

SUMMARY RECORD OF THE TWENTY-THIRD MEETING
held on Tuesday, 7 May 1968, at 4.45 p.m.

President:

H.I.H. Princess Ashraf PAHLAVI

Iran

RESPECT AND IMPLEMENTATION OF HUMAN RIGHTS IN OCCUPIED TERRITORIES (agenda item 12)
(A/CONF.32/22, A/CONF.32/27, A/CONF.32/29; A/CONF.32/L.19 and Corr.1, A/CONF.32/L.20
and L.21) (concluded)

Mr. COMAY (Israel), commenting on the text of draft resolution A/CONF.32/L.19, observed that the preamble distorted the tenor of the relevant resolutions of the Security Council and the General Assembly by implying that they applied exclusively to Israel, whereas they related to the status of the civilian populations in the whole of the territory affected by the conflict; that it introduced by the back door the question of the status of Jerusalem; and that it failed to specify that the telegram of the Commission on Human Rights was based on a news agency despatch and not on the findings of an impartial inquiry. Furthermore, the first two operative paragraphs represented a serious violation of all the rules of judicial objectivity and of any concept of the responsibilities of the United Nations; what was worse, they were an outright repudiation of the Secretary-General. The latter had been instructed to report on the subject to the Security Council and the General Assembly and was preparing to send a special representative to the territories in question on a fact-finding mission. Yet that mission was not even mentioned in the draft resolution and the Conference was asked to pronounce judgement on events concerning which it had no evidence, thus prejudging the findings of an inquiry ordered by the Secretary-General.

Amendments 2 and 3 proposed by some Arab countries (A/CONF.32/L.21) were designed to focus the attention of the United Nations exclusively on the territories occupied by Israel and were aimed, practically speaking, at withdrawing from the Secretary-General the task which he had been given and entrusting it to a new body, without specifying to whom that body would be responsible: would it be responsible to the General Assembly which had requested the Secretary-General to keep it informed of the situation and would it send out its own mission of inquiry? There was no subtler way of displaying a lack of confidence in the Secretary-General. To make confusion worse confounded, the Commission on Human Rights was requested to keep the question under constant review. Was it to accomplish that task by sending a third fact-finding mission to the area, independent of the two others, or by sending telegrams on the basis of newspaper reports it had read in New York? It did not need much thought to see how pointless such proposals were. The Ceylonese representative had tried to justify them by speaking of the need for additional information, but even if the validity of that argument were accepted, the fact remained that it would be only logical to await

the findings of the investigation before making the serious charges put forward in the first two paragraphs. The Israel Government asked nothing more than that. It did not ask the Conference to believe its account of the facts. It merely claimed the right to an impartial inquiry carried out in conditions of proper verification and it was in that spirit that it had undertaken to co-operate with the Secretary-General's Special Representative. It might also be pointed out that the members of the Conference, who were being asked to pronounce judgement on such serious issues in all haste, had not even been furnished with the summary records of the discussion in the Commission on Human Rights, which itself had reached its findings on the basis of insufficient information. The Israel delegation therefore considered that the draft resolution and the relevant amendments should be rejected out of hand.

With regard to draft resolution A/CONF.32/L.20, the Israel delegation could only subscribe to the statements of its sponsors and those of the representatives of Sweden, France, Madagascar and others. The item added to the agenda at the request of the Arab delegations was worded in general terms and did not refer to any specific situation.

Out of deference to the Conference, the Israel delegation would refrain from rebutting the numerous accusations levelled against its country since the previous day; it was only too clear that Israel's enemies were determined to convert the Conference on Human Rights into a political forum for the Arab League. That was the only possible explanation of the fact that, with the exception of Spain, the original non-Arab sponsors contemplated for draft resolution A/CONF.32/L.19 had backed out.

In conclusion, he urged the Conference not to usurp the functions of other United Nations organs and not to compromise its prestige and authority by prejudging the findings of the inquiry ordered by the General Assembly. Israel hoped to see peace restored in the Middle East and men of every race and faith freed from fear and want.

