarly way in which the report has been prepared attests to the integrity and to the high quality of the members of the Commission. I am certain that, regardless of what may follow, the visit of the mission to the area has provided a glimpse of hope to people who live on borrowed time. Their cry of despair is well stated in paragraph 72 of the report.

19. The conclusion by the Commission that Israel's policy in the occupied territories is in violation of international law as reflected in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, reinforces the position of all Member States, including special friends of Israel who have always denounced this policy as illegal and as an obstacle to peace. It is also noteworthy that the Commission considers Israel's policy to be a violation of the relevant decisions adopted by the United Nations, and more specifically Security Council resolutions 237 (1967), 252 (1968) and 298 (1971), as well as other resolutions.

20. We stated in the debate held last March that Israel's behaviour in the occupied territories is immoral, illegal, condemnable and war-mongering. It is a policy of annexation of the territories, and at the same time it aims at the expulsion of the indigenous population.

21. In the Syrian Golan Heights, out of 40,000 persons, only 8,000 remain. Yesterday the Israeli representative said that no Arabs had been expelled. I wonder if he was overlooking the fact that the Syrian Golan Heights have been suffering from occupation since 1967. In the West Bank and Gaza, young Palestinians are removed from their land for any kind of trivial reason or under any pretext. The aim is to empty the land for the aliens who come with chauvinistic ideas that endanger the daily life of the helpless Palestinians.

22. The importance of the Commission's report derives from the fact that for the first time a commission of the Security Council has pronounced itself on a tragedy that has gripped the occupied territories. The Commission says “no” to the distortion by Israel of international law, “no” to Israel's violation of the Charter, “no” to the contempt with which the resolutions of the Security Council are treated, “no” to the misinterpretation of Conventions and, more importantly, to the misconception of what constitutes a meaningful peace.

23. Let no one be mistaken about the fact that peace and colonization are irreconcilable, that Jewish settlements are an invitation to confrontation, that expulsion breeds hatred,

that Begin's policy is disastrous for the area and the international community and, finally, that Israel's action makes a mockery of Israel's protestations in favour of peace.

24. According to a report by the Jewish Telegraphic Agency on 17 July 1979, a spokesman for the Israeli Mission to the United Nations told that Agency that the report of the Commission is “one-sided and includes distortions and errors”. That opinion was confirmed yesterday by the representative of Israel. But there is nothing more one-sided than the way Israel interprets the action of the United Nations. The fact of the matter is that Israel is on one side and the rest of the world is on the other. Israel's policy, actions, perceptions and concepts are at fault, and it gets irritated when the world points this fact out. Such righteous behaviour which makes its followers believe that they are the only blessed community on this globe has already endangered world peace and security. How long will the world put up with such irresponsible behaviour? How long will the world bear the consequences of the instability of the area—and we have just experienced some of those consequences? The Commission rightly notes that it

“found evidence that the Israeli Government is engaged in a wilful, systematic and large-scale process of establishing settlements in the occupied territories for which it should bear full responsibility” [S/13450 and Corr.1, para. 220].

25. What encourages Israel is the fact that the Security Council is unable to face up to the challenge Israel's policy poses. Because Israel knows that sanctions against it cannot even be contemplated, owing to the protection it gets primarily from our friends in the United States, it has indulged in a policy of territorial expansion. What the Council says is important, but its action in the face of this challenge becomes more imperative and decisive. In the absence of this possibility of action, Israel continues, unabated, its programme of colonization and expulsion, and the Palestinians have either to resign themselves to this dismal destiny or to resort to unconventional means, for the use of which they are always described and branded as unbridled terrorists.

26. My delegation accepts and endorses the recommendations of the Commission. It is obvious that those recommendations were made in full knowledge of the limitations of the Council. There is no condemnation, no intimation of sanctions, not even the expression “strongly deploras”. Yet the recommendations meet with approval of my delegation, primarily because they are practical and do not depart from the collective will of the Council.

27. What is important is the cessation of the establishment of new Jewish settlements and the dismantling of the existing ones. Israel says Jerusalem is indivisible and will remain the eternal capital of Israel. We, on our side, say Jerusalem is non-negotiable and must return to Islamic and Arab rule. Annexation on the pretext that Jerusalem is more sacred to one religion is not acceptable. The crux of the matter is the return of Arab Jerusalem; otherwise, peace will remain as elusive as the mirage of the desert in my country.

