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#### NOTE

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## 2158th MEETING

Held in New York on Friday, 20 July 1979, at 10.30 a.m.

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

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

### Provisional agenda (S/Agenda/2158)

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

*The meeting was called to order at 11.20 a.m.*

### Adoption of the agenda

*The agenda was adopted.*

### The situation in the occupied Arab territories:

Report of the Security Council Commission established under resolution 446 (1979) (S/13450 and Corr.1 and Add.1)

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

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

2. Mr. NEIL (Jamaica): Sir, the delegation of Jamaica would like at the outset to extend to you our warmest

congratulations on your assumption of the presidency of the Council for the month of July. The skill and wisdom you have so amply demonstrated in the past are a formidable asset to the Council in dealing with the thorny issues to be considered in the course of this month. I need hardly comment on the warm and friendly relations between your country and mine, which should provide assurance of our full co-operation with you in carrying out the responsibilities of the presidency.

3. I also take the opportunity to express gratitude to Ambassador Troyanovsky of the Soviet Union, who so ably guided the work of the Council during the month of June with the gracious style which we have all come to admire.

4. My delegation has studied the report of the Security Council Commission established under resolution 446 (1979). We have also listened with keen interest to the clear and eloquent introductory statements made by the members of the Commission. We are satisfied that the Commission approached its task with a serious, responsible and balanced attitude. The members spared no effort to secure the co-operation of all parties, and made every attempt to gather information from the relevant sources in order to carry out a thorough investigation of the situation relating to settlements in the occupied Arab territories, including Jerusalem. In that regard, my delegation shares their feelings of disappointment and dissatisfaction at the failure of the Government of Israel to co-operate with the Commission and at its refusal to allow the Commission to visit the occupied territories. That negative attitude is inexcusable and, in our view, contrary to the best interests of Israel itself. We are pleased, none the less, that the Commission persevered in its efforts and, with the co-operation and assistance of all other parties, was able to gather valuable information and to reach fair and reasonable conclusions based on a careful examination of the evidence presented to it.

5. The members of the Commission deserve our praise for the work they have performed and the report they have produced. Their report shows us a grave and dangerous situation prevailing in the occupied territories, resulting from the policy and practices of the occupying Power in promoting the establishment of Israeli settlements in those territories. The consequences of that policy in both the political and human aspects, as indicated in the report, are disastrous and tragic and must give rise to the greatest apprehensions for the future.

6. The findings of the Commission confirm that in the process of implementation of the policy of settlements, the basic human rights of the inhabitants are being disregarded,

private properties expropriated, houses destroyed and pressures exerted on the indigenous inhabitants to emigrate and, over all, a process of displacement of the Arab population is taking place. The evidence given to the Commission provides a painful picture involving the disruption and dislocation of the lives of ordinary people and their families, whose future is rendered uncertain by the policies pursued by the occupying Power.

7. In political terms, the policy of establishment of Israeli settlements in occupied Arab territory is potentially disastrous: it promotes an atmosphere of tension, friction and confrontation; it increases the feelings of bitterness and grievance which are the source of conflict. It is an obstacle to peace, for the establishment of those settlements in the occupied Arab territories aggravates the problem of the Middle East and renders more difficult the search for solutions to achieve a just and lasting peace in the area.

8. The goal of a just and comprehensive peace cannot be achieved by adding to the accumulated grievances of the past: it requires efforts to remedy past injustice, particularly by the restoration of the inalienable rights of the Palestinians, both as individuals and as a people entitled to the right of self-determination.

9. My delegation does not accept the contention that the establishment of settlements can be justified on the basis of security considerations. Nor do we recognize any right of Israel to ownership of the territory occupied since 1967, including Jerusalem. We are firmly opposed to the acquisition of territory by force of arms and we reject as invalid all actions and measures tending towards the annexation of such territory by the occupying Power.

10. With regard to the legal aspects of the question, as the Commission has rightly concluded, the changes consequent on the establishment of Israeli settlements constitute a violation of international law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. That has consistently been our position.

11. Finally, Jamaica fully endorses the recommendations set forth in the Commission's report. Israel should, as a first step, be called upon to cease, on an urgent basis, the establishment, construction and planning of settlements in the occupied territories. We believe that this step is essential if a climate of trust and confidence is to emerge and efforts towards a just and lasting solution to the Middle East problem are to be facilitated. Further, Israel should be called upon to implement faithfully the Security Council resolutions that have been adopted since 1967 on the question of Jerusalem. Those steps would represent a modest but important beginning to the solution of the problem of the Middle East.