Mrs. AHMED (Pakistan) stated that her delegation would vote in favour of draft resolution A/CONF.32/L.19 and the relevant amendments. It was impossible to remain indifferent to the sufferings of the Arab people living in the territories illegally occupied by Israel or to the negation of the sacred rights of freedom and ownership. As the Moroccan representative had said, the draft resolution was a moderate one: it merely asked the Conference to endorse the resolution adopted by the Commission on Human Rights and the telegram which that body had subsequently despatched to the Israel Government; it was a clear indication of the moderation displayed by the Arab States in their struggle for the defence of human rights. Its adoption by the Conference would bring hope to the afflicted and would warn the aggressor that the eyes of the world were upon him.

Mr. FENAUX (Belgium) pointed out that the discussion was concerned with the respect and implementation of human rights in all the occupied territories, without any specific reference. It was in that light that, on the General Committee's recommendation, the Conference had agreed to the inclusion of a new item in the agenda. War and occupation were rife in many parts of the world. In some parts it was of a more recent and more violent nature than in the Middle East and it was really deplorable that that point had to be brought out at a Conference convened for purely social and humanitarian purposes. The representative of Madagascar had rightly said that the problem of the violation of human rights was no more than the problem of the peace of nations taken as a unified whole.

Draft resolution A/CONF.32/L.19 submitted by Saudi Arabia, Spain and the Sudan unfortunately dealt only with the situation in the Middle East, and only operative paragraph 5 was general in scope. Yet the Arab States were now proposing to confine its scope exclusively to the State of Israel.

Draft resolution A/CONF.32/L.20, on the contrary, was to be recommended for its moderate tone; his delegation felt it both a pleasure and a duty to support it and would, if necessary, accept any amendment which might be proposed in keeping with its point of view.

Mr. KHALAF (Iraq), referring to the statement of the Malagasy representative who had suggested at the 22nd meeting that the parties to the dispute should hold a round-table discussion under United Nations auspices, wondered what would happen in the meantime to the thousands of human beings whom Israel was holding as hostages. Would they have to go on suffering for months, or even years, until peace was restored, until the aggressor had succeeded in imposing his terms?

At the 21st meeting the Netherlands representative had appeared to play down the horrors of the Israeli occupation; if he himself had suffered under nazi occupation, he probably did not realize to what an extent the Israelis had succeeded in perfecting the art of the nazi executioners.

It was not surprising that the representative of the United States had spoken against the draft resolution A/CONF.32/L.19, since it concerned punishment for the crimes of its own child, its beloved child, just when the United States presidential candidates were jeering at the misfortunes of the Arab people. He had argued that the adoption of the draft resolution would complicate the task of the Special Representative of the Secretary-General. But who was really sabotaging the decisions of the Security

Council by pretending to ignore them in the most contemptuous way? The United States representative had finally used the argument that the matter was already before the General Assembly, the Security Council and other United Nations bodies, in an attempt to divert the attention of the Conference. On the contrary, however, it was the duty of the Conference, as of all institutions in the United Nations family, to take part in the action undertaken by the United Nations - without, alas, any great success - to make law and justice prevail in the Middle East.

The Israel representative had alleged that the preamble of the draft resolution misquoted the General Assembly resolutions on which it was based, an allegation which anyone could disprove by looking up the reference. He had claimed that it introduced the question of the status of Jerusalem "surreptitiously", but who had just flouted the Security Council's decisions openly and arrogantly by holding a military parade in the Arab quarter of the town? The Conference was tired of Mr. Comay's preaching and the General Assembly was entitled to believe newspaper reports if it saw fit to do so. It was hypocritical of the Government of Israel to declare its readiness to agree to one investigation after another - no doubt until the Palestine Arabs were completely exterminated.

A number of representatives had referred to the general wording of item 12 and had said that that was why they had agreed to its inclusion in the agenda. Yet, from the very first meeting that the General Committee had devoted to the question they had known full well that the discussions would revolve round the sufferings of the Arab populations. Moreover, there was surely much to be said for taking a specific example when dealing with a general problem.

The answer to Mr. Comay's scornful question about which body the proposed special committee would report to was that it could only be the General Assembly. The Conference could only recommend to the General Assembly that such a committee should be set up and the Assembly would then take a decision on the matter and, if necessary, instruct the Secretary-General to set it up. There was nothing at all unusual about that.