28. The Council is facing a serious problem that may engulf the world—militarily, politically and economically.

No one can deny that all of us have already felt the economic consequences arising from the policy of Israel. We will, undoubtedly, if things continue as they are, see more of those hardships, and all of us will be hard hit—so much so that it may be too late even to bite our fingers in repentance.

29. The representative of Israel, in his speech yesterday, made, I must say, an unflattering reference to me. I will ignore that, I take exception only to what he said about co-existence between Jews and Palestinians and to what he said, in fact, about co-existence between Jews and the Arab inhabitants of Judaea, Samaria and Gaza.

30. There is nothing wrong with co-existence: it is a logical and constructive philosophy. But there must be co-existence in all of Palestine; there cannot be co-existence only in the West Bank and Gaza, which were grabbed by brutal force in 1967. Co-existence must be between equals; co-existence cannot survive between the colonizer and the brutalized and terrorized population.

31. This idea of co-existence cropped up recently in an interview given by General Dayan, the Foreign Minister of Israel, to the New York Post on 29 July 1977. I quote General Dayan on this concept of co-existence that was so much displayed and paraded yesterday. He said:

"I do not know of anything more productive and constructive for peace than living together with the Arabs, and that is what we are doing there in those settlements."

But he had another revealing and interesting interview, this one given to the Jewish Chronicle of London in May 1977, in which he said: "Arabs and Jews can co-exist, but only under Jewish rule."

32. This is the truth of the matter, and this is the type of co-existence so vigorously paraded yesterday. It is the co-existence which I described as that which always prevails in a relationship between horse and rider. The best answer to this new definition of co-existence came in an authoritative article written by a man called Mohammed Milhem, the Mayor of Halhoul, a city of 13,000 people on the West Bank. In that article, published on 9 July by *Newsweek* the Mayor wrote:

"The Palestinian people would be prepared to discuss how and when they are to achieve independence in their homeland. But they are not prepared, and no one has the right to expect them to be prepared, to discuss the modalities of denying them their freedom."

33. What we want is respect for international law, observance of the Geneva Conventions, adherence to the United Nations Charter and implementation of the Security Council's decisions. Those are legitimate expectations.

34. Yesterday the representative of Israel stated that:

"The Jewish people and the State of Israel have the right in principle, as well as in law and in terms of national security, to a permanent presence in Judaea, Samaria and the Gaza District." [2156th meeting, para. 85.]

That is a manifesto of piracy; it is a manifesto of colonization; it is a license for the expulsion of the indigenous population. That is what underscores the intoxication of power.

35. Yesterday the representative of Israel talked about me, saying that I was always quoting Shakespeare. I have a quotation for him. What we want, as I said, is respect for law. We want what the Merchant of Venice said in act IV, scene 1: "My deeds upon my head! I crave the law . . .".

36. Mr. HUSSON (France) (*interpretation from French*): Sir, in congratulating you on your assumption of the presidency of the Security Council, my delegation does not intend merely to hail the representative of a great friendly country and ally whose prestigious history has been closely and continuously mingled with that of France. It wishes, above all, since you will be leaving us shortly, to pay a tribute to you as an eminent diplomat who has won a degree of respect, esteem and affection among his colleagues in this community of ours that is rarely attained. You may be sure that we unreservedly share those feelings and that we wish you every success in your present and future work.

37. May I also extend my thanks to Ambassador Troyanovsky of the Union of Soviet Socialist Republics, who guided our work last month with the *savoir-faire* and authority for which he is known.

38. The situation in the Arab territories occupied by Israel has been a constant source of concern to the French Government. My delegation reiterated that position clearly last March, during the debate which resulted in the Security Council decision to appoint a Commission to enquire into the Israeli settlements established in those territories.

39. The French authorities have taken very careful note of the report that the members of the Commission drew up and that their Chairman, Ambassador Mathias of Portugal, submitted to us with such clarity and talent at yesterday's meeting. I should like to extend to him and to his colleagues, Mr. de Zavala and Mr. Mutukwa, my delegation's thanks for the exemplary manner in which they accomplished their task and for the quality of their work. The most exhaustive document they drew up so rigorously is indeed clear proof of this and prompts me to make the following comments.

