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REPORT OF THE SECURITY COUNCIL COMMISSION ESTABLISHED UNDER
RESOLUTION 446 (1979)

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* The annexes are contained in volume II of the present report.

Letter of transmittal

12 July 1979

In our capacity as members of the Security Council Commission established under resolution 446 (1979), we have the honour to submit to you herewith the report prepared by the Commission pursuant to paragraph 5 of the resolution mentioned above.

This report was adopted unanimously today, 12 July 1979.

Accept, Sir, the assurances of our highest consideration.

(Signed) Leonardo MATHIAS, Portugal,
(Chairman)

Julio de ZAVALA, Bolivia,

Kasuka Simwinji MUTUKWA, Zambia

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I. INTRODUCTION

A. Establishment of the Commission

1. The Commission was established by Security Council resolution 446 (1979) with the following mandate: "To examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem".
2. By a letter dated 23 February 1979 (S/13115) to the President of the Security Council, the Permanent Representative of Jordan to the United Nations requested the convening of a meeting of the Council to consider the "most ominous and accelerating erosion of the status of Jerusalem and the rest of the occupied Arab territories in consequence of the Israeli occupation authorities' systematic, relentless and deliberate policy and practice of settlements and colonization of those territories which constitute a grave threat to international peace and security".
3. In response to that request, the Security Council considered the item entitled "The situation in the occupied Arab Territories" at its 2123rd to 2128th, 2131st and 2134th meetings held between 9 and 22 March 1979.
4. The relevant documentation before the Council included, inter alia,
 - (a) A letter dated 7 March (document S/13149) from Jordan transmitting a map and a list of Israeli settlements in the occupied West Bank, along with a letter from the Chairman of the Islamic Commission in Jerusalem to the Prime Minister of Jordan, stating that the Israeli authorities were transforming the Mosque of Hebron into a Jewish synagogue;
 - (b) A letter dated 2 March (document S/13132) from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to which were annexed a list of press reports, maps and other documents relating to the situation in the occupied territories.
5. Statements made before the Security Council, including those made by Jordan and Israel, may be found in documents S/PV.2123 to S/PV.2128, S/PV.2131 and S/PV.2134.
6. At the 2134th meeting on 22 March 1979, the Council adopted resolution 446 (1979) which reads as follows:

The Security Council,

Having heard the statement of the Permanent Representative of Jordan and other statements made before the Council,

Stressing the urgent need to achieve a comprehensive, just and lasting peace in the Middle East,

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Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

1. Determines that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab Territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

2. Strongly deplores the failure of Israel to abide by Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and the consensus statement by the President of the Security Council on 11 November 1976 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 32/5 of 28 October 1977 and 33/113 of 18 December 1978;

3. Calls once more upon Israel, as the occupying Power, to abide scrupulously by the 1949 Fourth Geneva Convention to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories;

4. Establishes a Commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;

5. Requests the Commission to submit its report to the Security Council by 1 July 1979;

6. Requests the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;

7. Decides to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

B. Composition, mandate and organization of the work of the Commission

7. In a note dated 3 April (S/13218), the President of the Council stated that following his consultations with the members of the Council, an agreement had been reached, according to which the Commission established under paragraph 4 of resolution 446 (1979) mentioned above would be composed of Bolivia, Portugal and Zambia.

8. At its first meeting held in New York on 10 April 1979, the Commission decided that its chairmanship would be assumed by Portugal.

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9. In organizing its programme of work in order to fulfil its mandate, the Commission considered the modalities it should follow "to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem".
10. The Commission decided, as a first step, to establish direct contacts with the parties involved in the matter with a view to seeking their co-operation in the fulfilment of its mandate and also to enter into consultations with relevant United Nations bodies which might be in a position to supply useful information.

C. Requests to the parties for co-operation

11. On 13 April 1979, letters were sent to the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic requesting that the Commission be provided as soon as possible with all available information pertinent to its mandate and informing them that the Commission was contemplating to visit the area during the month of May 1979.
12. Also on 13 April, a similar letter was sent to the Permanent Representative Representative of Israel pointing out in addition that his Government's co-operation in facilitating the proposed visit of the Commission to the territories in question would be greatly appreciated.
13. Requests for information were also addressed to the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.
14. On 30 April the Commission sent a letter to the Permanent Observer of the Palestine Liberation Organization, drawing his attention to its mandate and requesting any relevant information.
15. In their replies dated 17, 17 and 25 April respectively, the Permanent Representatives of Lebanon, Jordan and Egypt assured the Commission of their Governments' full co-operation in the implementation of its mandate. The reply from Jordan included a personal message of support from His Royal Highness, Crown Prince Hassan.
16. Assurances of co-operation and assistance were also received from the Committee on the Exercise of the Inalienable Rights of the Palestinian People and from the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.
17. At the 3rd meeting, on 26 April, the Chairman informed the Commission of the results of his efforts to establish contact with the Permanent Mission of Israel, in order to exchange views on the way in which the Commission intended to fulfil its mandate and on the degree of co-operation it might receive from the Government of Israel. In response, the Representative of Israel had stated to the Chairman that the Israeli Government had nothing to hide concerning its

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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.

18. After examining the serious consequences which might result from Israeli's attitude concerning its work, the Commission decided that its Chairman should report the matter to the President of the Security Council and draw his attention to the fact that in such circumstances, the Commission would endeavour to implement its mandate in spite of Israel's refusal to allow the Commission to proceed with its planned visit.

19. At the same 3rd meeting, the Chairman also reported on his discussions with the Permanent Observer of the Palestine Liberation Organization (PLO) who had stressed PLO's full co-operation with the Commission.

20. At its 4th meeting on 30 April, the Commission met with members of the office of the Crown Prince of Jordan and with the Jordanian Permanent Representative, who reiterated their Government's support and provided the Commission with documents and maps relating to the question of settlements. The Commission met also with the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, who supplied the Commission with studies prepared by the Committee on the question of the occupied territories. 1/

21. On 8 May, at the 6th meeting, the Chairman informed members that in response to his démarche concerning Israel's attitude, the President of the Council had decided to remind the Permanent Representative in writing that the Commission had not received any answer to its request for co-operation and to ask him of Israel's intentions in that regard.

22. By letters dated 9 May 1979 to the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic, the Commission indicated its plans for a visit to the area and the type of information it was looking for. By another letter of 11 May 1979, the Commission confirmed to the Permanent Observer of the PLO that it would welcome the opportunity to meet Chairman Yasser Arafat during its visit.

23. On the day of its departure for the area concerned, the Commission received a copy of the reply sent by the Permanent Representative of Israel to the President of the Security Council. In that letter dated 17 May 1979, the Israeli Representative informed the President that, in consideration of the circumstances in which resolution 446 (1979) had been adopted, the Government of Israel had rejected that resolution in its entirety and accordingly could not extend any form of co-operation to a Commission set up under it.

24. When preparing its report at Headquarters, the Commission realized that, in view of the heavy schedule of the Security Council and also the extensive volume of testimony and other documentary information received by the Commission during its visit to the area, it would be difficult for the Commission to report

1/ A summary of the statements made by the Jordanian representatives and by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People is reproduced in annex I.

to the Security Council by 1 July 1979, as called for in paragraph 5 of the above-mentioned resolution. Accordingly, the Chairman of the Commission requested the President of the Council that the time-limit for the report be postponed until 15 July 1979.

25. Following informal consultations with the other members of the Council, the President informed the Chairman that no member of the Council had any objection to the Commission's request. 2/

26. The present report is based on elements of information which were gathered from various sources both at Headquarters and during the visit to the area.

27. Volume I of this report relates in its first chapter the establishment of the Commission by the Security Council and its work at Headquarters; in chapter II, the Commission's visit to the area including its exchanges of views with Government authorities and with representatives of organizations. Chapter III is devoted to conclusions and recommendations.

28. Volume II consists of the annexes appended to the report, which are as follows:

Annex I: Summary record statements made at the 4th meeting of the Commission;

Annex II: Summaries of testimony;

Annex III: List of settlements;

Annex IV: Map of settlements;

Annex V: Documentation kept in the custody of the Secretariat.

29. The present report was unanimously adopted on 12 July 1979.

2/ See document S/13426.

II. VISIT TO THE AREA

A. Organization of the visit

30. During its visit to the area, the Commission was composed of the following members:

Ambassador Leonardo Mathias (Portugal), Chairman;
Ambassador Julio de Zavala (Bolivia);
Dr. Kasuka Simwinji Mutukwa (Zambia).

31. They were accompanied by two advisers:

Mr. Edgar Pinto (Bolivia);
Mr. Luis Crucho Almeida (Portugal).

32. A team of staff members from the Secretariat was assigned by the Secretary-General to assist the Commission in its work.

33. The Commission decided that during the visit, it would hold consultations with the Government authorities concerned and also receive, at hearings or individual interviews, oral or written statements or testimony by other authorities, organizations or private individuals.

34. It was also decided that while, as a general rule, the Commission considered it preferable for the hearings, interviews and working meetings to be held in camera, it could decide to hold public meetings should circumstances so require. The Commission could also proceed to specific areas within the countries concerned in order to examine the situation on the spot, whenever feasible, to hear statements, to receive testimony and to obtain all possible information relevant to its mandate.

35. It was further agreed that at the beginning of each series of hearings the Chairman would outline the mandate of the Commission and draw attention to the fact that the Commission expected the witnesses to confine their statements as much as possible within the limits of that mandate. Furthermore, the Commission decided to accept requests by witnesses who expressed the wish to remain anonymous for reasons of safety.

36. Finally, a decision was taken that the Commission would keep a record of its inquiry and would consider information particularly relevant to its mandate in preparing its report. It would also decide which documentation it would annex to its report bearing in mind that other elements of information obtained would be kept in the custody of the United Nations Secretariat.

37. The Commission organized its visit to the area as follows: the Hashemite Kingdom of Jordan: 20-26 May 1979; the Syrian Arab Republic: 26-29 May 1979; Lebanon: 29-30 May 1979; the Arab Republic of Egypt: 30 May-1 June 1979.

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38. In accordance with the decisions referred to above, the Commission met in each country with the Government authorities. It also heard a number of witnesses and visited various locations. In Jordan on 23 May, the Commission went to the Jordan River Valley, and on 24 May to a refugee camp. In Syria on 28 May, the Commission went to the location of the town of Quneitra.