Mr. STRANEO (Italy) said that when the Conference had discussed the question of including a new item entitled "Respect and implementation of human rights in occupied territories" in the agenda, several delegations including that of Italy had found themselves in a quandary, for they had feared that the whole Palestine question would creep into the discussion. The events of the last few days had unfortunately shown

that those fears had been justified. Serious accusations had been exchanged without the Conference being able to verify the truth of them. As a political issue which concerned the preservation of peace and international security, the Palestine problem was within the competence of the Security Council and the General Assembly. In the light of those considerations, the Italian delegation wished to make its position clear on the two draft resolutions before the Conference. It proposed to vote in favour of draft resolution A/CONF.32/L.20, submitted by the Netherlands and Uruguay, because it fully endorsed both the letter and the spirit of it. As the General Assembly and the Security Council had recognized, human rights must be respected even in occupied territories. Moreover, the relationship between the 1949 Geneva Conventions and the international instruments concerning human rights had not been adequately studied. For the same reasons of principle, the Italian delegation regretted that it was unable to support draft resolution A/CONF.32/L.19. The proposed new operative paragraph 5 (A/CONF.32/L.21) did not take account of the fact that the Secretary-General had already sent a Special Representative to the Middle East. The terms of reference of the new body it proposed would infringe the powers of that Representative. The amendment proposed by the Arab countries to operative paragraph 3 of draft resolution A/CONF.32/L.19 implied a judgement on the behaviour of the Government of Israel which would amount to severe condemnation. No such condemnation could be made without a scrupulously accurate knowledge of the facts and the Conference lacked the necessary sources of information. The Italian delegation proposed to vote in favour of operative paragraphs 3, 4 and 5 because it wanted to see human rights and the 1949 Geneva Convention respected in occupied territories. It sincerely hoped that the unhappy situation in the Middle East would come to an end as soon as possible and that, in a spirit of justice, co-operation and respect for the rights of all parties, a permanent solution would be found to the Israel-Arab conflict in conformity with the principles of the United Nations Charter.

Mr. OULD EREBIH (Mauritania) said that some countries were trying to make the Middle East question, and the problem of Palestine refugees in particular a forbidden subject, on the grounds that it could only give rise to bitter polemics. The same thing could be said of other problems, however, such as those of apartheid in South Africa and the regime in Southern Rhodesia, which could not be disregarded.

The Mauritanian delegation associated itself with those who had paid a tribute to the sponsors of draft resolution A/CONF.32/L.20, but regretted that it could not support that draft resolution. How many Palestine refugees would still be alive by the time the consideration and study of the general principles applicable to the rights of civilians in occupied territories had been completed?

Draft resolution A/CONF.32/L.19 and the amendments proposed to it by the Arab countries represented the least that the Conference could do for the Palestine refugees. The Mauritanian delegation would therefore vote in favour of draft resolution A/CONF.32/L.19 and those amendments.

Mr. RATSIMAMANGA (Madagascar), speaking in exercise of the right of reply, assured the delegation of Iraq that Madagascar was opposed to all repression and to all taking of hostages in the occupied territories. The Malagasy Republic, too, had fought against colonialism; all it wished was that violence should cease and that human rights should be respected in the occupied territories.

The PRESIDENT invited the Conference to vote first on the amendments in document A/CONF.32/L.21 to the draft resolution (A/CONF.32/L.19). The delegation of Iraq had asked for a roll-call vote on those amendments.

A vote was taken by roll-call on the first amendment.

The United Kingdom, having been drawn by lot by the President, was called upon to vote first.

In favour: United Republic of Tanzania, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mongolia, Morocco, Pakistan, Poland, Romania, Saudi Arabia, Spain, Sudan, Syria, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: United States of America, Uruguay, Belgium, Brazil, Canada, Costa Rica, Israel, Netherlands.

Abstaining: United Kingdom of Great Britain and Northern Ireland, Venezuela, Argentina, Australia, Austria, China, Cyprus, Denmark, Finland, France, Greece, Holy See, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Madagascar, Mexico, Norway, Republic of Korea, Sweden, Switzerland, Thailand.

The first amendment was adopted by 38 votes to 8, with 25 abstentions.

A vote was taken by roll-call on the second amendment.

Venezuela, having been drawn by lot by the President, was called upon to vote first.

In favour: Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Ghana, Greece, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mongolia, Morocco, Pakistan, Poland, Romania, Saudi Arabia, Spain, Sudan, Syria, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania.