40. First of all, it is regrettable that the persistent efforts made by the Commission to solicit the assistance and co-operation of all Governments concerned should have met with Israel's rejection. Mindful of the need for effectiveness and fairness, we must deplore the fact that the Commission was not authorized to visit Israel and that it was unable to hear the explanations and comments of the Israeli Government.

41. However, the information it was able to assemble from other sources and which it has presented to us with all possible discretion, justifies the growing concern many of us have felt. The members of the Commission state that they found: "evidence that the Israeli Government is engaged in a wilful, systematic and large-scale process of establishing settlements in the occupied territories" [S/13450 and Corr.1, para. 220]. Further, the Commission is of the view that "a correlation exists between the establishment of

Israeli settlements and the displacement of the Arab population" [*ibid.*, para. 221]. Finally, it considers "that the pattern of that settlement policy, as a consequence, is causing profound and irreversible changes of a geographical and demographic nature in those territories" [*ibid.*, para. 225].

42. All of us recognize the gravity of those conclusions. As the General Assembly has stated on several occasions, the facts reported are directly counter to the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. But as much as from their illegal nature their gravity derives from the fact that they constitute a serious obstacle to the search for a comprehensive settlement to the Middle East question. The French delegation is therefore ready to join in any effort undertaken by the Council that would seek to remedy the situation on the basis of and within the framework of the recommendations submitted by the Commission.

43. Mr. LAI Ya-li (China) (*interpretation from Chinese*): First of all, on behalf of the Chinese delegation, I would like to congratulate you, Mr. President, on your assumption of the presidency of the Council for the month of July, and I am convinced that you will once again display your outstanding ability in presiding over the busy work of the current month.

44. The Chinese delegation has carefully studied the report of the Security Council Commission established under resolution 446 (1979). With an abundance of irrefutable facts, the report enumerates the grave crimes committed by Israel in continually and illegally setting up Jewish settlements on occupied Arab territories in pursuance of its policies of aggression and expansion. They must be dealt with in all seriousness.

45. As is known to all, defying the strong condemnation of the people of the world and ignoring the relevant resolutions of the United Nations, the Israeli Zionists have over a long period kept on establishing Jewish settlements on Arab territories they have forcibly occupied in order to realize their wild ambition of perpetuating their occupation of the Arab territories. Up till now, Israel has established more than 130 settlements, spreading over almost all the occupied territories, from the West Bank to the Gaza Strip, the Golan Heights and Jerusalem. Those settlements control important strategic points and communication routes and have in fact become military bases and forward outposts set up by Israel in pursuance of its plan to perpetuate the occupation of Arab territories and further enlarge the scope of its aggression. While forcibly establishing the settlements, the Israeli authorities have resorted to the formulation of legislation and every other possible means to change the legal status, geographical nature and demographic composition of the occupied territories in an attempt to legalize their occupation there. Not long ago, the Israeli Zionists arrogantly claimed Jerusalem to be the eternal capital of Israel and even brazenly decided to apply Israeli laws to the Arab inhabitants on the occupied Golan Heights and forcibly issue to them Israeli identification cards and passports. The wanton acts of Israel in flagrant violation of the United Nations Charter and international law, as well as the relevant resolutions of the United Nations and in particular of the Security Council, fully testify to Israel's continued

intransigence in pushing its policies of expansion and annexation against the Arab people and its deliberate attempt to raise serious obstacles to a comprehensive settlement of the Middle East question. That reactionary policy on the part of the Israeli authorities has naturally met with resolute resistance from the Arab and Palestinian peoples and strong condemnation from people all over the world.

46. We have always held that the question of Israeli occupied territories is an inseparable part of the whole Middle East question. The untold sufferings of the Arab and Palestinian peoples in the occupied territories are solely the result of the Israeli policies of aggression and expansion and the rivalry between the super-Powers in that region. In order to resolve the question of the occupied territories and the whole Middle East question, it is imperative firmly to get rid of super-Power intervention and sabotage, firmly to oppose Israel's policies of aggression and expansion, to recover the occupied Arab territories and realize the national rights of the Palestinian people, including the right to return to their homeland and establish their own State. To that end, it is essential to rely on the great strength of the unity of the Arab people. We sincerely hope that the Arab world will strengthen its unity against the common enemy so as to hasten the achievement of final victory.