39. In the course of its visit, the Commission met with representatives of the Palestine Liberation Organization.

40. The Commission received testimony from 42 witnesses, i.e., 22 in Amman (including a written statement), 13 in Damascus and 7 in Cairo, and met spokesmen from local associations. It received also some written documentation, photographs and maps.

41. The Commission returned to Headquarters on 4 June 1979.

42. The Commission wishes to state that in the course of its visit to the area, it received valuable assistance from the Governments and all those concerned in carrying out its mandate. It benefited in particular from fruitful exchanges of views and received informative replies to the points requiring clarification raised by its members. The Commission therefore wishes to express its gratitude to the aforementioned for the co-operation extended to it.

B. Visit to the Hashemite Kingdom of Jordan (20-26 May 1979)

(a) Meetings with government officials

43. The Commission arrived in Jordan on 20 May 1979.

44. The following day, the Commission had a working meeting in Amman at the Ministry of Foreign Affairs where it was received by Mr. Hassan Ibrahim, Minister of State for Foreign Affairs; Mr. Adnan Abu Odeh, Minister of Information and Head of the Executive Bureau for Occupied Territories Affairs; Mr. Weal Almasri, Director of the Political Affairs Division at the Ministry of Foreign Affairs; Mr. Faleh Attawel, Director, Department of International Organizations; Mr. Akthem Qusus, Director, United Nations Department; Mr. Shawkat Mahmoud, Director, Bureau of Occupied Territories Affairs; and Mr. Georges Shamma, of the Permanent Mission of Jordan to the United Nations.

45. The Minister of State for Foreign Affairs welcomed the members of the Commission, wished them success in their "significant and delicate" mission and expressed the hope that the Commission's efforts would help to bring about effective international action towards a comprehensive, just and lasting peace in the Middle East. Israel's settlement policy, he said, which was repeatedly condemned by the General Assembly, the Security Council and even Israel's own friends, was a challenge to the United Nations and a violation of international law.

46. The Minister of State expressed the view that the task of the Commission was rendered particularly difficult by the refusal of Israel to allow it to visit the

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occupied territories. For its part, his Government was determined to do everything possible to assist the mission in carrying out its mandate.

47. In reply to the statement by the Minister of State for Foreign Affairs, the Chairman of the Commission expressed the members' appreciation for the warm welcome afforded them. As an emanation of the Security Council, the Chairman said, the Commission shared his apprehensions concerning the situation in the area and would faithfully report its findings to the Security Council.

48. The Minister of Information then briefed the Commission on the situation concerning the settlements in the occupied West Bank, which so far had reached a total of 78 settlements, covering an area of approximately 370,000 dunums. ^{3/} That was only a part of the 1.5 million dunums of which Israel had taken possession, and which in turn was 27 per cent of the total area of the occupied West Bank.

49. Speaking of the meaning of the settlements for Israel, Mr. Odeh quoted several Israeli sources, including a recent statement attributed to the Israeli Minister of the Interior, and others to officials of world Jewish organizations which indicated that Israel's policy of settlements was a step towards the realization of the primary Zionist goal, i.e. 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. The settlements, he said, had always been a "value" in the creed of Zionism.

50. As to the methods used by the Israeli authorities to acquire the land, they included acquisition by virtue of the "Restricted area" by-law, which authorized the restriction of land for "security" reasons; the application of the "State domain" policy to the miri lands, which are private lands outside city limits with a different legal status; the application of the "absentee owner" policy, under which any Arab who was absent from the West Bank at the time of the Israeli invasion had his property seized; false transactions with Arab inhabitants; "green zones" policy which permits land to be frozen, and thereby prevents its use by the legal owners; and expropriation for public use, the expropriated property being sold later to private Jewish settlers. Approximately 329,000 dunums have been seized so far under that policy.

51. Turning to the question of policy-making with regard to the settlements, the Minister of Information indicated that for the fiscal year 1979-1980, the Israeli Government had allocated a sum of \$US 200 million for the settlements. Those settlements were under the control of the Government or non-governmental organizations.

52. Concerning governmental settlements, a ministerial committee chaired by the Israeli Minister of Agriculture was in charge of determining the sites for new settlements, finding the financial support and building the infrastructure.

^{3/} 1 dunum = 1,000 square metres; 1,000 dunums = 1 square kilometre.

53. Non-governmental settlements were built under the supervision of various organizations, including the para-military Nahal Movement for agricultural and military settlements built close to the cease-fire lines, the Gush Emunim, the Settlements Department of the Jewish Appeal Fund, the Moshav and other organizations.

54. Mr. Odeh then spoke of Israel's policy on the allotment of water resources in the occupied West Bank. The West Bank, he said, depended mostly on ground water. The policy of Israel in that regard was to consider the area as one geological basin. Accordingly, it had adopted certain restrictive policies against the Arab farmers, such as the interdiction of drilling artesian wells without a special permit. By contrast Israeli authorities had drilled 24 wells for the exclusive use of Jewish settlers, mostly in the Jordan Valley, thus reducing considerably the amount of water available to Arab farmers. Furthermore, Arab farmers were forced to install meters on their own wells to restrict the amount of water they could use.

55. Regarding the work of the Commission, Mr. Odeh said that Israel had resorted to all kinds of intimidation to prevent potential witnesses from coming to Amman from the occupied territories. Nevertheless, a few people from various walks of life had succeeded in coming from the West Bank in spite of threats of reprisals.

56. Finally, Mr. Odeh gave further information in particular regarding Israel's intimidation policies involving school children.

57. On 21 May the Commission also paid a visit to His Excellency the Prime Minister, Mr. Mudar Badran, who expressed Jordan's eagerness to make the mission of the United Nations body a success. Mr. Badran emphasized that Jordan had strong ties binding it with the Palestinians, whose problem was the core of the Middle East conflict. He described Israel's settlement policy as a challenge to the United Nations and a violation of international law. The Prime Minister also emphasized that his Government was adhering to the Security Council resolutions which are relevant to the mandate of the Commission. Finally he stressed that the time had come for a solution to the conflict, a solution which would be just and comprehensive.

58. On 22 May the Commission was granted an audience by His Majesty King Hussein of Jordan. King Hussein emphasized in particular the far-reaching consequences of Israel's settlement policy which, he said, was aimed at the eviction of the Arab inhabitants from their lands. This was also part of Israel's attempts to alter the character of the occupied Arab territory in complete disregard of United Nations principles and decisions.

59. King Hussein also explained Jordan's position vis-à-vis the Middle East question, stressing that a just and comprehensive peace could not be achieved without the restoration of Arab Jerusalem to Arab sovereignty, the withdrawal of Israeli forces from all occupied territories in implementation of United Nations resolutions and the safeguarding of Palestinian rights, including the rights to self-determination in Palestine.

60. The Chairman expressed the gratitude of the Commission for the words of welcome stated by His Majesty and assured him of the Commission's determined will to implement its mandate with total objectivity.

61. On 24 May, His Highness Crown Prince Hassan received the Commission. On that occasion an extensive exchange of views took place, essentially on Jerusalem and its surroundings. In that connexion Prince Hassan recalled that Jerusalem in addition to being a prestigious centre of the world, was spiritually one of the most sacred places of the Moslem faith. Turning to the question of Israeli settlements he pointed out that, through the establishment of three successive belts of settlements, Israel was creating protective pockets between Jerusalem and the Jordan River. As a result of this, it was "compartmenting" the Arab population. That this action was intentional appeared from the fact that the same policy of fragmentation of the Arab population was also being pursued on the Lebanese border in an effort to balkanize the area.

62. The Crown Prince said that since 1967, it had been the official policy of Israel that Jerusalem should stay Jewish, united under Jewish rule. In implementation of that policy many Arab houses had been destroyed and their inhabitants expelled, while settlements had been established all along the Eastern side of the Holy City. This settlement policy had had the result of isolating the Arabs living inside the walls and confining them in a ghetto surrounded by hostile groups of settlers. This was no doubt a powerful means of pressure to make them leave.

63. Other means of pressure were being used, said Prince Hassan, some brutal, other financial, such as a 20-year levy raised from Arabs and used to erect new buildings for the Jews. Israel was also modifying the city limits in order to take full advantage of the composition of the population.

64. Prince Hassan reminded the Commission that the position of Jordan concerning Jerusalem and the West Bank had been repeatedly stated. The question was how to proceed toward the return to "Arab Jerusalem", an expression which defined a situation of mutual respect with freedom of worship for every faith.

65. The case of Jerusalem was a very special one which, once solved, said Prince Hassan, could lead to a comprehensive solution. It should be deplored therefore that the question of Jerusalem at its present stage had not been the subject of any complete and impartial study. This should be remedied.

66. The Crown Prince pointed out that an international organ should be requested to make a survey of the various aspects of the situation of Jerusalem - political, religious, social, demographic, economic and any others.

67. He also indicated that the question of Arab properties confiscated by Israel in that area should be examined in detail. In that connexion, the excellent work done by the Conciliation Commission for Palestine with regard to Arab properties confiscated in territories occupied by Israel before 1967 should be kept in mind, as well as in fact the extensive mandate of that commission which was still in existence.

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68. In conclusion, Prince Hassan emphasized that the road toward a solution might be long and difficult but that, in order to avoid further despair which would inevitably lead to further violence, the present situation should not be allowed to remain frozen.

69. The Chairman thanked His Highness Crown Prince Hassan for his most informative briefing and assured him that the contents of his statement would be reflected in the Commission's report.

(b) Visit to the Jordan River Valley and to a refugee camp

70. On 23 May, the Commission went to the Jordan Valley area. It stopped over at the King Hussein Bridge and, passing through the villages of Shouna and Karamah, it reached the village of Deir Alla, which overlooks the Jordan River Valley.

71. In the course of a briefing given by a spokesman for the Jordan River Valley Authority, the attention of the Commission was drawn to the intensive exploitation by the Israelis of the water resources in the valley. It was stated in particular that the drawing of water from the Lake of Tiberias and from the Jordan River to irrigate Israeli settlements along the valley and southward down to the Negev Desert had not only diminished considerably the flow of the River but noticeably increased its salinity.

72. At the same time, said the spokesman, the intensive pumping of underground water through deep artesian wells dug by Israeli settlers was depleting the water resources of the valley, which is a single geological entity.

73. It should be noted that when the Commission departed from Deir Alla at night the Jordanian authorities pointed out, on the West Bank, lines of lights which they said were successive belts of Israeli settlements.

