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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 2 February 1983, at 10 a.m.

Chairman:

Mr. OTUNNU

(Uganda)

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The meeting was called to order at 10.10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRMAN said the Bureau considered that the Commission might need to request the Economic and Social Council to grant it additional hours of serviced meetings. He accordingly invited the Commission to decide whether such a request should be made.
2. Mr. KOOLJMANS (Netherlands) suggested that such services should be requested immediately since the Council was at present nearing the end of its session in New York.
3. Mr. KONSTANTINOV (Bulgaria) said he did not understand why it should be necessary to ask for additional time. The purpose of the Commission's decision to limit the duration of statements had been to enable it to complete its consideration of all items within the time available and it should stand by that decision.
4. Mr. PACE (Secretary of the Commission), replying to a question by the representative of Brazil, said that the Commission had been authorized to hold nine hours of meetings a day at its thirty-seventh and thirty-eighth sessions and six hours of meetings a day at its thirty-ninth session.
5. Mr. TREKI (Libyan Arab Jamahiriya) said that the Commission should quickly complete the organization of its work and turn to the substantive items on the agenda. The decision to limit the length of statements would enable the Commission to finish its work on time, but there was nothing to prevent it from requesting the Council to grant it more time.
6. Mr. FURSLAND (United Kingdom) said that his delegation supported the Bureau's suggestion that the Commission should request the Council to allocate additional hours for its meetings. He agreed with the representative of the Netherlands that a decision on that matter should be taken immediately. His delegation would have preferred stricter time-limits, but since they had not been imposed additional meeting hours would have to be granted. Under the present arrangements, 90 fewer hours were available for the Commission's work at its thirty-ninth session than at its thirty-eighth. He thought that not the full 90 hours but perhaps 45 hours should be restored.
7. Mr. LE BLANC (France) said that he supported the Bureau's suggestion. Since no strict limits had been placed on the length of statements, it was necessary to extend the time available for the Commission's meetings in order to ensure that no agenda items were neglected.
8. Mr. PACE (Secretary of the Commission), replying to a question by the representative of Argentina, said that the Commission had used all the 90 meetings that had been available to it at the thirty-eighth session.

9. Mr. BYKOV (Union of Soviet Socialist Republics) said that the General Assembly's guidelines for the conservation of budgetary resources were designed to rationalize the use of existing resources and to obviate the need to request additional resources. In its resolution 1979/36, the Council had authorized an expansion of the Commission's sessions to six weeks; the Commission was the only functional commission of the Council to have requested such an expansion. Additional time had been granted to the Commission at its two preceding sessions as an exceptional measure, but at the thirty-eighth session many delegations had complained of difficulties in preparing for forthcoming meetings because of the intensive meeting schedule.
10. At the first meeting of the current session, two ways of expediting the Commission's work had been proposed: limiting the length of statements and requesting more meeting time. Since the first alternative had been adopted, there was no reason to pursue the second, especially as that would run counter to the General Assembly's guidelines on the sparing use of financial resources.
11. He commended the Chairman for his efforts to begin the Commission's meetings on time and suggested that a system such as that of the pigeon-holes which had been used at the thirty-eighth session should be restored in order to prevent precious time from being wasted while delegations queued for documents.
12. Mr. SCHIFTER (United States of America) said it should be borne in mind that the Commission would have one third fewer hours at its thirty-ninth session than at its thirty-eighth, and that time had run out before it had completed its work at the thirty-eighth session. The fact that voluntary time-limits had been agreed upon was a step towards conserving time, but they would not solve the problem entirely. If the Commission requested and was granted additional time, it did not necessarily have to use it all; it would simply be providing itself with a back-up measure.
13. Mr. HUPTON (Australia) said that the figures furnished by the Secretary of the Commission proved that it was necessary to request additional time for the Commission's meetings. At the thirty-eighth session, some important items had been rushed and many delegations had found it difficult to prepare for discussions because of the rapid pace at which they had succeeded one another. Although the decision on limiting the length of statements was commendable, delegations would have difficulty in resisting the temptation to speak at length on subjects of particular interest to them. For that reason the Commission should request more meeting time from the Council.
14. Mr. HAYES (Ireland) said that the facts spoke for themselves: at the thirty-ninth session, the Commission would have one third less time for meetings than at the thirty-eighth. A compulsory time-limit had had to be set towards the end of the thirty-eighth session and a similar time-limit might have to be instituted at the thirty-ninth as well. It would not be unreasonable of the Commission to request 15 extra meetings, with due regard for economy, in order to have enough time to complete its work. The request would enable half of the lost time to be recovered. He therefore formally proposed that the Commission should request the Council, currently meeting in New York, to authorize 15 extra serviced meetings for the Commission at its present session and that the reasons underlying the request should be stated.