47. In our view, the Security Council should adopt a resolution strongly condemning the Israeli authorities for their crimes of aggression and expansion, supporting the just struggle of the Arab and Palestinian peoples and recommending the adopting of more practical and effective measures than those embodied in resolution 446 (1979), so as to stop the atrocities being committed by Israel in the occupied territories.

48. The PRESIDENT: The next speaker is the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Mr. Raúl Roa Kouri. I invite him to take a seat at the Council table and to make a statement.

49. Mr. ROA KOURI (Cuba) (*interpretation from Spanish*): May I first congratulate you, Sir, in my capacity as the representative of Cuba, on your assumption of the presidency of the Security Council for the month of July. We are certain that you will guide it with your well-known brilliance and skill.

50. I am grateful to you and to the other members of the Council for allowing me to participate in the present debate as the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. It will be recalled that I had the honour to speak on behalf of the Committee [2123rd meeting] when the question we are dealing with today was considered by the Council on an earlier occasion when it adopted resolution 446 (1979), establishing the Commission whose report is now under consideration.

51. The Council still has before it the question of Palestine, and we believe that in the course of this month it will continue its consideration of the Committee's recommendations. Accordingly, I can on this occasion deal very briefly with the report of the Security Council Commission

established under resolution 446 (1979), because, as we are happy to note, its conclusions and recommendations in large measure coincide with the Committee's recommendations.

52. Over the past three or four years, the Committee has drawn the attention of the Council on several occasions to the various violations of human rights in the occupied territories, expressing its concern at the systematic establishment of Israeli settlements in those territories. Without going further, I shall recall that last May, the Committee addressed two letters to the President of the Council [S/13291 and S/13322] expressing its concern at the repeated violations by the Israeli authorities of the fourth Geneva Convention of 12 August 1949 and of Security Council and General Assembly resolutions.

53. We now have before us the report of the Commission established under resolution 446 (1979). As stated in paragraphs 13 and 16 of that report, the Commission requested and received from the Committee assurances of co-operation and assistance. A summary of the statement made by the Chairman of the Committee at the 4th meeting of the Commission on 30 April 1979 appears in an annex to the report. In that statement, the Chairman emphasized, *inter alia*, the importance of the Commission's visiting the occupied territories. It will also be noted in paragraphs 17 and 18 of the report that Israel maintained its usual arrogant, intransigent attitude and refused to co-operate with the Commission. The Commission should be congratulated because, despite that Israeli intransigence, it was able to carry out its mandate and prepare a clear and concise report for the Council.

54. For our part, we are encouraged, because the findings of the Commission fully justify the concern of the Committee and confirm that the facts which give rise to that concern are true. I shall not now analyse the report of the Commission in detail, but I do believe it necessary to draw attention to the fact that it found evidence that the Government of Israel is carrying out

"a wilful, systematic and large-scale process of establishing settlements in the occupied territories for which it should bear full responsibility" [S/13450 and Corr.1, para. 220].

55. The Commission further expressed its conviction that, in carrying out its settlements policy, Israel has not hesitated to violate fundamental human rights, in particular the right of refugees to return to their country. It also considers that the pattern of that policy is bringing about profound and irreversible changes of a geographical and demographic nature in those territories including Jerusalem, and that those changes are so radical, that, in fact, they represent a violation of the fourth Geneva Convention of 12 August 1949 and of the decisions adopted by the United Nations on the subject.

56. As did our Committee and the Security Council in its resolution 446 (1979), the Commission reaffirms that

"the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occu-

ped since 1967, have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East" [*ibid.*, para. 229].

57. We are extremely pleased that the Commission created by the Security Council has an understanding of this question identical to that of the Committee which was created by the General Assembly and that its conclusions and recommendations—within the limits of its mandate—are so fully in accord with those of our Committee. We should be happy to see the recommendations of the Commission endorsed by the Council as a first step towards the endorsement of the recommendations of the Committee when they are considered by the Council this month.

58. The Committee has always urged that the Council adopt the necessary measures and that it adopt them urgently. Now as never before we are moved by a sense of urgency. We deem it imperative that the Council undertake immediate and decisive action so as not to continue to permit what the Commission has described as

"the disastrous consequences which the settlement policy is bound to have on any attempt to reach a peaceful solution in the Middle East" [*ibid.*, para. 230].

59. The PRESIDENT: The next speaker is the representative of the Syrian Arab Republic. I invite him to take a seat at the Council table and to make his statement.