74. On 24 May 1979, the Commission visited Schneller Refugee Camp, where its members were received by Mr. Abdel Rahim Jarrar, Under-Secretary of the Ministry of Reconstruction; Mr. Mohammed Al-Azzeh, Camp Services Officer; and an official of UNRWA. In his welcoming statement, Mr. Jarrar said that the camp housed 30,000 refugees, some of whom had been displaced three times. Even 31 years after displacement, the refugees and the displaced persons were still steadfast in their resolution to return to their homeland. Mr. Jarrar noted that Israel, on the other hand, was continuing its settlement policy and the judaization of the occupied territories in defiance of the United Nations resolutions on the matter. He cited Jerusalem as the best illustration of that policy.

75. The Chairman of the Commission explained the mandate entrusted to the Commission by the Security Council. He emphasized that the mandate of the Commission was to examine the problems, i.e., to determine what they were, in order to get a better understanding and to report back to the Security Council. The Commission had come to the area, the Chairman observed, because of the conviction of its members that the United Nations could contribute to a just solution of the problem. The Commission believed in the rights of the refugees and displaced persons to return to their homeland in conformity with the Universal Declaration of Human Rights and the relevant resolutions of the United Nations.

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76. Mr. Al-Azzeh, the Camp Services officer, welcomed the Commission and stated that in view of Israel's oppressive policies in the occupied territories, he was not surprised that Israel had refused the Commission entry.

77. Mr. Abu Jameel, speaking on behalf of the refugees in the camp, wondered how long it would still take for the world to be aware of the cause of the Palestinian people who had been expelled from their homeland. He wondered also why so many resolutions and decisions of the United Nations on this question had not been implemented and why Israel was still able to persist in its policy of defying the United Nations. He emphasized that Palestinians would never accept Jerusalem as an exclusively Jewish city; nor could they accept any form of trusteeship, self-rule or partition. They could not accept any alternative to Palestine. Mr. Abu Jameel further emphasized that Palestinians did not mandate anyone except the Palestine Liberation Organization (PLO) to speak on their behalf. He wished the Commission success in its endeavours and expressed the hope that this would be the last time that the United Nations would have to send a fact-finding mission to the area.

78. In response to questions put to the Commission by one of the elders of the camp who inquired why the United Nations was not able to compel Israel to recognize the rights of the Palestinian people, the Chairman stated that while he and his colleagues in the Commission understood the despair of the refugees, they were also aware that the question of Palestine was a complex problem, the just and peaceful resolution of which would take time. He recalled in that context the actions conducted at the United Nations by the Arab States. Some progress had already been achieved and the United Nations was continuing its efforts to find a just solution.

79. Mr. Abboud, an officer of UNRWA, said that the despair of the refugees was compounded by the financial crisis in UNRWA. Brigadier Mohammed Sarreef, Executive Secretary of the Supreme Ministerial Committee for Displaced Persons, gave an overview of the situation concerning the movement of refugees and displaced persons from the West Bank to the East Bank. He indicated that the Schneller Camp and five others had been set up by the Jordanian Government in 1968 to accommodate the refugees and the displaced persons who had been forced to leave the Jordan Valley area. The Jordan Government is spending \$36 million a year for the subsistence of the refugees, housing, salaries and water supply, as indicated in the last report of the UNRWA Commissioner.

(c) Hearings

80. During its stay in Jordan, in addition to meetings with government officials, the Commission held five meetings devoted to the hearing of witnesses. A total of 21 witnesses took the floor. An additional witness presented a written statement which was incorporated in the Commission's records. A number of witnesses asked to remain anonymous, a request which was granted in accordance with a decision previously taken by the Commission.

81. In the course of these hearings, most of those witnesses responded favourably to the Chairman's appeal to confine their statements to the situation in the settlements in the Arab territories occupied since 1967, including Jerusalem. A number of them, however, expanded their remarks to include grievances of a personal

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or collective nature which the Commission considered as falling within the purview of human rights violations, rather than within the scope of its mandate (e.g., witnesses Nos. 3 and 10). It should be noted in that connexion that a similar situation occurred at subsequent hearings in Damascus and Cairo.

82. Most of the witnesses were Palestinians. Some of them - such as Sheik Abdul-Hamid El-Sayeh, Head of the Islamic Court of Appeal, who was deported from the West Bank in September 1967, Mr. Ruhi El-Khatib, Mayor of Jerusalem, expelled in 1968, Mr. Nadim S. Zaru, Mayor of Ramallah, expelled in 1969 or Mr. Shawkat Mahmoud Hamdi, now Director of the Executive Office of the occupied territories in the Jordanian Government - informed the Commission of their experience while serving in the occupied territories. A church leader, Archdeacon Elya Khoury, referred to his experience in the Anglican Diocese of Jerusalem until his expulsion in 1969. Other witnesses such as Mr. Ibrahim Bakr, a practising lawyer who indicated that he had been expelled in December 1967 from the West Bank, drew particular attention to certain legal aspects of the situation. Most of the other witnesses presented views based on their individual or family experience.

83. Keeping in mind the scope of the mandate established by the Security Council, the Commission would like to draw particular attention to a number of points which were reported by witnesses during its stay in Jordan.

Settlements in the occupied territories

84. According to an Arab publication referred to by a witness (No. 15), between 1967 and 1977 the Israelis established in the West Bank, including Jerusalem, 123 settlements, of which 33 were not publicly announced because they were Nahal military settlements.

85. According to another witness (No. 20), it should be noted, that while in the past, those settlements were established mostly close to the line of the pre-1967 border, the new trend would be to divide the West Bank into large squares, subsequently criss-crossed with roads. As perceived by the inhabitants, the aim of that policy is to divide the whole occupied territory into a number of squares and to build settlements on the corners of each of them in order to isolate the main Arab agglomerations.

86. According to other witnesses, the policy referred to above applies whether the land is publicly or privately owned. In that connexion, a witness (No. 4) challenged what he called an Israeli claim that only public land was being used for those settlements. He pointed out that under the Geneva Convention and the relevant United Nations resolutions, the establishment of a settlement in occupied territories is illegal whether it is set up on public or private land. He then gave an informative briefing on the various categories of private lands under Jordanian law.

87. The witness stated also that out of an estimated 125,630 dunums of cultivable land which were taken by the Israelis for the exclusive use of civilian settlements (thus excluding areas kept for military purposes), 9.4 per cent were public lands and 90.6 per cent private.

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88. The pattern and process of land seizure seems to have varied with time. Some witnesses (among them, Nos. 6 and 8) stated that in the wake of the 1967 war, people were expelled from their villages and sometimes their houses were destroyed in front of them. One witness (No. 13) in particular said that, after being expelled from their village to the town of Ramallah, located at a distance of 34 km away, the inhabitants were finally authorized to return. But after walking back approximately 32 km, they were stopped close to their village and saw it being blown up.

89. Since then, according to another witness (No. 4), the land seizure process generally goes as follows: first, the Israeli forces set up boundary markers or barbed wire fences to define the area. Second, the leaders of the village are informed that for security reasons the inhabitants are no longer allowed to enter the closed-in area. Third, crops are destroyed and fruit-bearing trees are defoliated and uprooted. That process was confirmed by another witness (No. 14).

90. Concerning the legal aspect of the matter, a witness (No. 21) mentioned the following instruments under which, he said, most of the confiscations of Arab lands were conducted:

- (i) The Absentee Property Law, adopted by the Knesset on 14 March 1950, which replaced the emergency decrees concerning absentee property issued on 19 December 1948;
- (ii) The law of acquisition of land for the public interest, issued in 1943 under the British mandate and still in use;
- (iii) Defence and emergency decrees of 1945, also issued under the British mandate. Under these decrees, the Military Governor can order deportation of people and expropriation of property;
- (iv) Emergency regulations on the exploitation of barren lands, published on 15 October 1948, under which the Minister of Agriculture is empowered to seize barren lands if he is "convinced" that its owner does not intend to utilize it for agricultural purposes;
- (v) A law relating to the expropriation of real estate during the 1949 emergency period, under which an ad hoc authority may seize any real estate which it believes to be necessary for the national security.

91. With regard to the implementation of the absentee property law mentioned above, it was stated (No. 11) that according to the law, all lands whose owners were not present on 5 June 1967 were considered absentee lands, even when the owner had returned thereafter. All such lands, the witness said, had been put under the authority of the Israeli Custodian of Absentee Property, who collects the rent from the absentee houses. ^{4/}

^{4/} This question was raised on other occasions, in particular in Cairo by the Chairman of the International Law Association. See chap. II, E (c), below.

92. In that connexion some witnesses (Nos. 5 and 17) referred to some cases which had come before an Israel Court. In a recent case, Israeli settlers near Hebron had taken a large piece of land to build 500 housing units. At the request of the Arab owners, the Israeli Court had decided that the decision was illegal, but nevertheless, the settlers had kept the land.

93. Another case in which the Israeli judicial system was involved was reported in the village of Anata near Jerusalem. Following the villagers' refusal to lease 4,650 dunums of land, the military authorities had closed off the zone with barbed wire. The case had been submitted to the Israeli High Court of Justice which, on 15 January 1979, had agreed to a reduced demand from the Army resulting in the expropriation of 1,740 dunums of fertile land. According to the witness (No. 19), the villagers had not been informed of that decision until 18 March 1979, that is after the 30 days limit to appeal the decision.

94. As to the use of the land seized, witnesses (Nos. 1, 2 and 4) enumerated a number of settlements which they said had been established on the former location of Arab villages.

95. It was also stated (Nos. 1 and 17) that the military authorities or the settlers themselves resorted to various means of pressure to compel the landowners to leave the area, such as repeated imprisonment linked to an offer to release the person concerned if he agreed to depart from the area, obstacles to children's schooling, confiscation and destruction (under the "absentee law") of houses belonging to Palestinians living abroad, an action sometimes assorted with the imprisonment of the tenant who had protested against it (No. 1). Several witnesses referred also in that regard to the control of water as a most powerful means of pressure to compel the inhabitants to leave their property.

96. In that connexion, the water resource policy pursued by the Israelis was frequently mentioned. A witness (No. 4) indicated that as of date the Israelis had drilled some 20 deep boreholes from 300 to 600 metres deep in the Jordan Valley and were pumping an estimated 15 to 17 million cubic metres per year exclusively to irrigate the lands seized for their settlements. A number of these wells had been drilled in close proximity to local Arab springs, contrary to Jordanian laws regulating the drilling of new wells. The impact of those practices had been felt all over the West Bank. In Jericho, the saline content of the water pumped from pre-1967 Arab wells (not as deep as the new wells) had noticeably risen while in many areas the flow of water had drastically diminished, such as in the Wadi Fara basin, the Bardala Basin and the region of Al-Anja, where the spring which used to give 11 million cubic metres per year was now down to a trickle, thus threatening the end of any cultivation for the village.