12. Mr. KAISER (Bangladesh): Mr. President, may I say how happy I am to see you presiding over our affairs for this month. This is one of those bitter-sweet occasions that all of us in the diplomatic world must face. I am confident that your knowledge, wisdom, and experience, and your pragmatism and characteristic efficiency will enable us to dispose of our work with purpose and dispatch. For this

reason it is all the more sad that we shall soon be faced with the prospect of bidding you farewell. I take this opportunity to thank you profusely on my behalf and on behalf of my delegation, for the advice, assistance and co-operation that you have so freely, generously and unreservedly extended to me and the members of my Mission at all times. With all my heart, I wish you all success for the future.

13. May I also extend, on behalf of myself and my delegation, our warmest thanks to your predecessor, Ambassador Troyanovsky of the Soviet Union, for his able and efficient handling of our affairs during the month of June.

14. The Security Council has, by its resolution 446 (1979), specifically mandated a three-member Commission from among its own members "to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem". The establishment of that Commission was an important step forward in the Council's deliberations. It reflected a desire to proceed beyond the reiteration of general principles to the plane of more concrete action.

15. It can be said without hesitation that the report of the Commission has fully vindicated the concerns expressed in the Council by virtually every member State—including, needless to say, Bangladesh. Indeed, it has justified the main substance of resolution 446 (1979). It is a telling indictment of Israel that is scarcely diminished by Israel's adamant refusal to co-operate with the Commission.

16. The facts contained in the report speak for themselves. The conclusions of the Commission with regard to the extent and implications of the settlements, their impact on the local Arab population and their effects on the search for a durable peace in the Middle East, all confirm the obvious. Israel cannot deny the evidence that it is engaged in a wilful, systematic and large-scale process of establishing settlements, that land seized for that purpose now covers 27 per cent of the occupied West Bank and virtually all of the Golan Heights, that some of those settlements have been built on privately owned land, and that they are not solely for security purposes, but are being put to gainful and permanent agricultural use and that there is a distinct correlation between the emplacement of Jewish settlers and the displacement of Arab populations. Nor can Israel deny that those aims are being achieved at the direct cost of the indigenous inhabitants, with the violation of their basic human rights and the deprivation of their natural resources, particularly water.

17. The Commission concluded that the pattern of the settlement policy was causing profound and irreversible changes of a geographical and demographic nature in those territories, including Jerusalem, and that such changes constituted a violation of the fourth Geneva Convention, as well as numerous United Nations resolutions.

18. The implications for over-all peace in the region are equally inescapable. The Commission unequivocally reaffirmed the decision taken by the Security Council in resolution 446 (1979), whereby it determined 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".

19. The immediate subject to which the Council must address itself is therefore the impact and consequences of Israel's settlement policy. As the Commission's report has clearly emphasized, this cannot be divorced from the solution of the Middle East problem as an integral whole, the root of which—the hard core—is the realization of the inalienable rights of the Palestinian people. The Council must demand that Israel forthwith put an end to the establishment, construction and planning of new settlements in the occupied territories and abandon those existing settlements. A crucial element in such a process is that Israel be denied external material and financial assistance in the event of its defying this injunction.

20. A vital matter in any resolution on this question is the status of Jerusalem. We fully endorse the Commission's recommendation that the Council should call upon Israel to abide scrupulously by Security Council resolutions on that question adopted since 1967. The Israeli contention that Jerusalem, one, undivided and indivisible, should remain forever the capital of Israel and of the Jewish people cannot obscure the military conquest of East Jerusalem and the basic violation of international law involved. The Israeli argument serves two purposes; it justifies its annexation and, secondly, it endows that annexation with an ecumenical purpose. Neither is sacrosanct. Continued Israeli occupation will certainly preclude any over-all settlement.

21. Jerusalem symbolizes the most cherished feelings of the adherents of the three great religions around the globe. That is as much a religious as a political fact and it is of crucial significance. The Holy Places, the retention of their historical and religious legacy and their accessibility to pilgrims from all parts of the world were a trust that was fulfilled for ages by the indigenous Palestinian citizens of Jerusalem, both Moslem and Christian. Those citizens are the universally recognized sentinels of such historic places. Israel cannot be permitted to displace them and to pressure them out of their timeless role. The deteriorating situation now obtaining in Jerusalem and the indiscriminate actions Israel is taking to interfere with religious freedoms and practices—including the desecration and despoiling of holy books, relics and places of worship—cannot be allowed to continue. The Council must take appropriate corrective and remedial action to arrest and reverse that potentially explosive situation.