60. M. EL-CHOUFI (Syrian Arab Republic): Mr. President, on behalf of my delegation, I should like to present our best wishes on your assumption of the presidency of the Council for this month. I should also like to take this opportunity to express our appreciation to your predecessor, Mr. Oleg Troyanovsky, the representative of the Union of Soviet Socialist Republics, for his able handling of the Council's deliberations last month.

61. Zionism is an intrinsic part of Western imperialism, a twentieth century version of nineteenth century classical colonialism. As well as being a form of racism and racial discrimination within the borders of Israel, Zionism inculcates and implements a policy of territorial expansionism, the exploitation of human and natural resources in occupied territories, the oppression of people under military occupation and the creation of faits accomplis in the form of Israeli settlements on Arab lands. Israel, however, has sought to obfuscate the issue by presenting its military conquests in the guise of biblical and metaphysical "promises".

62. For the first time, the Security Council has been provided with irrefutable evidence, gathered by a wholly neutral Commission, of facts that have been stated many times before the Council, namely, that the Israeli Government's settlement policy is part of its over-all Zionist-imperialist plan of expansion and annexation of Arab land and exploitation of its human and natural resources to the detriment of the Arab inhabitants of the occupied territories and, indeed, to the detriment of peace in general. It is tragic that the indigenous Arab populations have been made strangers and exiles in their own homeland.

63. In the extensive testimony and voluminous data presented to us in the report of the Security Council Commission there is proof, none better, of the violent, aggressive and brutal nature of Zionist Israel. The report has documented the fact that the settlement policy of Israel is a deliberate policy actively pursued by official Israeli authorities. It has proved the fact that those numerous settlements, which have mushroomed at an astonishing pace, have all been erected under the direct supervision and with the full political support and financial backing of Israeli Government authorities. In paragraph 114 of the report it is disclosed:

“... the 1979 budget of Israel showed the allocations set aside for expanding 11 of the existing 29 settlements. In that connexion, according to a statement by the Israeli Chief of Administration of Settlements, Israel intended to establish, in 1979, 20 new settlements, 5 of which would be in the Golan Heights and it would take over all the necessary land in order to settle 58,000 families thereon over a period of five years.”

64. Through the testimony of people who lived daily under Israeli occupation, the report also confirmed the fact that, in its pursuit of its expansionist schemes, Israel has resorted to the most violent methods of occupation and subjugation. The report has documented the mass expulsion and destruction that Israel has perpetrated in its invasion of the Golan Heights, where all but 6 per cent of the local population were expelled by brute Israeli force. It is in this context that the report states:

“The Commission is of the view that a correlation exists between the establishment of Israeli settlements and the displacement of the Arab population.” [S/13450 and Corr.1, para. 221.]

65. Exhaustive and detailed accounts reveal the brutal and inhuman methods that have been employed by Israel as an aggressive occupying force against the native population in the Golan Heights. It has been documented that the Israeli authorities bulldozed villages in the presence of their inhabitants, who were later forced to leave at gunpoint. In addition, the report describes Israel's employment of the classic forms of colonial tyranny. Paragraphs 110 to 112 contain proof of Israel's systematic violation of the basic human rights of the people in Golan Heights:

“In an attempt to annex the occupied area to Israel, the occupation authorities were constantly trying to sever all links between the Syrians remaining in the Golan area and their kin elsewhere... freedom of movement of the remaining inhabitants was restricted... within the five villages.” [Ibid., para. 110.]

In its attempts to subjugate the population, the occupation authorities took measures “which affected more specially the conditions of life in the occupied territories” through “the imposition of... Israeli laws, the expropriation of large areas of agricultural land... and the refusal to respond to humanitarian appeals by the International Red Cross, among others, for the reunification of families” [ibid.].

66. In addition, the report confirms the colonial schemes of Israel in seeking not only to grab Arab land but to

capture the minds of the local population as well through the imposition of colonial education suited to the colonizer's aims and needs. Arabic curricula have been replaced by Israeli curricula, and Syrian students have been prevented from pursuing higher education with the aim of channelling “these youths into the labour force needed in Israeli factories” [ibid., para. 111].

67. The report has conclusively shown us the conspicuous pattern of brutality that marks Israeli occupation, whether it be in the Golan Heights, Gaza, the West Bank or the Sinai. All this has belied Israel's denial of its massive and systematic violations of human rights of the populations of the occupied territories.