97. In addition, it had become common practice for the Israeli authorities to limit the amount of water which could be pumped from pre-1967 wells by installing water meters (Nos. 1 and 9). To emphasize the importance of water resources, another witness (No. 7) referred to military actions conducted by the Israelis before 1967 across the border line against the village of Qalqilia, at which time, he said, 11 artesian wells had been destroyed. Since 1967 when the village was occupied, the Israeli authorities had installed meters on all the wells, thus

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imposing strict limitations on the use of water. As a result, it was impossible for the Arab inhabitants to carry on any farming but at the same time two Israeli settlements were established in the area. These settlements, each of them with approximately 150 houses, were now equipped with an artesian well with a motor engine and a set of pipelines.

98. The question of whether compensation was given to the deprived landowners was discussed on several occasions. One witness said that the amount offered was merely a tenth of the real value of the property (No. 9); he also added that furthermore this was not the point, since the owners did not want to sell it. That latter view was also expressed by another witness (No. 15). Another witness (No. 22) mentioned two relevant cases. In the first one, the owner had refused any compensation which might be construed as an agreement, but the land had nevertheless been used for a military camp and then gradually transformed into a settlement for civilians. In the second, which referred to an area of 400 dunums, no compensation had been paid to the individual owners.

Jerusalem

99. The situation in Jerusalem was described more extensively by four witnesses (Nos. 15, 16, 18 and 21). One of them (No. 21) recalled that the Israeli Knesset had adopted on 28 June 1967 a decision of "annexation" on the basis of which the following measures were taken:

- (i) Abrogation of the Arab Municipal Council of Jerusalem;
- (ii) Elimination of certain municipal services and amalgamation of others with their Israeli counterparts;
- (iii) Application of all Israeli laws to Arab citizens;
- (iv) Closure of the Education Department and transfer of all Arab public schools to the authority of Israel's Ministry of Education, this leading to the use of Israeli curricula including the reading in primary schools of a book entitled I am an Israeli;
- (v) Issuance of Israeli identification cards to all inhabitants;
- (vi) Non-recognition of Jerusalem Islamic Courts;
- (vii) Obligation for professional individuals to register their names with Israeli professional associations;
- (viii) Closure of Arab banks and exclusive use of Israeli currency;
- (ix) Physical transfer to Arab Jerusalem of a number of Israeli ministries and departments.

100. As to the methods used by Israel to judaize the Arab sector, the same witness (No. 21) said that, immediately after the 1967 war, Israel resorted

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to the demolition, in four different quarters of Jerusalem, of 1,215 houses, 427 shops, 5 mosques, 3 monasteries and 4 schools, i.e. a total of 1,654 buildings. As a result, the witness said, 7,400 inhabitants were forced to leave (another witness, No. 15, referred to "more than 5,000" people). Then a "Jewish Quarter" was established, which as of today contains 320 housing units built on 116 dunums and inhabited by a Jewish settler population of 1,300 persons. Finally, 94,564 dunums of Arab lands situated within the limits of the municipality of Arab Jerusalem were confiscated.

101. Another witness (No. 15) stated that the aim of those expropriations in Jerusalem was to surround with Jewish settlers three specific areas still mainly occupied by Arabs. Such a policy, he said, was a threat to the very presence and existence of Arabs in the city.

102. A number of witnesses (such as No. 18) referred to the archaeological excavations which, he said, although repeatedly condemned by UNESCO, were still continuing, thus inflicting serious damages to Islamic shrines.

103. As to the number of settlements in Jerusalem, a witness (No. 21) indicated that 9 of them had been built within the boundaries of Arab Jerusalem and 10 more within the framework of so-called greater Jerusalem. The same witness concluded his statement, saying that through that policy of settlements Israel's aim was to seize the land and gradually expel its inhabitants. That view was also expressed in various terms by a number of other witnesses.

104. The Commission departed from Amman by road on 26 May 1979.

C. Visit to the Syrian Arab Republic (26-29 May 1979)

(a) Meetings with government officials

105. The Commission arrived in Damascus on 26 May 1979 and was received the following day at the Ministry of Foreign Affairs by Mr. Abdul Halim Khaddam, Deputy Prime Minister and Minister of Foreign Affairs. He was accompanied by Dr. Haitham Keylani, Director of the International Organizations Division and other officials from the Foreign Ministry.

106. The Deputy Prime Minister welcomed the Commission and assured it of the full co-operation of his Government in the implementation of its mandate. All that Syria expected from the Commission's efforts, he said, was that the truth be established, because truth was more powerful than military force. In that connexion he described Israel's policy of settlements as nothing but the continuation of the aggressive and expansionist practices which had characterized the Zionist movement since its very beginning and which remained the real obstacle to peace. Mr. Khaddam blamed Israel for the current situation and the United States which, he said, bore a share of the responsibility for facilitating Israel's policy of settlement. He also deplored that the United Nations could not take a stronger stand in that regard.

107. Referring to the policies pursued by Egypt and the United States, Mr. Khaddam emphasized that they did not serve the cause of peace in the area. The so-called autonomy envisaged for the Palestinians in the occupied territories in the peace treaty between Israel and the Egyptian régime would apply only to the inhabitants but the land and its resources would remain indefinitely under the authority of Israel. For the Syrian Government, it was clear therefore that such an agreement which did not tackle the real problem could not serve the cause of peace in the area. Dr. Keylani noted in that regard as a further proof of it that the number of Israeli air raids over Lebanon had increased 10 times since the signing of the treaty.

108. In his reply, the Chairman expressed the Commission's appreciation for the welcome extended to it and assured the Deputy Prime Minister that the contents of his statement would be reflected in the Commission's report. He recalled the precise terms of the Commission's mandate and, in that context, stressed the position of all three Governments represented on the Commission as to the question of settlements. Their vote in favour of Security Council resolution 446 (1979), he added, was a clear indication of that position.

109. On the same day, 27 May 1979, the Commission held an open meeting with a Syrian delegation composed of Dr. Haitham Keylani, Major-General Adnan Tayara, head of the Syrian delegation at the Mixed Armistice Commission, Mr. Taker Houssami, Mr. Bechara Kharou and Mrs. Razan Mahfouz, all from the Ministry of Foreign Affairs.

110. Dr. Keylani stated that, in the view of the Syrian Government, Security Council resolution 446 (1979) was a further evidence of the concern with which the international community viewed the explosive situation in the Middle East and that situation was the result of Israel's occupation of Arab territories and its

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refusal to recognize the national inalienable rights of the Palestinian people. He pointed out that his Government considered that, in a matter which was related to the maintenance of peace and security, it was imperative for the Security Council not only to express concern but to take the relevant measures provided for in Chapter VII of the United Nations Charter.

111. Dr. Keylani observed also that Israel's practices in the occupied territories - in particular the Golan Heights, where towns and villages had been replaced by Israeli settlements - were consistent with the aims of zionism which involve annexation of occupied territories and the enslavement of the local population.

112. In his reply, the Chairman noted that the purpose of the Commission in coming to Syria was to fulfil to the greatest possible extent the mandate entrusted to it by the Security Council. It had been the intention of the Commission to visit all the parties concerned in the area. However, the possibility for the Commission to go to the occupied Arab territories had to be ruled out because of the attitude of the Government of Israel in that respect. In order to accomplish its task, the Commission resorted to other means of obtaining information. It was in that spirit that the Commission had come to Syria. The information to be provided by the Syrian Government, as well as by the witnesses, would make it possible for the Commission to provide the Security Council with additional information so that the Council, in its persistent efforts to solve the problems of the Middle East, might in the future adopt appropriate measures.

113. A closed meeting was held at which Dr. Keylani presented the position of the Syrian Government with regard to Israeli policy and practices in the occupied Arab territories, in particular the Golan Heights. Following a historical review of the occupation of Palestine by Zionist elements, Dr. Keylani pointed out that immediately after its invasion of the Golan Heights in 1967, Israel started implementing its plan to control the whole area and to expel its inhabitants.

114. The Golan Heights before the occupation had been one of the most prosperous areas in Syria, inhabited by 142,000 people, living in 163 towns and villages. After the occupation, Israel completely destroyed all these towns and villages with the exception of five, namely Majdal-Shams, Akaata, Massaada, Al-Ghajar and Ein-Kena, and with the stones from the ruins, Israel built in their place 29 settlements for military and other purposes. The destruction of the town of Quneitra which the Commission was going to visit was an example, he said, of what had happened in the 1,770 square kilometres still occupied by Israel.

115. Dr. Keylani pointed out that, out of a total of 142,000 Syrian inhabitants in the Golan Heights, only 8,000 had remained while 134,000 had been expelled and compelled to take refuge in other parts of Syria, where there were also approximately 250,000 Palestinian refugees. The Golan Heights, he continued, was ruled by a military governor with unlimited authority, including the right to appoint local councils and village mayors and to dismiss them at will. By comparison, in the West Bank, those officials were still elected by the population. 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 in Syria. In fact, the freedom of movement of the

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remaining inhabitants was restricted even within the five villages. To visit another village, the inhabitants had to obtain from the military Governor a special authorization, which had to be applied for a month in advance and was valid only for a few hours subjecting the holder to imprisonment and heavy fines in case of violations. Among the measures taken by the occupation authorities which affected more specially the conditions of life in the occupied territories were the imposition of all Israeli laws, the expropriation of large areas of agricultural land for so-called reasons of security, and the refusal to respond to humanitarian appeals by the International Red Cross, among others, for the reunification of families.

116. Commenting on the education policies of the occupation authorities in the Golan Heights, Dr. Keyhani said that all Arabic curricula had been replaced with Israeli curricula and the teaching of Hebrew imposed in primary schools. Of the many primary and secondary schools which existed before, only seven primary schools and one secondary school had been allowed to continue functioning. Syrian graduates of the secondary school were not permitted to pursue their higher education in Syrian universities because the aim of the Israeli authorities was to channel these youths into the labour force needed in Israeli factories. Only after repeated efforts and intervention by the International Red Cross were a few students allowed to register in the Syrian universities. Other measures taken by the occupation authorities in the field of education in the Golan Heights included the intimidation and dismissal of qualified Arab teachers; and educational courses which were compulsory for the 8,000 Syrian inhabitants and aimed at indoctrinating them to serve the aims and purposes of Zionism and the Israeli policies. Further information, said Dr. Keyhani, on the educational system imposed by the Israelis in the Golan Heights could be found in the reports published by UNESCO, in particular, in document No. 20/C/113 of 28 September 1978 and document No. 104 EX/52.