Against: Belgium, Costa Rica, Israel, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Venezuela, Argentina, Australia, Austria, Brazil, Canada, China, Cyprus, Denmark, Finland, France, Holy See, Ireland, Ivory Coast, Jamaica, Kenya, Madagascar, Mexico, Norway, Republic of Korea, Sweden, Switzerland, Thailand.

The second amendment was adopted by 40 votes to 8, with 23 abstentions.

The PRESIDENT stated that there was no need to vote on the third amendment, since it reproduced the text of the former paragraph 5 of draft resolution A/CONF.32/L.19.

She invited the Conference to vote on draft resolution A/CONF.32/L.19, as amended. The delegation of Iraq had asked for a roll-call vote on the draft resolution.

Mr. COMAY (Israel) asked for a separate vote on operative paragraphs 1 and 2 of the draft resolution.

A vote was taken by roll-call on the preamble.

Thailand, having been drawn by lot by the President, was called upon to vote first.

In favour: Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Cuba, Cyprus, Czechoslovakia, France, Ghana, Greece, Hungary, India, Indonesia, Iran, Iraq, Italy, Japan, Jordan, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Pakistan, Poland, Republic of Korea, Romania, Saudi Arabia, Spain, Sudan, Syria.

Against: None.

Abstaining: Thailand, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Costa Rica, Denmark, Finland, Holy See, Ireland, Israel, Ivory Coast, Jamaica, Kenya, Mexico, Netherlands, Norway, Sweden, Switzerland.

The preamble was adopted by 47 votes to none, with 24 abstentions.

A vote was taken by roll-call on operative paragraphs 1 and 2.

The United Kingdom, having been drawn by lot by the President, was called upon to vote first.

In favour: United Republic of Tanzania, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Cyprus, Czechoslovakia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mongolia, Morocco, Pakistan, Poland, Romania, Saudi Arabia, Spain, Sudan, Syria, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: United States of America, Uruguay, Belgium, Brazil, Costa Rica, Israel, Netherlands.

Abstaining: United Kingdom of Great Britain and Northern Ireland, Venezuela, Argentina, Australia, Austria, Canada, Chile, China, Denmark, Finland, France, Greece, Holy See, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Madagascar, Mexico, Norway, Republic of Korea, Sweden, Switzerland, Thailand.

Operative paragraphs 1 and 2 were adopted by 39 votes to 7, with 26 abstentions.

A vote was taken by roll-call on operative paragraphs 3, 4 and 5, as amended.

Tanzania, having been drawn by lot by the President, was called upon to vote first.

In favour: United Republic of Tanzania, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Cuba, Cyprus, Czechoslovakia, Ghana, Greece, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mongolia, Morocco, Pakistan, Poland, Republic of Korea, Romania, Saudi Arabia, Spain, Sudan, Syria, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: United States of America, Uruguay, Belgium, Israel, Netherlands.

Abstaining: Venezuela, Argentina, Australia, Austria, Brazil, Canada, Chile, Costa Rica, Denmark, Finland, France, Holy See, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Madagascar, Mexico, Norway, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland.

Operative paragraphs 3, 4 and 5, as amended, were adopted by 43 votes to 5, with 24 abstentions.

A vote was taken by roll-call on draft resolution A/CONF.32/L.19 as a whole, as amended.

The Republic of Korea, having been drawn by lot by the President, was called upon to vote first.

In favour: Romania, Saudi Arabia, Spain, Sudan, Syria, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Cuba, Cyprus, Czechoslovakia, Ghana, Greece, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mongolia, Morocco, Pakistan, Poland.

Against: United States of America, Uruguay, Belgium, Costa Rica, Israel.

Abstaining: Republic of Korea, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, Venezuela, Argentina, Australia, Austria, Brazil, Canada, Chile, Denmark, Finland, France, Holy See, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Madagascar, Mexico, Netherlands, Norway.

Draft resolution A/CONF.32/L.19 as a whole, as amended, was adopted by 42 votes to 5, with 25 abstentions.

The PRESIDENT invited the Conference to vote on draft resolution A/CONF.32/L.20. The Iraq delegation had asked for a vote by roll-call.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic), supported by Mr. KASSE (Mali), speaking on a point of order, said that draft resolution A/CONF.32/L.20 dealt with the same matter as draft resolution A/CONF.32/L.19 which had just been adopted. There was therefore no need to put it to the vote, unless the sponsors pressed for a vote.

