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SUMMARY RECORD OF THE 47th MEETING

Chairman: Mrs. OULD DADDAH (Mauritania)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 68: ISRAEL'S DECISION TO BUILD A CANAL LINKING THE MEDITERRANEAN SEA TO THE DEAD SEA: REPORT OF THE SECRETARY-GENERAL (continued) (A/37/328 and Corr.1; A/SPC/37/L.41 and L.42)

1. Mr. HANSEN (Denmark), speaking on behalf of the ten member States of the European Community, said that the Ten understood and recognized the concern expressed by a number of delegations on the item under consideration. According to the study carried out by the group of experts (A/37/328), the Mediterranean-Dead Sea project consisted essentially of a hydroelectric scheme to divert sea water from the Mediterranean to the Dead Sea, the deepest surface point on the earth's crust, in order to produce peak electric energy. The Ten understood that the project was still at the pre-feasibility stage and that the Israeli Government had not yet taken a final decision to proceed with its implementation. The effects of the project on the Dead Sea must be considered as an environmental whole. The report clearly brought out the hydrological aspects of the project and gave details about its possible effects, both positive and negative, including its specific effects on Jordanian interests, notably on the Arab Potash Works.
2. Regardless of technical, economic and environmental aspects of the project, the Ten considered that it would conflict with Israel's obligations under international law. First, with regard to the rights of riparian States, the Ten understood that Jordan, which was a riparian State, would be affected and that it objected to the changes. Secondly, the plan would involve construction work across the Gaza Strip. The Ten considered that, under general international law and with reference to the Fourth Geneva Convention, such construction and alteration of property would exceed Israel's right as an occupying Power. Under international law, an occupant exercised only a temporary right of administration in respect of territory occupied by it. The proposed water conduit could in no way be considered to be a mere act of administration. In addition, the project, as currently planned, could have serious implications for the future of the Gaza Strip.
3. The Ten believed that, in the circumstances, it would not only be illegal for the Israeli Government to proceed with the project but that further action would also create a serious obstacle to progress towards a just, lasting and comprehensive peace settlement. Therefore, the Ten wished to reiterate their opposition to the project and called upon the Israeli Government to reconsider it and to take it no further in the current circumstances. That case revealed precisely the need for negotiations between all the parties concerned and for a peace settlement.
4. Mr. AL-HASSANI (Kuwait) said that, when the Israeli leaders had decided, on 24 August 1980, to build a canal linking the Mediterranean Sea to the Dead Sea, the only thing that had been paramount in their thinking had been political expediency. Therefore, that matter should be discussed from three perspectives: it should be seen in the framework of the Zionist plan for harnessing Arab natural resources, particularly water; it should be seen in the framework of the overall

(Mr. Al-Hassani, Kuwait)

Israeli strategy based on systematically confronting the Palestinians and Arabs, in particular, and the international community, in general, with one fait accompli after another; and it should also be seen in the framework of international law, which prohibited an occupying Power from making any changes in the geographical nature or demographic composition of the occupied territories and their population as well as any utilization of the natural resources in the occupied territories for the benefit of the occupiers. In that connection, it should be noted that the proposed canal was but the last in a series of similar projects, which had included the drying up of Lake Hule and the diversion of the Jordan River and its tributaries.

5. In resolutions 3175 (XXVIII) and 3336 (XXIX), the General Assembly had affirmed the right of the Arab States and peoples whose territories were under Israeli occupation to full and effective permanent sovereignty over all their resources and wealth. It had also reaffirmed that all measures undertaken by Israel to exploit the human, natural and all other resources and wealth of the occupied Arab territories were illegal, and had called upon Israel immediately to rescind all such measures. Those clear-cut assertions by the General Assembly, together with the clear-cut provisions of the Fourth Geneva Convention, should have prevented the Israelis from entertaining any idea to the effect that, since they could exercise some temporary powers as the occupying Power in the occupied territories, they could seize the property of others. According to international law, sovereignty over the occupied territories rested ultimately with the population of such territories, and not with the occupying Power.

6. In its desperate attempt to convince the world that the West Bank and the Gaza Strip were part and parcel of Eretz Israel, the Israeli Government denied the fact that they were occupied territories. It repeatedly asserted that they were liberated or administered territories and that the provisions of the Geneva Conventions were therefore inapplicable. As could be seen, the General Assembly disagreed and had used the term "occupying Power" in reference to Israel and "occupied territories" in reference to the West Bank and the Gaza Strip.

7. The representatives of Jordan and of the Palestine Liberation Organization had given the Committee detailed accounts of the dangers and damage that might arise from the construction of the canal. Kuwait wished merely to emphasize the basic and far-reaching fact that the building of the canal, irrespective of all its dangers, was illegal per se.