117. Turning to the question of the geographical changes that had taken place in the Golan Heights as a result of the occupation, Dr. Keyhani stated that the whole area had been turned into a military fortress with 29 settlements, a synagogue, a military museum, as well as new roads which are used essentially for military purposes. He recalled by comparison the agricultural prosperity of that area before Israel's occupation.

118. On the question of military rule in the Golan Heights, Dr. Keyhani noted that Israel had established a military court in Tiberias to administer Israeli laws over the Golan Heights. Ninety-five per cent of the judgements, he said, delivered by the court related to so-called security matters for which the sentence was life imprisonment or hard labour for life with no possibility of appeal.

119. As to the settlements, Dr. Keyhani stated that 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.

120. To be able to pursue that policy Israel had succeeded in expelling most of the inhabitants of the Golan Heights through various means, including restriction of movement, threats, intimidation, burning of crops, depriving them of their means of livelihood and imposing on them heavy taxation beyond their means. He also pointed out that those settlements were all military fortresses and that the settlers, who were from Al-Jadna, a military-agricultural organization that worked in liaison with the Israeli army, were of military age. This, he said was an additional means of pressure on an unarmed population.

121. With regard to the nature of the Israeli settlements, he expressed the conviction of his Government that these settlements were meant to be permanent, as confirmed by statements made by various Israeli officials and by the slogan which Israel had applied to the Golan Heights since 1967, namely "Security before peace". Although the Golan Heights area was included in the security and defence plans of Israel, Dr. Keylani said, security was only a pretext to annex the region since all the relevant United Nations documents indicated that before 1967 the Syrian Army artillery fired only on Israeli military bulldozers entering the no-man's land between Israel and Syria and not on any Israeli settlements.

122. Referring to the differences in the policy of Israel regarding the various Arab territories under occupation, Dr. Keylani observed that Israeli practices varied according to Israel's goals and to the size of the population in each territory. In the Golan Heights, Israel had achieved the following objectives: evacuation of the area by almost all its inhabitants; thwarting of any armed resistance by the remaining inhabitants; reduction to a minimum of the number of violations of human rights, given the small number of inhabitants remaining in the area; exploitation of expropriated fertile lands for Israel's benefit; and establishment of a military zone to defend Israel against Syria. In connexion with the evacuation of inhabitants, he recalled that in 1967 the Syrian inhabitants wanted to stay in the Golan Heights but that they had been forcibly driven out. For example, in the town of Quneitra, Israel had compelled the inhabitants to leave the area at night through minefields, thereby causing heavy casualties.

123. In the course of the exchange of views that ensued, Dr. Keylani said, that, between 1967 and 1973, Israeli authorities had attempted to impose Israeli citizenship on the Syrian inhabitants. Having met with categorical resistance in that regard, they had continued to deny them the attributes of Syrian citizenship and, furthermore, since 1973, they had imposed Israeli citizenship on the Syrian children born under occupation, in the belief that with time the opposition would disappear.

124. On the question of religion, Dr. Keylani noted that the deliberate destruction of the mosque, particularly in Quneitra, was meant to humiliate the inhabitants and leave them with no choice but to conduct their prayers at home.

125. As to Jerusalem, it was, he said, a sacred Arab Moslem city with the same status as that of any other part of the occupied territories. That occupied city must be liberated and returned to the Palestinian people. Syria would not accept

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that a single inch of Arab territory, including Jerusalem, would remain under Israeli occupation and, in that regard, it supported the resolutions of the General Assembly and the Security Council on the matter.

(b) Visit to Quneitra

126. On 28 May 1979, the Commission visited the location of the town of Quneitra in the Golan Heights.

127. Major-General Adnan Tayara who led the visit recalled that Quneitra and the surrounding area had been taken over by Israel in June 1967 and were returned to Syria in 1974.

128. During the visit through the ruins of the city, the Commission was acquainted with the situation that was reported in 1977 to the General Assembly by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in its "Report on damage at Quneitra". ^{5/} It was on the basis of that report, that the General Assembly, on 13 December 1977, adopted resolution 32/91 by which it condemned the "massive, deliberate destruction of Quneitra perpetrated during the Israeli occupation".

129. During that visit, the Syrian authorities pointed out to the Commission several Israeli settlements beyond the area of separation which, they said, were established on land belonging to the city of Quneitra where agricultural work was in progress.

(c) Hearings

130. In addition to the working meeting with the Syrian delegation, the Commission held a number of hearings. Among the witnesses who appeared before the Commission there were three members of the Palestine Liberation Organization, whose statements are reported in part II (F) below.

131. Thirteen other witnesses testified. Among them, a professor of geography (No. 23) briefed the Commission on the economic situation of the Golan Heights before 1967. He pointed out that the region was one of the most prosperous of Syria. The number of inhabitants was about 150,000, with a density of 90 per square kilometre.

132. The arable area amounted to 107,000 hectares. The witness gave figures concerning the various kinds of soil cultivation, fruit-bearing trees and livestock to bear out his assertion that the region, despite its small size, used to produce 10 per cent of the total output of the country.

133. The other witnesses were former inhabitants of the Golan Heights, most of them from Quneitra. Seven of them (Nos. 29, 30, 31, 32, 33, 34 and 35) were municipal officials at the time the Israeli forces entered the region. They concurred in saying that all sorts of pressure including threats of death had

^{5/} A/32/284, annex II.

been used by the Israelis to make the inhabitants leave the area. Villages had been destroyed, sometimes in the presence of the inhabitants (Nos. 31 and 32) and people had been taken in motor vehicles and dropped at the separation line (Nos. 31, 32 and 33) to compel them to leave.

134. A witness (No. 24) who said that he had seen Israeli bulldozers destroy Arab agglomerations, reported also that he had seen a number of Israeli settlements built on the former location of Arab villages; of which he gave the names.

135. Another witness (No. 29) said that even now, Arab students from the occupied area in the Golan Heights were prevented from pursuing their higher education in Syrian universities. He added that those who, through the mediation of the Red Cross, had been allowed to do so had been prevented from returning to their homes.

D. Visit to Lebanon (29-30 May 1979)

136. From Damascus, the Commission flew to Beirut on 25 May 1979.

137. The same morning the Commission was received by Mr. Fouad Boutros, Minister for Foreign Affairs. Three members of the Foreign Ministry were also present.

138. The Foreign Minister welcomed the Commission and expressed the hope that its report would assist the Security Council in its efforts to promote the law of equity and justice, the right of peoples to self-determination and the compliance of Member States with their obligations under the United Nations Charter and international law.

139. Although not directly involved in the tasks of the Commission, he said Lebanon welcomed any effort that could facilitate the return of the Palestinians to their homeland. For its part, Lebanon had felt it its duty to receive on its soil many Palestinian refugees and it was satisfied to have been in a position to assist them in their plight. However, the present disruption which Lebanon was experiencing was linked to that very hospitality. This was therefore one more reason for the Lebanese Government to assure the Commission of its wishes of success in the implementation of the mandate assigned to it by the Security Council.

140. Regarding the situation in southern Lebanon, Mr. Boutros said that the continuous intensive bombardment by Israel was causing a human tragedy of disastrous dimensions at that time. About 100,000 persons had been forced to flee to the north from the Tyre area. In the present circumstances, he said, Lebanon welcomed the presence of UNIFIL; it only wished that the mandate of the Force were such that it could better tackle the situation.

141. Summing up the position of his Government, the Foreign Minister emphasized that Lebanon had no problem of frontiers with Israel or of directly occupied territories. However, it could not be indifferent to the question of Israeli

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settlements established in occupied Arab territories - given the very large number of Palestinians who had taken refuge in Lebanon - or to that of the over-all solution of the Middle East conflict, to which it was a party.

142. The Lebanese Government entirely supported the position of the Arab States concerned. It considered that the establishment of settlements, which in itself was contrary to the norms of international law, aggravated the situation prevailing in the region, gave rise to new causes of discord and new human problems and constituted an obstacle to the return of the Palestinians to their homeland.

143. It also considered that the return of the Palestinians to their homeland, apart from being a necessity for a country like Lebanon, which could not absorb the large number of refugees living in its territory, was the first of the legitimate rights of the Palestinian people, respect for which was called for in Security Council resolutions 242 (1967) and 338 (1973) and in the Soviet-United States communiqué of 1 October 1977.

144. For these reasons Lebanon, which had already on several occasions officially proclaimed, through its Head of State and its accredited representatives in international forums, its refusal to accept the settlement of Palestinians in its territory, reaffirmed its position and its point of view concerning the need to overcome all obstacles, including settlements, that were likely to impede the exercise of the right of the Palestinians to return to their homes.

145. The Chairman said that the Commission had taken due note of the position stated by the Foreign Minister, which would be reflected in its report. He added that although, as stated by the Foreign Minister, the mandate of the Commission did not in a precise way directly apply to Lebanon, it had a bearing on it because Lebanon was a neighbouring country to the occupied territories and gave refuge to an ever-increasing number of Palestinian refugees. The Chairman thanked, therefore, the Foreign Minister for the interest shown by the Lebanese Government in the Commission's efforts.

146. On the same day, the members of the Commission were also received by the Prime Minister of Lebanon, Mr. Salim Al Hoss.

147. Mr. Al Hoss welcomed the Commission and said that Lebanon was concerned by its mandate inasmuch as it dealt with the general situation in the Middle East. Noting with regret that all efforts aimed at settling the Middle East problem, and most particularly the Palestinian question which is at its core, had so far been unsuccessful, the Prime Minister pointed out that Israel's policy with respect to settlements was still complicating the problem.

148. Such a settlement policy was significant, he said, not only in its immediate effects on the occupied territories, but even more so in its future implications in that it made it clear that Israel's intention was to settle in those territories on a permanent basis.

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149. At the present time, Lebanon was the country most directly affected by the situation in the Middle East. The acute human problem created by Israel's actions in southern Lebanon was no less tragic than its policy of settlements in the occupied territories. The Israelis no longer even looked for pretexts, as was the case in the past and, contrary to their allegations, Lebanese civilians were their daily targets.