15. Mr. CALERO RODRIGUES (Brazil) said he agreed with the representative of the Soviet Union that the Commission should try to work within available resources and that, with the time-limits on statements, it could perhaps finish its work within the deadline. It was also possible, however, that the Commission might run out of time at the current session; he therefore agreed that it should ask for half of the extra time to be restored through the allocation of 45 additional hours.
16. Mr. DIAGNE (Senegal) said that the Commission frequently ended its sessions in a rush and the discussion of some items suffered accordingly. The time-limit was a useful institution but it was only a guideline: delegations and the Chairman must realize that some controversial subjects might require additional time for discussion. His delegation supported the idea of asking for the maximum amount of meeting time, on the understanding that not all of it might actually be used.
17. Mr. BYKOV (Union of Soviet Socialist Republics) said that the Commission should ensure that a copy of the summary record of the current meeting was available to the Council when it came to consider the Commission's request so that it could see the arguments for and against that request.
18. Mr. HERNDL (Assistant Secretary-General, Centre for Human Rights) said that if 15 additional serviced meetings were allocated for the Commission's current session, the conference servicing costs, to be financed under section 29 B of the Programme Budget and calculated on a full-cost basis, would be approximately \$110,000 for 1983. That estimate included interpretation and translation services in the Commission's six official languages.
19. Mr. PACE (Secretary of the Commission), replying to a question by the representative of Argentina, said that the financial implications had been calculated on the basis of an additional 45 hours of meetings - 15 meetings of three hours each.
20. Mr. BYKOV (Union of Soviet Socialist Republics) said that, in the light of the financial implications of the Irish proposal, his delegation was convinced that a hasty decision would not be consistent with the financial policy of the Organization or with the spirit of Council resolution 1979/36. The Commission would hardly enhance its prestige by taking such a decision, especially since its session was only beginning. The proposal should be put to the vote and, if it was adopted, the Council should be provided with the relevant summary records of the Commission's meetings to assist the Council in evaluating the request for authorization to hold additional meetings.
21. Mr. O'DONOVAN (Ireland) said members should bear in mind that it was by no means the first time that the Commission was requesting the Council to authorize additional serviced meetings. It was, however, the first time that it would be making such a modest proposal. Previous requests by the Commission for additional meetings had also had financial implications but the Commission had been able on those occasions to take a decision without a vote.
22. Mr. BYKOV (Union of Soviet Socialist Republics) said that well founded objections had been raised to taking such a decision in haste. Accordingly, the Irish proposal should be put to the vote.

23. Mr. TREKI (Libyan Arab Jamahiriya) recalled that some members of the Commission did not have permanent missions in Geneva and that, as a result, their attendance at the Commission's session entailed considerable expense. He therefore urged that the Commission should adopt the Bureau's proposal for a modest increase in the number of meetings, if needed, without specifying how many. It might cause embarrassment for some delegations if the Irish proposal was put to the vote.

24. The CHAIRMAN said it was his understanding that the Irish proposal would not entail any additional working days during the session and hence there would be no additional financial implications for delegations. What was envisaged was three additional hours of meeting services each day for several weeks of the session. The Bureau, for its part, had not made any proposal or recommendation on the subject of additional meetings.

25. The Irish proposal was adopted by 23 votes to 7, with 4 abstentions.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1983/6, 7 and 8)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1983/2 and Add.1, E/CN.4/1983/12 and 13; ST/HR/SER.A/14)

26. Mr. BARAKAT (Jordan) said that the massacres committed by Israel in the occupied Arab territories, the establishment of Israeli settlements there and the pillage of the territories' natural resources all pointed to the existence of a systematic plan aimed at the genocide of the indigenous inhabitants. Writing in a book entitled They Must Go, Rabbi Meir Kahane had even advocated the expulsion of all Arabs living in the occupied territories. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/37/485) provided a full and clear picture of the situation in those territories, and had led to the adoption of General Assembly resolution 37/88, which resolutely condemned Israel for its violation of human rights and the measures it had taken to alter the demographic situation in the occupied territories. The Government of Israel had consistently refused to co-operate with the Commission and had even recently prevented Palestinians from meeting members of the Commission.