68. The report further proves the contention that has already been made before the Council that Zionist Israel's avaricious desire for more Arab territory is intrinsically linked to its economic needs as a colonial settler régime. Is it any wonder, then, that the Israeli authorities should have stuck those pins on their expansionist map on choice locations of fertile agricultural Arab lands? Is it any wonder, then, that they arrogantly declare that, autonomy or no autonomy, Israel must control the water sources in the West Bank and Gaza?

69. Many of the issues that many Arab representatives have brought before the Council have now been borne out by this report. The facts contained in it stand a clear proof that the Zionist ideology of Israel is incompatible with the principles and purposes upon which this international Organization was founded and which it is committed to uphold. And still we have to sit here and continue to be subjected to the arrogance and intransigence of the representative of Israel who persists in maintaining that “Israel has nothing to hide”.

70. Let us be clear that we are not faced here by a crime committed by an individual who should seek mercy for his individual acts. We are faced here with an ideology expressed in the explicit governmental policy of one State Member of our Organization. It is this ideology, at the fountain-head of the evils of colonialism, expansionism and racism, that we must condemn.

71. Any condemnation of a satellite has to take into account the role of its source of power. Hence, an indictment of Israel has to include an indictment of the United States, without whose overt, covert, direct, indirect, vocal and tacit support the imperialist-Zionist entity in the Middle East would not be able to function, let alone occupy and expand.

72. The international community cannot have forgotten the events of 1956 when Israel was forced to give up every inch it had occupied in the 1956 war. Are we to believe that what was accomplished in 1956 cannot be repeated in 1979? Without massive United States aid, Israel cannot survive. Without magnanimous support, Israel cannot expand.

73. The Security Council has before it the report of its own Commission, a team of inquiry which, I repeat, does not include a single Arab. Its report amply substantiates what we Arabs have been saying since 1948. We hope that now, at least, the world will listen.

74. While we appreciate the general spirit of the recommendations made by the Commission to the Council, we are disheartened that they lack the strength and the force necessary to effect a change in the situation. After documenting the outrageous violations of human, civil and political rights in the occupied territories, the Commission merely repeated what had already been recognized and declared by the Council and is contained in numerous resolutions which Israel has consistently violated.

75. The findings of the Commission will be relegated to the archives as just another United Nations document unless the Council takes appropriate measures that could deliver real justice. It is in that light that we believe that the Council should apply sanctions as envisaged in Chapter VII of the Charter. Only then will Israel's Zionist-imperialist policies of expansionism and *Lebensraum* be brought to a halt.

76. We are also aware of the improbability of Israel's patron allowing the Council to impose sanctions against its protégé, but at least the Security Council will have a clear conscience in that it recommended action under Chapter VII and that it fulfilled its responsibilities in ensuring international peace and security.

77. The PRESIDENT: The next speaker is the representative of Jordan, on whom I now call.

78. Mr. NUSEIBEH (Jordan): I wish to apologize for speaking once again in this debate.

79. I do not claim to be an authority on national or international law, as does Ambassador Blum. Even less do I claim to be such an authority as Professor Eugene Rostow of the Yale Law School—even though I have studied both at Jerusalem and at Princeton. But yesterday I did make a passing refutation of the allegation of the legality of Israeli colonization of the occupied West Bank, the Gaza Strip and Jerusalem—the allegation made to the Council yesterday by Ambassador Blum.

80. I realize full well that many representatives around this table would be bored stiff if they were to be subjected to additional legal dialogues and sophisticated arguments. And yet a formidable combination of two legal authorities—and particularly Professor Rostow, with his association with the prestigious Yale University—has posed a challenge to Princeton University, which, although it does not have a professional school of law, does have highly eminent professors teaching international law, as part of its curricula. It teaches international law as it should be taught, without manipulation, politicization or bias.

81. Professor Rostow, in a supposedly analytical study of the legality or illegality of Israeli colonization of the occupied West Bank, Jerusalem and Gaza, in a reply to a letter which I had written earlier to *The New York Times*, used arguments that were so flawed, vulnerable and distorted that if I had been a little more chivalrous or compassionate, I should have let his letter go unanswered, if only to save the authoritative Professor Rostow the embarrassment of having allowed himself to fall into a deep trap, thereby affording me, a non-authority, an easy victory, which is unfair.