150. Expressing again his wishes for the success of the mission, which he saw as a renewed effort toward peace, the Prime Minister assured the members of the full support of his Government and offered any assistance which the Commission might need in the performance of its tasks.

151. The Chairman expressed appreciation for the welcome received by the Commission and assured the Prime Minister of the desire of the Commission to implement as fully as possible the mandate assigned to it by the Security Council.

152. During its stay in Beirut, the Commission also met Mr. Yasser Arafat, Chairman of the Palestine Liberation Organization. That meeting is reported upon in Chapter II.F below.

E. Visit to the Arab Republic of Egypt (30 May-1 June 1979)

(a) Meetings with government officials

153. The Commission arrived in Cairo on 30 May 1979. In the evening of the same day, the Commission was received by Dr. Boutros Ghali, Minister of State for Foreign Affairs, who was accompanied by Mr. Ahmed Khalil, Under-Secretary for Foreign Affairs, Ambassador Ezz Eldin Sharaf, Director, Palestine Department, Ambassador Ahmed Maher, Chef de Cabinet of the Foreign Minister, Ambassador Ala Eldin Khariat, Chef de Cabinet of the Minister of State, Mr. Amre Moussa, Director, International Organizations Department, Mr. Abdel Moneim Ghoneim, Cabinet of the Minister of Foreign Affairs, Mr. Said El Masri, Cabinet of the Minister of State, Mr. Mohamed El Dinang, and Ms. Leila Emara, both from the Foreign Ministry.

154. The Minister of State for Foreign Affairs said that Egypt welcomed the Commission most warmly, not only because of Cairo's interest in the United Nations and its role in the achievement of peace but also because of the Commission's mandate, which matched Egypt's concern regarding the settlement policy of Israel.

155. Dr. Boutros Ghali stated that the Egyptian Government had informed the United States and Israel that it condemned the settlement policy and insisted that those settlements should be removed. This had been achieved in the case of the settlements established in Sinai, and for its part, Egypt would endeavour to have them removed from all the Arab territories, including Arab Jerusalem.

156. Dr. Ghali emphasized that Egypt's aim in the peace process was not the conclusion of a bilateral peace treaty with Israel but a comprehensive peace treaty in the area and the attainment of the settlement of the Arab-Israel conflict in all its aspects. In this connexion, he noted that the Camp David framework agreement set out the principles and procedures for a series of negotiations leading to peace between Israel and each of its Arab neighbours. In the Egypt-Israel peace treaty, Israel had accepted Security Council resolution 242 (1967) and thereby the principle of dissolution of its settlements. That principle had to be applied also in other peace treaties to be concluded between Israel and its other Arab neighbours.

157. In the course of the exchange of views which ensued, Dr. Ghali stated that Arab Jerusalem was an integral part of the West Bank and that Israel must withdraw therefrom. He said that the attainment of a comprehensive peace in the area involved two types of negotiation: negotiation regarding withdrawal of Israel from Sinai and negotiations concerning the future of the West Bank, including Arab Jerusalem, and of the Gaza Strip. Until a Palestinian authority could be created, what was required was a moratorium on Israeli declarations that there would be more settlements.

158. In conclusion, the Minister of State for Foreign Affairs summed up Egypt's position regarding the problem of settlements as follows: (i) the establishment of the settlements constituted a fundamental obstacle to peace and Egypt condemned that policy; (ii) the Hague Convention signed in 1949 stipulated that it was

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inadmissible to change the character of occupied territories and any contrary measures were illegal; (iii) Egypt had confirmed this position during the first Camp David discussions and had sent an official letter in that respect to President Carter of the United States on 17 September 1978 requesting his support to obtain the removal of all the settlements; (iv) Egypt had demanded and would continue to demand during the coming negotiations on autonomy that the settlements be stopped and removed from the West Bank and Gaza Strip.

159. The Chairman expressed the appreciation of the Commission's members for the welcome they had received and reiterated the position of the Commission concerning its mandate and the problems which derived from the fact that the Commission could not go to the occupied territories. The Commission, he added, was grateful to the Minister of State for Foreign Affairs for the data thus provided to it and for stating the position of his Government with regard to the Israeli settlements.

160. On 31 May, the members of the Commission were received by the Prime Minister and Minister of Foreign Affairs, Dr. Mostafa Khalil. Also present at the meeting were Ambassador Ahmed Tewfik Khalil, Under-Secretary, Ministry of Foreign Affairs, and Ms. Leila Emara, Ministry of Foreign Affairs.

161. The Prime Minister declared that Egypt regarded the establishment of the settlements as an illegal act incompatible with the resolutions of the United Nations and in no way conducive to the cause of peace and stability in the region. Israel had no right to establish those settlements, he said, and their creation in the West Bank and Gaza Strip constituted a serious problem and impeded the efforts currently made to bring about a just and comprehensive peace in the Middle East.

162. Referring to the Israeli settlements in the Sinai on land previously reclaimed from the Egyptian Government, which he said were to be removed after the second phase of Israeli withdrawal from the Sinai, the Prime Minister observed that those settlements could serve no military purpose as the area would be demilitarized. If those settlements were to serve a civilian purpose, the Prime Minister drew attention to the difficulties the settlers would face once Egypt resumed the exercise of its full sovereignty over the Sinai since, under Egyptian law, foreigners could not own agricultural lands. Noting that the number of settlers in the Sinai was somewhere around 4,300 to 4,500 people, he pointed out that in comparison to Egypt's population of some 40 million, that number of settlers was insignificant. The real question was the meaning and intention behind those settlements, the question of the right of the settlers to retain their identity and the question of establishing a precedent.

163. Dr. Mostafa Khalil recalled that international law and United Nations resolutions forbade the retention of territories acquired by conquest and also proscribed the exploitation of the resources of such territories during the period of occupation. He pointed out that the framework laid down in the Camp David agreements was based on Security Council resolutions 242 and 338; this clearly meant that Egypt rejected the pretext of retaining territory in order to obtain security since security could be guaranteed in accordance with agreed arrangements, as was happening in Sinai, without recourse to the establishment of settlements.

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164. The Prime Minister expressed his concern that the settlements would constitute a future obstacle to the negotiations on self-determination which he said the Palestinians were to conduct three years after the establishment of autonomy in the West Bank and the Gaza Strip.

165. Regarding the present status of Jerusalem, the Prime Minister told the Commission that Arab Jerusalem was part of the West Bank and that the area containing the holy places should be open to all faiths. He affirmed that the Palestinians alone, and no other party, should decide their future and he expressed his conviction that, for the Palestinians, the negotiations on autonomy would represent the beginning of the road towards self-determination.

166. The Chairman thanked the Prime Minister for the opportunity afforded the Commission to acquaint itself with the position of the Egyptian Government on the question of settlements and assured him that the substance of his statement would be reported to the Security Council.

(b) Hearings

167. On 31 May the Commission held a meeting in Cairo during which it heard seven witnesses.

168. In their statements, the first two witnesses introduced themselves as Mr. Yehia Aboubakr, Information Director, League of Arab States (No. 36) and Mr. Ibrahim Shukrallah, Director of the Political Department, League of Arab States (No. 37). Both emphasized that the destruction of Arab villages and the establishment of Jewish settlements were interrelated. According to the figures available to their organizations, some 500 Arab villages had already been destroyed for that purpose. They gave specific cases as examples of that policy particularly in the Gaza Strip. They emphasized that that policy, which was a flagrant aggression against human rights, constituted a major obstacle to the establishment of peace. The situation was specially grave, they said, because of the clear intention of Israel to establish new settlements.

169. This intention had been stated in particular by the Israeli Minister for Agriculture - also Chairman of the Ministerial Committee for Settlements - who had spoken about several plans such as the increase from 25 to 50 the number of Israeli settlements in the Jordan Valley; to establish a belt of settlements between the occupied Gaza Strip and the liberated Egyptian Sinai and to encircle Jerusalem with Jewish settlements in order to increase the population of the city to 1 million inhabitants.

170. In addition to the establishment of new settlements, they noted that the policy to strengthen and enlarge the existing settlements had been advocated repeatedly by Israeli officials. Thus the Israeli Minister of Defence, Mr. Weizman, had recently announced a plan for the creation between Jerusalem and Ramallah of a large settlement town to be called "Gabaon".

171. That official attitude was still reinforced by the actions of private groups such as the Gush Emunim group, which acquired lands for further settlements. That

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group, they said, worked hand-in-glove with the Government, and the financing of its operations was partly provided by official Government circles. As to the method used for that purpose, the group would send some of its members during the night to the location concerned. They would build primitive housing in which they would establish residence and gradually would increase their number to the moment when a fait accompli had been established.

172. By implementing that policy, Israel has forced the Palestinians into dispersion, forfeiting their right to return. Some of those who remained had been thrown into jail under various pretexts. As to the peasantry, they had been turned into a mobile army of unskilled or semi-skilled labourers that could easily be persuaded to emigrate.

173. But while the Israelis numbered a little over 3 million, the witness said, Arabs were still the majority in the North, the West Bank and the Gaza Strip. Therefore, to fail to redress such a grave injustice would just keep the cause of contention alive.

174. The Chairman stated that the Commission had taken due note of the statements made by the two witnesses in the same way it had taken note of statements made during its visits to other Arab countries when other witnesses were presented to it. The fact that the witnesses had stated that they belonged to the Arab League would not imply, however, on the part of the Security Council Commission any involvement in the dispute related to the location of the League headquarters.

175. The four other witnesses (Nos. 38, 39, 40 and 41) referred essentially to the situation in Gaza. One of them (No. 38) described the area as being 45 kilometres long and 8 kilometres wide; half of it, he said, was built up with houses, another quarter bore citrus plantations and the remaining quarter was inhabited by some 500,000 Arabs.

176. Another witness (No. 41) stated that five Israeli settlements had been established on some 12,000 dunums of land. Roads had also been built on Arab land and the owners, said another witness (No. 38), rejected any offer of compensation.

177. Some witnesses referred to different sorts of pressure exerted against the inhabitants to compel them to leave. A witness (No. 41) said that, for example, an Israeli would knock at a door at night, saying that he was an Arab commando and asking refuge. He would stay one hour or two and later on the inhabitant would be arrested and expelled. Another possibility was for the Israeli authorities to grant an authorization to visit relatives outside the Strip but not let the inhabitant return. A reference was made also to the control of water through meters fixed on wells to limit the supply; the water would be completely shut off if the consumption exceeded the fixed limit (No. 38), thus compelling the inhabitant to leave.