22. In conclusion, I wish to express our grateful thanks to the members of the Commission. They have fulfilled their mandate with exemplary devotion, skill and objectivity within tremendous political constraints. To impugn their impartiality, as Israel has done, is seriously to challenge one's own credibility, for those members represent three continents of our globe as well as their respective countries, none of which is considered biased with regard to the interests of Israel. It is our conviction that the retention of this Commission and its continued objective appraisal of the situation pertaining to settlements have now become an imperative necessity. It is not only this Council which needs to be informed, but world public opinion as well.

23. It is recognized that all peoples everywhere crave peace. Israel has sought to categorize all those who initiated this debate—and thereby those participating in it—as the enemies of peace. In its psychosis of isolation, indeed, Israel has lashed out at the entire international community for "distorting" and "fabricating" facts. It seems ironic that in our close-knit and interdependent world, Israel should reserve to itself the right not only to usurp another's land and dispossess its people, but also to be the sole repository of the determination of what constitutes peace, justice and truth. As the representative of Jordan so rightly put it, international law cannot be used to justify lawlessness. In the final analysis, it is recognized that there are many roads to peace. But peace cannot be imposed by fiat, by political expediency or by might. Peace, to endure, must be peace based on justice, equity and reasonableness.

24. It is in this context that the search for durable peace in the Middle East must continue unabated. The position of Bangladesh on this question is categorical. It need hardly be reiterated that the three essential components for a just and lasting peace remain: Israeli withdrawal from all Arab territories occupied since 1967, the restoration of Holy Jerusalem to Arab sovereignty; and the restoration of the inalienable rights of the Palestinian people to self-determination, independence and national sovereignty.

25. Mr. HRČKA (Czechoslovakia) (*interpretation from Russian*): Mr. President, I should like to take this opportunity to congratulate you, on behalf of the Czechoslovak delegation, on your assumption of the important post of President of the Security Council. I should also like to wish you every success in your future activities after the conclusion of your mission to the United Nations and in particular to the Security Council.

26. At the same time, the Czechoslovak delegation would like to express its deep appreciation to the representative of the fraternal Soviet Union, Ambassador Troyanovsky, who most ably guided the work of the Security Council last month.

27. The problem on the agenda of the Security Council is not a new one. United Nations documents and a number of studies by other international organs testify fully to the gravity of this problem, which is one of paramount importance if we are to eliminate this dangerous hotbed of tension in the Middle East. However, during the past few years and, one may stress, particularly since the conclusion of the separate peace treaty, this problem has acquired new dimensions. The policy that has been followed for decades and that was from the outset designed to drive out an entire people is now being pursued more actively. By that policy, settlements are being established and other actions are being taken to deprive the Palestinians of their legitimate national rights. The effect has been a real change in the geographical, demographic, cultural, economic and historical nature of the occupied territories. It is for this reason that the discussion of this matter in the Security Council—and indeed, as has already been noted, the very raising of the issue—is fully justified and extremely relevant at this time.

28. The report submitted to the Council by the Commission established under resolution 446 (1979) contains useful

information describing the methods being used to effect the colonization of Arab lands, including the city of Jerusalem. The facts show that what is involved is a gradual annihilation of the people and a flagrant violation of international law. The Commission has discharged its mandate and done what it was asked to do by the Council in March of this year. Although the Commission's recommendations do not go beyond the framework of decisions already taken, they nevertheless realistically reflect the actual stage of affairs.

29. The Czechoslovak delegation agrees with the comments made on the report in the statement by the representative of the Palestine Liberation Organization, on 18 July [2156th meeting]. We also feel that its mandate permitted the Commission to concentrate on only one aspect of the tragedy of the Palestinian people, namely the situation relating to the settlements in Arab territories occupied since 1967. Other key aspects of the Palestinian problem will be discussed in the Security Council this month and at that time the Czechoslovak delegation will take the opportunity to state the basic tenets of its position.

30. The Czechoslovak delegation is willing to support the proposals made in statements by the representatives of Jordan and the Palestine Liberation Organization. We understand that those proposals will be included in the draft resolution which is being prepared on this item. We view those proposals as measures which could, under certain circumstances, curb the brutality of the occupying authorities and ease life somewhat for the Palestinian people in the occupied territories.

31. At the same time we should like to reaffirm our view that a decision by the Council should respond to what is required of this body in dealing with the problem. In particular, it should clearly condemn the policy of the Israeli authorities and it should contain firm measures for pressure on Israel, including the measures provided for by the Charter of the United Nations, so as to ensure that the aggressor complies with the decisions taken by the Council in this area.

32. Mr. KHARLAMOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): Mr. President, first of all I should like to congratulate you on your assumption of the important post of President of the Security Council for July. The items on the agenda of the Council are both important and complex. However, we are convinced that Ambassador Richard, with his tremendous experience, knowledge and diplomatic skill will successfully deal with the business of guiding the work of the Council this month.