82. Professor Rostow's basic theme, in justification of the Israeli occupation authorities' open-ended colonization and despoliation of the occupied Palestinian territories, was that my letter did not mention the League of Nations Mandate for Palestine. Yet the Mandate, he continued, provides the only possible modern legal definition of the word "Palestinian", and is the basis of Security Council resolutions 242 (1967) and 338 (1973), on which, he claimed, the Camp David agreement rests. He added that both the Permanent Court of International Justice and its successor, the International Court of Justice, have treated League Mandates as "sacred trusts". Professor Rostow then made a spurious comparison with the League of Nations Mandate over Namibia.

83. From that broad framework of the Mandate over Palestine, the whole of Palestine, Professor Rostow and Ambassador Blum, by a stroke of the pen, make a gigantic leap forward—or is it backward?—and suggest that resolutions 242 (1967) and 338 (1973) apply the principle of the Namibia decisions to the future not of Palestine as a whole but of the West Bank and the Gaza Strip.

84. May I be allowed to feel some nostalgia about the Mandate over Palestine, not only because it has a vintage of at least half a century, but also because it recognized Palestine's provisional independence, with Palestine's overwhelming Palestinian Arab majority, as a class A Mandate under which only a short interim period of technical training was required to qualify the country for full sovereign independence. I am referring to a time 50 years ago.

85. That was, as every college student knows, the sacred trust of the mandatory Powers over Palestine and Namibia; it applied also to other Mandates.

86. But subsequently, the Balfour Declaration was arbitrarily, unilaterally and unjustly injected into the Mandate. That declaration stated:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine,"—as though there were any other communities—"or the rights and political status enjoyed by Jews in any other country."¹

Infamous as that declaration was, did it give a licence for present Israeli policies and practices of turning the Palestinian people into refugees and devouring their rights, their property, their freedom and their continued existence on their soil—the whole of Palestine, as the Mandate described it?

87. But that is not the only major flaw in the thesis of Ambassador Blum and his authority, Professor Rostow. I do hope that the Professor will update his notes, for the benefit of his students.

¹ Official Records of the General Assembly, Second Session, Supplement No. 11, vol. II, annex 19.

88. Again talking in terms of the modern legal definition of the word "Palestine", I would ask: is Professor Rostow not aware that in 1939 the original author of the Balfour Declaration issued a White Paper acknowledging Palestine's independence after a five-year interim period? He who giveth taketh away.

89. But even more important than what I have just said is the fact that the then British Government, disgusted or tired out by the Israeli terrorist campaign against it—a campaign led primarily by Menachem Begin—and pressured from the outside, sent a letter to the United Nations expressing its wish to give up the sacred Mandate and hand it over to the United Nations, the residuary legatee of the League of Nations, and requesting the United Nations to resolve the Palestine question.

90. In its capricious greed—and I apologize for the use of those words; I do not mean them to be taken literally—the United Nations accepted the offer, or the challenge, and held a special session at the request of the mandatory Power, at which the General Assembly adopted, on 29 November 1947, a resolution recommending the partition of Palestine into two States: one, Palestinian Arab and one, Jewish—with Jerusalem to be established as an international *corpus separatum* [resolution 181 (II)]. The Security Council was entrusted with implementing that resolution, regardless of any opposition.

91. Thus came legally to an end any promises, duties or obligations arising from the Mandate—and I would say here that the basis of Professor Rostow's argument, of his analytical study, was the "old Mandate over Palestine".

92. That being the case, by what legal logic does Ambassador Blum or Professor Rostow argue the legality of Israeli colonization on the basis of a Mandate which had become definitively and finally defunct, and recognized as such by the community of nations? Indeed, if the Mandate had not terminated, there would have been no Israel in existence. Or have the two professors not heard about the passing away of the League of Nations and the creation of the United Nations, which was the inheritor of the former, including the provisions concerning Mandates contained in the League Covenant and corresponding to Chapter XI, XII and XIII of the Charter? Its competence was confirmed retroactively by the International Court of Justice in the case of Namibia—and, as a corollary, in the case of Palestine.

93. I hope the distinguished professors were not suggesting that the indigenous inhabitants of Namibia should be uprooted and cannibalized by oppressive, racist South Africa.