178. The same witness recalled that when Israeli troops entered the Strip in 1967, they encircled the villages, put the men aged 15 to 30 on trucks and took them to Egypt, thereby expelling some 12,000 young men who were never allowed to return.

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179. Another witness (No. 39) stated that the purpose of the settlements in addition to changing the demographic nature of the area was to terrorize the inhabitants. Those settlements, he said, were heavily armed while the local inhabitants had no weapons. Friction and clashes among the two groups left many victims among the Palestinians.

180. As to the procedure followed by the Israeli authorities to establish or extend their settlements, a witness (No. 41), who said that he had left Gaza one month before, stated that when the Eretz settlement had decided to build a road leading to the seashore, the Israelis confiscated his land with its vineyards and also took over several buildings which the United Nations had built for the refugees. In one of those buildings which, the witness said, still belonged to UNRWA, the inhabitants were given 24 hours to leave before it was destroyed.

181. Mr. Ali Khalil, representative of the United Nations Association (No. 42) made an appeal to the Commission to help the Security Council deal with the question of settlements which he emphasized was an obstacle on the road to peace.

(c) Private meeting

182. During its stay in Cairo, the Commission had an opportunity to exchange views with Dr. Hafez Ghanim, Chairman of the International Law Association and other members of the Association.

183. Among other points, Dr. Ghanim and his colleagues drew particular attention to the illegality of the establishment of settlements in occupied territories with regard to international law. They also questioned the validity of the status and functions of the Office of the Custodian of Absentee Property, which was established in Israel by law in 1950. Dr. Ghanim emphasized that that official was given a free hand over such properties, which could then be disposed of at the whim of the Custodian.

184. The Chairman expressed appreciation to Dr. Ghanim and the other members of the Association for their informative briefing.

F. Statements by the Chairman of the Palestine Liberation Organization (PLO) and other officials of that organization

185. In the course of its visit to the area, the members of the Commission had several exchanges of views with representatives of PLO. In Damascus, on 27 May, the Commission heard a statement by Mr. Najib Al Ahmad, Special Representative, Political Department and, the following day, statements were also made by Mr. Habib Kahwaji, and Mr. Abdul Muhsen Abou Meizar, both members of the Executive Committee. Moreover, in Beirut, on 30 May, the Commission had a private meeting with Mr. Yasser Arafat, Chairman of the Palestine Liberation Organization.

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186. In his statement, Chairman Arafat said that the Israeli Defence Minister had recently confirmed his previous declaration that the Israelis wanted to destroy the Palestinians and that the shelling in southern Lebanon would not stop as long as that goal had not been reached. This, he said, explained the daily killing of children and destruction of schools by fragmentation bombs, although their use was forbidden by international law. 6/

187. As a result of those developments, the number of refugees in Lebanon had increased up to some 600,000 of which 150,000 were Palestinians and 450,000 Lebanese. The PLO had to fight not with a view to attacking but just to defend its people. Inside Palestine, the Palestinians who were still there were treated like slaves. They were under the control of the occupation forces for every way of life including the amount of water they are allowed to use in their villages, because water was allocated by priority to Israeli settlements. Meanwhile, Chairman Arafat said the Palestinians who were compelled to leave their country are now used as experimental targets for all new types of those weapons provided to Israel by the United States.

188. Chairman Arafat pointed out the distress of the Palestinian refugees who had been uprooted from their own land and stripped from their national identity. He referred to their daily problems concerning, for instance, the obtaining of a passport or how their children could go to school. Many new-born children, he said, were not even reported because their parents lacked the necessary papers. It was sad indeed that in such circumstances the international community did not take the sort of strong action which could remedy the situation.

189. As to the Camp David agreement, Chairman Arafat said that while it specified that the Israelis should not attack the Jordanians or the Syrians, it did not mention the Palestinians. That omission implied an invitation to Israel to attack the Palestinians; clearly the Israelis were responding to it.

190. More trouble would come up, he said. But in the long run, PLO would succeed just like the many other leaders who, after acting as liberation fighters were now representing their own countries at United Nations Headquarters.

191. In the present context the development of Israeli settlements was the centre of the matter, he said. Most of the refugees had to leave their country because Israelis wanted their lands. And now the trend was increasing and the establishment of new settlements demonstrated Israel's policy of colonizing the occupied territories and banning for ever the return of the Palestinian refugees, in violation of United Nations resolutions.

192. For that reason, PLO was hoping very sincerely that the Commission would be successful in its tasks which, it was to be hoped, would bring peace despite Israel's refusal to co-operate with it.

6/ Part of a fragmentation shell was shown to the Commission.

193. The Chairman of the Commission thanked Mr. Arafat for his informative briefing and assured him that the Commission would do its utmost to fulfil faithfully its mandate.

194. When at another meeting Mr. Najib, Special Representative of the PLO addressed the Commission in Damascus, he pointed out that for the establishment of the settlements on Arab lands in the West Bank, the Israeli Government had allocated half a billion Israeli pounds for the year 1979. Moreover, it had been decided, he said, to build 20 Israeli settlements in the West Bank in 1980 and 45 within the next five years to accommodate 58,000 Jewish families.

195. Mr. Al Ahmad then gave an account of the practices used by authorities to compel Arab inhabitants to leave their lands. Thus the Arabs were prevented from digging any artesian wells without special authorization, which was difficult to obtain. The owners of the wells were compelled to install water meters and could irrigate their land only with the amount of water allocated to them and only during specified hours. That practice led to a decrease in agricultural production, which compelled the owners to abandon their lands. He referred also to acts of destruction or damage to Arab water pumps perpetrated by the Israeli settlers to prevent the Arabs from irrigating their land and further noted that Arabs in the West Bank and the Gaza Strip needed a special authorization to plant trees or replace those previously planted.

196. Mr. Al Ahmad challenged the Israeli Government claim that it established the settlements only on public lands. He referred to his own experience in 1948 when Israel occupied 90 per cent of the land of his native village, Romana, and in 1967 when it occupied the rest. Mr. Al Ahmad was then put in jail, for security reasons, and after spending 13 months in prison he was expelled with his family.

197. In that connexion, the witness gave some information on the treatment of prisoners in the occupied territories. He also noted that more than 2,000 Arabs had been forcefully deported without even the use of indirect ways of pressure. A large number of these deported people, he said, were professionals such as physicians, engineers, teachers and lawyers.

198. Mr. Al Ahmad also drew attention to the fact that 2,875 Arab houses had been blown up for so called security reasons.

199. Mr. Habib Kahwaji, member of the Executive Committee of PLO who indicated that he was expelled from the West Bank, said that, under the pretext of maintaining security, the Israeli authorities had embarked upon a programme of gradual judaization of the occupied territories. This was pursued through the creation of a wall of settlements between those territories and neighbouring Arab States; the fragmentation of the territorial unity of the West Bank and the Gaza Strip into small areas isolated from each other by Jewish settlements; and the isolation of major Arab cities in the area from their natural Arab surroundings.

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200. Over the past 12 years, in order to acquire the lands needed for its settlements in the West Bank and the Gaza Strip, Israel had seized an area equivalent to more than one quarter of the total area of both territories.

201. The various ways resorted to by the Israeli occupation authorities to seize Arab lands included the following:

- (i) Acquisition of public lands allocated for public facilities or for the expansion of municipal zones;
- (ii) Expropriation of privately-owned lands by invoking the Emergency Law introduced by the British Mandate Government. This law as revised by the Israeli authorized military governors to declare certain areas as zones closed for military purposes;
- (iii) The use of the Absentees' Property Law of 1950;
- (iv) The compulsory purchase of Arab lands, which consisted of seizing privately owned land, then having the owners appear before the military administration official to sign the sale contracts, prepared in advance;
- (v) The purchase of land through firms set up abroad either by the Jewish National Fund (JNF) or the Israeli Real Estate Department, such as the Rimanotha firms, an American enterprise owned by JNF; and
- (vi) The seizure of lands under the pretext that they used to be owned by JNF before 1948.

202. Through these various methods of seizure and confiscation, over 60 per cent of the arable lands of the Jordan Valley, namely, 95,000 dunums, had been seized. In the Hebron area, in addition to public lands, the occupation authorities had expropriated 1,000 dunums in 1968 to set up the settlement of Qiryat Arba, another 1,000 dunums of the Samou' village lands, 230 dunums belonging to the Bani Naeem village in 1975 and about 160 dunums in Hebron itself in 1979.

203. Several thousand dunums had also been seized in the Gosh Etzion area on the Bethlehem-Hebron road, where five settlements were set up. The latest confiscation in this area had happened in the Sheikh Abdulla hill, to the east of Kfar Etzion and south of Bethlehem, where several hundred dunums were seized to be used for a new Jewish town called Efrat. Last year, an area of 60,000 dunums in the Beit Sahor area, to the south of Jerusalem, was closed and fenced.

204. When Israel made its decision to annex Arab Jerusalem in 1967, the outskirts of the city, including an area of 70,000 dunums, were also annexed. In the autumn of 1971, Israel closed other lands covering about 70,000 dunums. These lands ranged from Beit Sahor in the south, through Al-Khan Al-Ahmar on the Jerusalem-Jericho road, in the east, to the village of Anata in the north. Inside the city of Jerusalem itself 18,000 dunums were seized. In 1976, a 1,000-dunum area in the Abu Dais village and 750 dunums in the village of Aizariah were expropriated, and 1,000 dunums in the Beit Or village and 800 in the Jila mountain

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near Beit Jala were closed. Several thousand additional dunums had already been closed in the village of Salwan. Last year the Israeli authorities closed and fenced some 4,000 dunums of the lands of the Anata village to the north of Jerusalem.

205. The same happened in the Ramallah area where, since 1970, the occupation authorities had closed 2,400 dunums in the Al-Beera vicinity, to which were added 1,500 dunums in Jabal El-Taweel, near Al-Beera. In July 1978, lands totalling 7,000 dunums were closed in the same area, half of them belonging to Al-Beera and the other half to the villages of Yabrood and Dora El-Qar'a. Meanwhile, some 600 dunums were expropriated in the village close to the Ofira settlement to the east of Ramallah and other areas, in the village of Qaryoot and Tar Mas'iya, were expropriated and annexed to the settlement of Shila. Almost at the same time, about 200 dunums in the Nabi Salih village, to the north-west of Ramallah, were seized for the purpose of setting up a new settlement there. The same also happened in the Nablus area. In the same year about 1,000 dunums in the village of Tobas, near Nablus, were seized.