8. By reading the Secretary-General's report (A/37/328), one could pinpoint some of the potential dangers and damage the project entailed. However, at the same time, one could not help feeling that too much emphasis was placed on the Israeli version, which was limited almost entirely to the feasibility of the project, as if it were just a normal development project being carried out in normal circumstances in a normal country, and not an illegal project planned by an occupying Power in occupied territories. That line of investigation would only raise speculation as to whether the Committee was not being led to a certain situation where it would again find itself submerged in endless arguments about side issues and, in so

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(Mr. Al-Hassani, Kuwait)

doing, would miss the whole point, namely, that the project itself was illegal under international law. Therefore, in resolution 36/150, the General Assembly demanded that Israel cease forthwith the implementation of its project of a canal linking the Mediterranean Sea and the Dead Sea and requested the Security Council to consider initiating measures to halt the execution of that project. The demand that the implementation of the project should be halted was not based on whether the project was good or bad but on the fact that it was illegal.

9. The Secretary-General's report on the item indicated clearly that Israel opposed resolution 36/150 and that the mission had been informed by the Israeli authorities that the official decision to proceed with implementation would not be taken before the conclusion of the feasibility study currently being carried out, with the help of Israeli engineering firms and foreign consultants. That meant that, once again, Israel rejected the decisions of the international community and was going ahead with its unilateral actions. It also meant that foreigners were helping the Israelis to work out their plan. In view of the fact that resolution 36/150 called upon all States not to assist, either directly or indirectly, in the preparation for and the execution of that project and to urge the compliance of national and international corporations to that effect, one might wonder why the United Nations mission of experts had failed to provide any specific information about the foreigners who were helping in the preparation of that project.

10. One full year after the General Assembly had adopted resolution 36/150, the Israelis were still going ahead with that project, which jeopardized the legitimate vital interests of Jordan and of the Palestinian people and whose implementation would constitute another Israeli rebuff to the international community. His delegation wished to warn that, if the international community's inaction vis-à-vis the total disregard of its decisions by the Israelis was allowed to continue, it could be expected that that illegal project would be implemented, before the world Organization made a real effort, as it should, to nip it in the bud. Therefore, the time had come for the Security Council to act promptly on that matter, which was fraught with danger for the peace and security of the Middle East and of the world at large.

11. Mr. NOORANI (Pakistan) said that the Committee had recently adopted a number of resolutions unmasking Israel. The Committee was currently considering another Israeli project, which not only deserved condemnation but also required urgent preventive measures. Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea violated the rules of international law, particularly those relating to the fundamental rights and privileges of other States. It was a project which, if completed, would cause direct and irreparable damage to the rights and the legitimate vital interests of Jordan and of the Palestinian people. In addition, it would have a far-reaching adverse political, economic and military impact on the Gaza Strip, the West Bank, Jordan and the inalienable rights of the Palestinian people.

(Mr. Noorani, Pakistan)

12. Although, on the face of it, the project had been undertaken to provide 7 per cent of Israel's energy requirements by the year 2000, in actual fact it had different intentions and objectives: it would make havoc of the agriculture on the east and west bank of the Jordan River and in the Gaza Strip, as could be seen from the study conducted by three United Nations experts (A/37/328); and it would submerge a number of holy places, would jeopardize the existing environmental structure around the Dead Sea and would ruin touristic facilities by constantly threatening the entire Jordan Valley area with inundation. The project also had military dimensions which, in view of Israel's plans to set up nuclear installations along the canal, posed a grave threat to regional as well as to world peace and security. The project would also endanger the national economy of Palestine and would affect a number of Arab and Jordanian projects, including the exploration for oil and natural gas.

13. Disregarding the adverse effects it would have on adjoining States and deliberately attempting to cause them damage, Israel had unilaterally decided to go ahead with the implementation of the project. That constituted a clear violation of international law and practice relating to the jurisdiction of States over seas, lakes, rivers and gulfs, as well as of the Fourth Geneva Convention.

14. The Islamic Conference of Foreign Ministers had strongly condemned the implementation of the project and had called upon Governments throughout the world to refrain from providing any financial or technical assistance for it. The United Nations Conference on New and Renewable Sources of Energy, held at Nairobi in 1981, had described the Israeli project as aggression against the legitimate rights of the Palestinian people, and the General Assembly had demanded that Israel cease forthwith the implementation of that project.

15. His delegation believed that the project was another sinister effort on the part of Israel to entrench itself in the occupied territories and to thwart the realization of the inalienable rights of the Arabs and Palestinians. Accordingly, it condemned the project and considered that it was incumbent on the United Nations to take timely, adequate preventive action in that respect.

16. Mr. AL-RIYAMI (Oman) said that his delegation had carefully reviewed the study conducted by the United Nations experts (A/37/328, annex). He noted that, despite the efforts made in preparing the study, it did not fully clarify the serious damage the project would entail for Jordan's economy.