94. The United Nations, having providentially inherited the spoils of Palestine, adopted two resolutions which are still legally binding—namely General Assembly resolutions 181 (II) and 194 (III)—on the establishment of the two States and on the inalienable right of the Palestinians to return home. Security Council resolutions 242 (1967) and 338 (1973), formulated in generalized principles, in no way vitiate or abrogate the earlier resolutions: they simply talk about an end to belligerency and about peace, about a fair

solution to the Palestinian problem, secure and safe boundaries and so on. There is nothing in them which in any way contradicts the valid earlier resolutions of the General Assembly.

95. The Camp David accords, as far as the 1967 war or the Palestine question are concerned, do not conform either to resolutions 242 (1967) and 338 (1973) or to the original General Assembly resolutions. There is no provision for military withdrawal, even though in the preamble the inadmissibility of the acquisition of territory by force is specifically mentioned. There is no provision for Palestinian national existence. There is a proposal for local self-government for the inhabitants as temporary residents—or are they guests?—with no jurisdiction over their fate, resources, land, water, repatriation—even to the West Bank, Gaza and Jerusalem—or anything that might redeem the Palestinian people.

96. This is not the time to discuss the issue; but it is my earnest hope that Ambassador Blum and Professor Rostow can update their notes so that they do not base a legal case for annexation on a mandate, as pernicious as that mandate was, after incorporating the Balfour Declaration, as a green light for the total national destruction of 4 million people.

97. Last, but not least, international law was never intended to defend lawlessness, but to defend the rule of law. If anyone should doubt the accuracy of my interpretation, it may be a good idea—I am just thinking aloud—if the matter were referred to the International Court of Justice, if only as an academic exercise, for authoritative legal interpretation.

98. The ultimate legal imperative is, of course, the internationally recognized principle that sovereignty over a territory resides in the people who have had prolonged and uninterrupted possession of that territory. Here we might perhaps, to my profound relief, refer the matter to the late Professor Toynbee, the archaeologists and even to one of the prestigious departments of history. There is a good one at Princeton, as there are in other well-known universities. It is gratifying that Princeton does not have a full-fledged faculty of law, which may at least spare it the kind of incredible pitfall into which Professor Rostow has allowed himself to fall.

99. Besides, since international law, as the term connotes, is designed to serve the purposes of law and not to be the blind instrument of lawlessness; the interpretation of it may differ but it can never endorse illegality. A solid background in the humanities and common sense, elevated in stature by the trappings of international law, is perhaps the best basis for achieving a law-abiding international order in which no people are exposed to cannibalization and national extinction, as is the fate of the Palestinian people. Humanism is the stuff which must inspire the authors of and authorities on international law.

100. The Security Council Commission has informed the Council that a third of Arab Jerusalem, the West Bank and Gaza has already been devoured. In the Golan Heights that process is almost totally complete. A third of the Palestinian inhabitants of Jerusalem, the West Bank and the Gaza Strip are there no more. Those who are still there are living on tenuous and borrowed time.

101. After verification of the facts of the case beyond any shadow of doubt the crux of the whole matter is: Will the community of nations and its highest executive organ, the Security Council, permit the Palestinian people to be "terminated" in the face of incontrovertible evidence, or will it act promptly and decisively to prevent this crime of national genocide?

102. That is the challenge which confronts the Security Council no less than the Palestinian people, who will not hesitate to continue their struggle for existence, just like any other people. The acid test will be whether the Council will be action-oriented or will follow in the tragic footsteps of the League of Nations. We know that ambivalence and appeasement have led to the catastrophe of global war. Time is timeless, and the course of wisdom is not to judge situations as they exist at present in terms of relative power capabilities. I pray that all of us will have the vision to look ahead, if only out of concern for our children.

103. I felt sad, a month ago, to see young, innocent Palestinian children, 11 to 14 years old, shouldering the heavy

burden of defending their homeland and survival. Children of that age should be enjoying school, sports and the innocence of childhood, which is the birthright of children the world over. Let us remember that we are living in the International Year of the Child. Is that situation natural or acceptable to the supposedly civilized world?

104. The action of the Council can only be a turning point which will have far-reaching implications for the future of a civilized world.

105. The representative of Israel described Jordan, Syria and the Palestinian people as enemies of peace. I want to assure the Council that no people in the world are as dedicated to or long so much for peace as we. But the only peace that we can live with is a just, comprehensive and lasting peace. We are not a breed that is prone to abject, unjust and humiliating surrender.

The meeting rose at 5.30 p.m.