33. We still remember vividly the discussion in the Council of the question of the situation in the Arab territories occupied by Israel which was held in March this year. At that time, about 30 representatives of various countries expressed in their statements their anxiety and concern over the situation that is developing in those territories. They also condemned the policy and practices of the Israeli authorities in colonizing and virtually annexing those age-old Arab territories. The Council maintained that the actions of Israel in establishing settlements in the Palestinian and other Arab territories constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East and it established a Commission

consisting of three members of the Council to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem.

34. Four months have now passed and we are now considering the question on the basis of the report of the Council Commission whose members were the representatives of Portugal, Bolivia and Zambia. Despite the fact that the Israeli authorities refused to allow the Commission to enter the occupied territories or to co-operate with it, the Commission's members, headed by Ambassador Leonardo Mathias, did a large amount of useful work and collected a great deal of factual material which objectively reflects the actual state of affairs in the Arab lands that are now under Israeli occupation. The contents of the report and its annexes are eloquent confirmation of this. The Commission was extremely thorough in its work and deserves the appreciation of the members of the Council. The result of the Commission's work and the discussion of its report are further confirmation of the increasing gravity of the problem of the Arab territories occupied by Israel.

35. The facts cited in the report convincingly show that the ruling circles of Israel are consistently following a policy of colonization and Israelization of the occupied Arab lands and are trying to incorporate them into Israel. Such a policy, which is a flagrant violation of universally recognized norms, involves driving out the indigenous Arab population from its age-old lands, methodically destroying Arab villages and settlements and then establishing Israeli settlements on those same lands. It is quite clear from the report that the policy of establishing Israeli settlements in Arab lands is not a chance phenomenon. It is part of the deliberate and strategic policy of the Israeli leadership to implement the long-held designs of Israel to establish a "Greater Israel". According to the data collected by the Commission, there are now 133 Israeli settlements in the occupied territories. Israel is actively establishing and continuing to establish such settlements in the West Bank of the Jordan, the Golan Heights, the Gaza Strip, around Jerusalem and within the city itself. In the Israeli settlements in the West Bank, which take up 27 per cent of all the territory in that region, there are now about 90,000 settlers. As far as concerns the Golan Heights, that territory has been almost completely taken over by the Israeli expansionists.

36. In its report, the Commission has shown that the establishment of Israeli settlements is accompanied by the mass violent expulsion of Arabs from the occupied territories. More than 130,000 Arabs have been driven out of lands in the Golan Heights alone. The Israeli occupying authorities do not hesitate in selecting the means they use in order to Israelize the occupied Arab lands. These methods include police terrorizing of the inhabitants, measures of economic pressure and the destruction of Arab culture and religious monuments.

37. The Commission's report and the conclusions that it reached convincingly show something that has been frequently stated in the Security Council by representatives of Arab and many other States and something, too, that the Israeli representatives have tried to deny, namely that Israel certainly does not intend to withdraw from the Arab lands and that it is doing everything possible in order to keep the lands that it has seized for ever.

38. The Security Council must take a very serious approach to the warning of the Commission that the Israeli policy in respect of the establishment of settlements in the occupied territories "is causing profound and irreversible changes of a geographical and demographic nature in those territories, including Jerusalem" [*S/13450 and Corr.1, para. 225*].

39. It is clear that the policy being followed by Israel, namely, that of annexation of the occupied Arab territories, is primarily directed against the indigenous local interests and inalienable national rights of the Arab lands and peoples that have been victimized by the Israeli aggression and, above all, against the right to establish a national homeland for the Palestinians. The ruling circles in Israel wish to perpetuate the situation of the Palestinians as refugees without any rights and scattered around the world.

40. The Security Council and the General Assembly have frequently discussed this Israeli policy of colonizing Arab lands. In its resolution 446 (1979), the Security Council clearly and unambiguously confirmed the illegality of that policy of establishing Israeli settlements in occupied Palestinian and other Arab lands and called upon Israel to abide scrupulously by the 1949 fourth Geneva Convention. However, Israel once again demonstrated its complete disregard of Council decisions, declaring after the Council had adopted resolution 446 (1979) that it had very broad new plans for establishing new settlements and expanding existing ones in the Golan Heights, the West Bank and other Arab territories. Then in May of this year, Israel officially announced that it intended to establish this year 20 new settlements in Arab lands.

41. It is also noteworthy that the colonization by Israel of the occupied Arab territories has become particularly provocative since the signing of the separate Egyptian-Israeli treaty.