17. He drew attention to the fact that the project would strengthen Israel's presence in the Gaza Strip and that, as a result, the situation in the area would become more explosive. Furthermore, the project would affect the sovereignty and the vital interests of Jordan as a riparian State of the Dead Sea because, in accordance with international law, Israel could not seek to modify the level of the Dead Sea without Jordan's consent. He also drew attention to the grave danger the project entailed not only for Jordan and Palestine but also for peace and stability in the Middle East. If Israel completed the project, it would violate the provisions of the Fourth Geneva Convention by changing the geographical nature, demographic structure and legal character of the occupied territories. Bearing in mind the seriousness of

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(Mr. Al-Riyami, Oman)

any such measure, the Council of the League of Arab States had urged all countries of the world to oppose the project and not to provide any financial assistance for its implementation.

18. Mr. XIE Qimei (China) said that the decision to build a canal linking the Mediterranean Sea to the Dead Sea was Israel's unilateral decision and constituted another expansionist project which gravely violated the rules of international law and international conventions. The implementation of the project would produce major changes in the geography and environment of the area surrounding the canal and would cause serious damage to Jordan.

19. The Israeli project was not based on economic considerations but was aimed at perpetuating its military occupation and the subjugation of the Palestinian people. The project was unacceptable to the Palestinians, the Arabs and the international community as a whole.

20. The Islamic Conference had condemned the Israelis for their expansionist plan and had called upon all States not to provide assistance of any kind. The General Assembly had, by an overwhelming majority, adopted resolution 36/150, which reflected the international community's demands. China supported the Palestinian people in their struggle to defend their inalienable rights and also supported Jordan's reasonable demands. The Israeli authorities must respect the provisions of the Fourth Geneva Convention and the resolutions of the General Assembly and must refrain from implementing their project. Otherwise, the Security Council would be obliged to take appropriate steps.

21. Mr. GHAFFAK (Bahrain) observed that, according to Israel, the objectives of the canal project were purely economic, but events contradicted the Israeli assertions. In fact, the project had strategic and political dimensions which were consistent with the Zionist tradition initiated at the beginning of the century. Before the Second World War, the Zionist theoretician Herzl had studied with interest a project submitted to him by a Swiss engineer. The political events in Palestine had prevented its implementation, but it had never been abandoned. The various studies prepared by the Zionists indicated that the construction of the canal was essential for the development of the region, since it would help to maintain 4 million Jewish immigrants. Those studies also included such solutions as diverting the water of the Jordan River for agricultural purposes and building a canal between the Mediterranean Sea and the Dead Sea.

22. Since the creation of the State of Israel, Mr. Keyton, an engineer, had submitted six reports, and studies had been carried out in seven different places with a view to building the canal. Subsequently, a Technical Committee had been formed, and its Chairman had indicated that the decision to build the canal had been part of a series of projects related to nuclear plants, water desalinization and other issues. The implementation of the project would also create a natural water barrier between the north and the south for security purposes. Moreover, nuclear reactors were to be built along the canal for strategic and military purposes. On 6 December 1982, The New York Times had reported that the scientist Edward Teller had gone to Israel to offer his experience in the use of nuclear energy for peaceful

(Mr. Ghaffak, Bahrain)

purposes. If those purposes were indeed peaceful, it was curious that Israel had not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and had not permitted anyone, even the United States, to inspect its nuclear reactors. Obviously, the building of the canal was closely related to the policy of settlements and would help Israel to strengthen its illegal presence in the occupied territories.

23. The report in document A/37/328 did not place due emphasis on several important factors. It dealt with the purely technical aspects of the project, and not with the social aspects, nor with the problem of the environment and pollution. Moreover, it did not deal with the legal aspects, nor did it refer to the rules of international law or to the General Assembly resolutions concerning the situation in the territories occupied by Israel. His delegation requested that the Secretary-General should submit at the thirty-eighth session a comprehensive report, which included the technical, social, political and strategic aspects of the project.

24. Mr. AMARI (Tunisia) expressed surprise at the memorandum of unknown origin which had been distributed on the previous day and which contained a message from Begin and from an Israeli Minister. His delegation condemned such action.

25. The CHAIRMAN said that no one had been informed of the origin of the envelope in question. It was customary for delegations to distribute messages, such as invitations and other similar communications, but information to that effect was usually provided in advance.

26. Mr. KUBBA (Iraq) said that the contents of the message distributed were political and that it could not in any way be considered to be an invitation. If delegations wished to distribute such messages they should hand them to the press.

27. The CHAIRMAN regretted that such a situation had arisen in the Committee. She reiterated that, as a matter of courtesy, information to the effect that such messages were to be distributed should be provided in advance. Otherwise, the good working atmosphere of the Committee would be impaired.

The meeting rose at 11.40 a.m.