206. As to the Jewish settlement plans for the future, the witness stated that the Minister of Agriculture and Head of the Ministerial Committee for Settlements, Ariel Sharon, had stressed the necessity of transforming Jerusalem into a city with 1 million Jewish inhabitants within 20 years, surrounded by other smaller Jewish towns.

207. Last year, he said the Head of the Settlement Department of the Jewish Agency, Paanan Weitz, submitted to Israeli Prime Minister Begin, a comprehensive settlement plan for the establishment of 102 settlements by 1983, half of which is to be established in the occupied territories. Mr. Weitz expected this plan to absorb 10,000 Jewish families. Mr. Metitiah Drobless, the Co-Chairman of the Jewish Agencies Settlement Department, explained that, according to this plan, 46 new settlements would be established within five years in the West Bank alone.

208. The witness went on to say that last February, the Israeli Government approved a plan set by the Planning Office in the Jewish Agency's Settlement Department for supplying water from the Lake of Tiberias to a Jewish settlement site in the Jordan Valley and developing a main road to connect the northern part of occupied Palestine with Jerusalem across the eastern slopes of the Nablus Mountains. This plan aimed at the implantation of a wide range of Jewish settlements on the eastern slopes of the Nablus Mountains and the establishment of 33 settlements to absorb 20,000 settlers within four years. The cost of such a plan was estimated by the Israelis at £I 5 billion.

209. For 1979, the Israeli circles were considering the establishment of 10 new settlements in the West Bank and one south of the Gaza Strip. An Israeli official source had announced on 5 December 1978, that by the end of the settlement freezing period, two new settlements would be established in the Jordan Valley and another in the Latroun area - that is on the boundary between Jaffa and Jerusalem - at the first stage. At the second stage, it was intended to establish three further settlements in the Jordan Valley. He also pointed out that the Israeli Government had approved a budget of £I 711 million for the improvement

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and expansion of the present settlements in occupied territories. Later on, the Israeli Government had approved an extra budget of \$1 billion Israeli lira for further care of the occupied territories' settlements.

210. Mr. Abdul Muhsen Abou Meizar, member of the PLO Executive Committee, said that, as a Jerusalem attorney, he had been a member of the municipality of that city and a member of its Town Planning Committee. Until his deportation he also had been a member of the High Islamic Council.

211. The witness described some of Israel's practices in the occupied Arab territories, which, he said, were in clear violation of the 1949 Geneva Conventions, in particular of articles 2, 4, 27, 47 and 49 of the Fourth Convention. As to the settlement policy, he said that it was in flagrant contravention of article 4. Similarly, the annexation of Jerusalem in 1967 was in contradiction to article 47 of the Fourth Geneva Convention.

212. Contrary to Israel's allegation that the Jewish settlements constituted a private activity on the part of Israeli citizens, it was clear, from the many official statements on the matter, that it was in fact the policy of the Government. Its aims was the judaization of Palestine through the annexation of lands, the expulsion of the Palestinian inhabitants, and the containment and isolation of the remaining Palestinian agglomerations.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

213. When it set out to accomplish the task entrusted to it by the Security Council, i.e., "to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem", the Commission sought as a matter of priority to secure the co-operation of all the parties concerned, in order to carry out its mandate objectively and comprehensively.

214. The Commission felt in that connexion that a visit to the area would be most useful to its work.

215. The Commission, although aware of the views already expressed by the Israeli Government in that matter, made persistent efforts at various levels to secure the co-operation of that Government. As related in chapter I of this report, the Commission was much disappointed by Israel's negative response to its approach. It noted in that regard that Israel's attitude deprived the Commission not only of the possibility of examining in situ the situation relating to settlements in the occupied territories but also of any opportunity to receive from the Government of Israel the explanations and comments which would have been useful to the Commission in its efforts to assess the situation.

217. Having spared no effort to obtain information from a variety of sources, the Commission believes that the present report contains a fairly accurate assessment of the prevailing situation it was entrusted to examine.

217. Nevertheless, the Commission, having spared no effort to obtain information from a variety of sources, believes that the present report contains a fairly accurate assessment of the prevailing situation it was entrusted to examine.

218. In its endeavour to fulfil its mandate, the Commission felt that it could assist the Council inter alia by: (a) bringing up to date the basic information already at the disposal of the Council; (b) determining the consequences of the settlement policy on the local Arab population; and (c) assessing the impact of that policy and its consequences with regard to "the urgent need to achieve a comprehensive, just and lasting peace in the Middle East" stressed by the Security Council in the preambular part of resolution 446 (1979), under which the Commission was created.

219. In drawing its conclusions the Commission did not attribute the same value to every piece of information it had obtained, but evaluated its significance freely and critically, in accordance with: its relevance to the accomplishment of the mandate of the Commission and its accuracy as determined by its coherence and by the documentary evidence rendered by the witnesses as supplement to their statements.

(a) Recent information on the settlements

220. According to the figures obtained, there are altogether in the occupied territories 133 settlements, including 17 in and around Jerusalem, 62 in the West Bank, 29 in the Golan Heights and 25 in the Gaza Strip and the Sinai.

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221. The population of those settlements varies in number, probably depending on the policy purposes predetermined for each settlement. In the area of Jerusalem and the West Bank where the establishment of settlements has been the most intensive, the number of settlers has reached approximately 90,000, while in the Sinai their number would be under 5,000.

222. The land seized by the Israeli authorities as a whole, either specifically for the establishment of those settlements or for other stated reasons, covers 27 per cent of the occupied West Bank and the quasi-totality of the Golan Heights.

223. On the basis of the information received, the Commission is convinced that a number of settlements were established on privately-owned land and not only on public land.

224. Many of those settlements are of a military nature, either officially placed under the control of the Israeli army or de facto with a settler population of military age. Moreover, those settlers are said to have at their disposal military weapons in the midst of an unarmed Arab population.

225. According to several witnesses, the location of the settlements is determined in accordance with agricultural designs, and also with what Israel considers to be "security" purposes. This may explain for instance the existence of three successive belts of settlements reported to have been established between Jerusalem and the Jordan River and which would be aimed at "compartmenting" the local population.

226. Supported by the strong influence of various private groupings, the settlement policy is an official government programme which is implemented by a number of organizations and committees representing both the Government and the private sector inside and outside Israel.

227. In addition to private contributions coming mostly from outside Israel, the financing of the settlement policy is essentially a governmental matter. In that connexion, the Commission was told that the Israeli Government has set aside the equivalent of \$US 200 million for expanding and establishing settlements during the fiscal year 1979/80.

228. The Commission 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.

(b) Consequences of the settlement policy on the local population

229. The Commission is of the view that a correlation exists between the establishment of Israeli settlements and the displacement of the Arab population. Thus it was reported that since 1967, when that policy started, the Arab population has been reduced by 32 per cent in Jerusalem and the West Bank. As to the Golan Heights, the Syrian authorities stated that 134,000 inhabitants had been expelled leaving only 8,000, i.e., 6 per cent of the local population in the occupied Golan Heights.

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230. The Commission is convinced that in the implementation of its policy of settlements, Israel has resorted to methods - often coercive and sometimes more subtle - which included the control of water resources, the seizure of private properties, the destruction of houses and the banishment of persons, and has shown disregard for basic human rights, including in particular the right of the refugees to return to their homeland.

231. For the Arab inhabitants still living in those territories, particularly in Jerusalem and the West Bank, they are subjected to continuous pressure to emigrate in order to make room for new settlers who, by contrast, are encouraged to come to the area. The Commission was told also that in the Golan Heights Israeli authorities imposed Israeli citizenship on all new-born children in an effort to assimilate the remaining population.

232. The settlement policy has brought drastic and adverse changes to the economic and social pattern of the daily life of the remaining Arab population. As a mere example of that evolution, the Commission was informed that a number of Arab landowners were now compelled to earn their living and that of their family by working on their own land as the hired employees of the Israeli settlers.

233. The Commission 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, including Jerusalem.

234. The Commission has no doubt that those changes are of such a profound nature that they constitute a violation of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and of the relevant decisions adopted by the United Nations in the matter, more specifically: Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968, and 298 (1971) of 25 September 1971; the consensus statement by the President of the Security Council on 11 November 1976; as well as General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 32/5 of 28 October 1977, and 33/113 of 18 December 1978.

(c) Impact of the settlement policy and its consequences on the search for peace

235. While fully aware of the extreme complexities inherent in the Middle East problem and at the same time recognizing the limitations in the scope of its mandate, the Commission none the less had the opportunity to note a genuine desire for peace in the capitals it visited as well as among the leaders of the Palestine Liberation Organization whom it met.

236. Unfortunately, the Commission has also perceived a deep sense of despair and helplessness, primarily among Palestinian refugees. This stems from the realization that Israel's policy with regard to the occupied Arab territories and more particularly its policy of continuing to establish more settlements is unabated and undaunted either by United Nations decisions or any other external factor. The Commission would like to state clearly in that regard that in the course of its various meetings it felt that this settlement policy was widely regarded as a most negative factor in the achievement of peace in the area both by

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the refugees themselves and all those who support their cause, including the neighbouring Governments for which that policy generates at national levels economic and social problems of grave consequences.

237. Consequently, after examining the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, the Commission wishes to reaffirm the determination made by the Security Council in resolution 446 (1979), according to which "the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967, have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East".

B. Recommendations

238. On the basis of the conclusions reached, the Commission would like, therefore, to recommend that the Security Council, bearing in mind the inalienable right of the Palestinians to return to their homeland, launch a pressing appeal to the Government and people of Israel, drawing again their attention to the disastrous consequences which the settlement policy is bound to have on any attempt to reach a peaceful solution in the Middle East.

239. In the view of the Commission, as a first step, Israel should be called upon to cease on an urgent basis the establishment, construction and planning of settlements in the occupied territories. The question of the existing settlements would then have to be resolved.

240. The Council might further wish to consider measures to safeguard the impartial protection of property arbitrarily seized.

241. As to Jerusalem, the Council should also call upon the Government of Israel to implement faithfully Security Council resolutions adopted on that question as from 1967. Moreover, recalling that Jerusalem is a most sacred place for the three great monotheistic faiths throughout the world, i.e., Christian, Jewish and Moslem, the Security Council might wish to consider steps to protect and preserve the unique spiritual and religious dimension of the Holy Places in that city, taking into account the views of high-ranking representatives of the three religions.

242. In view of the magnitude of the problem of settlement and its implications for peace in the region, the Security Council should keep the situation under constant survey.