42. Those who participated in that separate deal attempted to picture the treaty as a so-called first step towards a Middle East settlement and as something in the interests of all those involved in the conflict. But no one could be misled by those attempts. The separate treaty is nothing but a deal designed to prevent the implementation of the legitimate rights of the Arab people of Palestine, including its right to establish its own State and to perpetuate the Israeli occupation of Arab territories. That was confirmed quite clearly in statements by Israeli leaders after the conclusion of the separate treaty, when, with cynical frankness, they stated quite openly that Israel would not stop establishing settlements in the occupied Arab territories, that Israel would never change the current status of Jerusalem and that Israel would never permit the establishment of a Palestinian State.

43. Quite naturally, the separate treaty between Israel and Egypt, which was concluded with the active participation of the United States of America, has been condemned by many countries of the world, including Arab countries and peoples, whose interests and rights are very seriously jeopardized by the treaty. A separate treaty leads to a further exacerbation of tension in the region and ties even tighter the knot of the contradictions in the Middle East situation. It seriously hinders the attempts to achieve a just, lasting and comprehensive peace in the Middle East.

44. My country, the Soviet Union, has been and remains a consistent supporter of a comprehensive and just settlement in the Middle East, a settlement taking into account the legitimate interests of all the peoples in the region. Such a settlement should provide for the complete withdrawal of Israeli troops from all the Arab territories Israel has been occupying since 1967. It should also satisfy the legitimate rights of the Arab people of Palestine, including their right to establish their own State. It should guarantee the right of all States in the region to an independent existence and development. Such a settlement would ensure justice for all the countries in the region, including Israel itself. However, judging by everything that is happening, Israel's policy is based not on the interests of peace but, rather, on Israel's aspiration to expand at the expense of other people's lands.

45. The Soviet delegation would like to stress that the Security Council must deal very seriously with the contents of and the conclusions drawn in the report of the Commission established under resolution 446 (1979). We are firmly convinced that the Council's duty is strongly to condemn the policy and practices of the Israeli authorities in colonizing and virtually annexing the occupied Arab territories. We should call on Israel to put an immediate halt to that policy and those practices.

46. We fully agree with the view expressed by the representative of the Palestine Liberation Organization in his statement on 18 July [*2156th meeting*] that the only way to solve the question of the Israeli settlements is to do away with the settlements and return the land to the rightful owners, whether Palestinians, Syrians, Egyptians or anyone else, and to ensure the complete withdrawal of Israeli troops from all the territories occupied since 1967.

47. The Security Council should take immediate measures to halt the illegal activities by Israel in the occupied Arab lands. It should ensure implementation of decisions it has already adopted. In that connexion, the Soviet delegation supports the proposals that have been expressed here that the Council should consider the question of applying in respect of Israel the sanctions provided for under Chapter VII of the Charter.

48. In conclusion, I should like to thank all the speakers in the Council who have addressed warm words to the representative of the Union of Soviet Socialist Republics, Ambassador Troyanovsky, in respect of his work as President of the Security Council last month.

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

50. Mr. NUSEIBEH (Jordan): As the debate pertaining to Israeli colonization and the ongoing establishment of Israeli settlements draws to an end, I have but a few remarks to add on the whole question.

51. First, the Security Council Commission established under resolution 446 (1979) has made a major contribution to the whole issue by presenting to the Council a most definite portrayal of what has been going on in the Palestinian and other occupied Arab territories, both quantitatively and qualitatively, over the past 12 years. There is no longer any blurring of vision or confusion as to the magni-

tude and the most ominous implications of Israeli colonization, if not outright annexation, and self-evident aggression. We no longer have to depend on disparate, piecemeal, contentious and wilful attempts at the diminution of what is at stake. The Commission therefore deserves the highest commendation for its signal contribution in giving the Security Council and the world full knowledge of the situation.

52. Secondly, it is naturally beyond the capability of three distinguished members of the Commission to take remedial action. They have diagnosed the malignancy of the disease and put it squarely at the doors of the members of the Security Council, who acting in concert, are alone capable of taking remedial action.

53. Thirdly, we are all aware that we are living in a world of power politics. But even within that framework the quest for a just, comprehensive and lasting peace, which is our most cherished aspiration, hinges upon resolute action on that pivotal issue.

54. It is the earnest hope of my Government that the Security Council and the powers-that-be will heed the clear-cut message of the Commission and turn the tables in the direction of the achievement of a comprehensive, just and lasting peace, within which national restitution and the exercise of their inalienable rights would be ensured for the Palestinian people, like any other people in the world.

*The meeting rose at 12.10 p.m.*