Mr. PATIJN (Netherlands) said that he required draft resolution A/CONF.32/L.20, of which he was a sponsor, to be put to the vote.

A roll-call vote was taken on draft resolution A/CONF.32/L.20.

Mali, having been drawn by lot by the President, was called upon to vote first.

In favour: Mexico, Netherlands, Norway, Republic of Korea, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Costa Rica, Denmark, Finland, France, Ireland, Israel, Italy, Jamaica, Japan, Madagascar.

Against: Mali, Mauritania, Mongolia, Morocco, Pakistan, Poland, Saudi Arabia, Sudan, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Ghana, Hungary, India, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia.

Abstaining: Romania, Spain, Thailand, Turkey, Cyprus, Greece, Holy See, Iran, Kenya.

Draft resolution A/CONF.32/L.20 was rejected by 33 votes to 28, with 9 abstentions.

Mr. LJARD (United Kingdom) said that he had voted in favour of draft resolution A/CONF.32/L.20 because it was worded in general terms. It was a pity that it had not been adopted, for it could certainly have helped to solve other such problems that might arise in the world. The United Kingdom delegation had abstained in the vote on draft resolution A/CONF.32/L.19 and on the amendments to it because it considered that the Conference should not adopt a resolution on the particular problem of the territories occupied by Israel while that problem was before other United Nations bodies. Furthermore, that draft resolution made accusations against a country and the Conference was not in a position to judge whether there was any foundation for them.

Mr. NETTEL (Austria) considered that the question under discussion was a highly political matter, which was at present being considered by other United Nations bodies. His delegation had therefore abstained in the vote on draft resolution A/CONF.32/L.19. There was no such problem in regard to draft resolution A/CONF.32/L.20 and his delegation had had every reason to vote in favour of it.

Mr. STEELE (Canada) said that draft resolution A/CONF.32/L.19 dealt with questions which were before the Security Council and the General Assembly. The Conference was not qualified to pronounce judgement on the accusations it contained. The Canadian delegation had therefore abstained in the vote. It had voted in favour of draft resolution A/CONF.32/L.20 although it regretted that the proposal made by France at the 22nd meeting had not been accepted.

Mr. KHALAF (Iraq) said that the victims of Israel's aggression would find some comfort in the vote on draft resolution A/CONF.32/L.19, whether or not it was implemented by Israel. He requested that the vote should be brought to the notice of the President of the General Assembly.

Mr. BOWEN (Australia) said that he had abstained in the vote on draft resolution A/CONF.32/L.19 and on the amendments to it because the Security Council and the General Assembly were already dealing with the problem and because the Secretary-General had just sent his Special Representative to the Middle East on a fact-finding mission. The Australian abstention should not, however, be taken to mean that Australia took no interest in the problem.

Mr. COMAY (Israel) said that he was glad to note that the vast majority of impartial countries had either voted against draft resolution A/CONF.32/L.19 or abstained. The resolution that had been adopted was vitiated by prejudice and prejudged the results of the investigation by the Special Representative of the Secretary-General. It could not help to solve any problem. His Government would not pay it respect or serious attention. Israel would continue to assume its responsibilities in the occupied Arab territories and would account for its administration at the proper time and place. The Israel delegation had voted in favour of draft resolution A/CONF.32/L.20, which was reasonable. He thanked the delegations which had supported it.

Mr. GAYNOR (Ireland) said that his delegation had abstained in the vote on draft resolution A/CONF.32/L.19 and on the amendments, for the same reasons that had prompted it to abstain in the vote on the inclusion of the item in the agenda. The views of the Irish Government, however, on the Palestine refugee problem had been stated many times in New York and remained unchanged. It had voted in favour of draft resolution A/CONF.32/L.20, however, because it was of a general and humanitarian nature and did not refer to any specific area of conflict.

Mr. OSTROVSKY (Union of Soviet Socialist Republics) said that he had voted in favour of draft resolution A/CONF.32/L.19 for the reasons previously given by the USSR delegation.

The PRESIDENT invited the Conference to vote on the Iraq proposal that the result of the vote on draft resolution A/CONF.32/L.19 should be transmitted to the President of the General Assembly.

The proposal was adopted by 28 votes to one, with 3 abstentions.

The meeting rose at 7.15 p.m.