27. The situation in the occupied territories had steadily worsened with the establishment of new settlements and the subjugation of the local economy by the occupation authorities. The existing laws of the territories had been annulled and some 950 military orders had been issued, thereby creating a new legal situation in contravention of the Fourth Geneva Convention of 1949. The inhabitants of the territories were forced to eke out a meagre existence while seeking to throw off the Israeli yoke. Personal freedoms had been abridged, education had been brought to a standstill and settlers were being imported in an effort to oust the Arab population from their lands.

28. The report of the Special Committee also contained excerpts from statements made by Israeli leaders, which demonstrated Israel's intentions to continue to occupy Gaza and the Golan Heights. Both the Government of Israel and Zionist organizations were spending huge sums to support the establishment of settlements.

29. Other details emerged from the various reports which dealt with the situation of civilians in the occupied Arab territories, including Palestine, and were listed by the Secretary-General in document E/CN.4/1983/6. Assistance from UNRWA for education had had to be curtailed, and the inalienable rights of the Palestinian people continued to be denied. Israel persisted in its defiance of the Geneva Conventions by establishing new settlements. Two former Presidents of the United States, Mr. Ford and Mr. Carter, in a recent article in the Readers Digest, had identified Israel's policies as the major obstacle to any moderate Arab initiative to find a settlement of the situation in the Middle East. The media throughout the world carried daily reports of violations of human rights in the occupied territories. A report circulated by the United Press International in January 1983 provided details of Israel's suppression of demonstrations in the West Bank area and the restrictions it had imposed on personal freedoms there, including the freedom of expression.

30. Everyone was doubtless aware of the massacre committed by Israel at Sabra and Chatila. In a recent book on that subject, a prominent Israeli journalist had described the spontaneous demonstration by Israeli citizens protesting about the massacre at the residence of Prime Minister Begin where Israeli police had used tear gas to disperse the demonstrators. Many Israeli citizens had reportedly felt ashamed of the actions of their Government, which some had compared to the conduct of the Nazis.

31. The Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva late in 1982, had adopted a series of recommendations which were set out in its report (ST/HR/SER.A/14) and were worthy of the Commission's consideration.

32. For some 15 years, the General Assembly had been considering the situation of human rights in the occupied territories and had adopted numerous resolutions, all of which had had no effect on Israel's policies. On the contrary, Israel persisted in violating human rights, confiscating land and annexing territories. The time had come for the Commission to take effective action to end such violations and bring relief to the suffering inhabitants of the occupied territories. The Commission might, for example, request the General Assembly to recommend the Security Council to study the situation and take appropriate measures in accordance with the Charter.

33. Mr. TREKI (Libyan Arab Jamahiriya) said that year after year the Commission, like the General Assembly and other international bodies, discussed the situation of the Palestinian people and the violation of human rights by the Zionist entity in Palestine and the occupied Arab territories. With each passing year the number of territories which had fallen victim to the Zionists grew. The Zionist entity continued to flout United Nations resolutions, including those adopted by the Commission.

34. The crimes of the Zionist entity were well documented. With the Golan Heights annexed and half of Lebanon occupied, the international community might well ask itself what the future held. Zionism had been identified as a racist movement by the General Assembly and, as a form of neo-Nazism, it posed a threat to the entire international community. Zionism was a spreading cancer. It had managed to gain control of most of the world's information media and financial institutions and wielded its great power to further its expansionist designs. Zionism had a secure grip on the United States of America, in particular, and on many countries in Europe and elsewhere.

35. The Commission was considering the human rights of the Palestinian people and the Zionist entity's violation of those rights. At the same time, however, it should also consider American human rights and their violation in the United States. It was a well-known fact that any free voice was silenced in the United States and certain West-European countries. Critics of Zionism were forced to remain silent or were accused of anti-Semitism. Spiro Agnew, Senator Fulbright and General Brown were but a few of the many thousands of victims of the Zionist cancer in the United States. Operating by the rules of Western terrorism, neo-Nazi Zionism had infiltrated all areas of life and all manner of institutions in order to eradicate what was left of the Palestinian people and other Arab peoples.

36. The situation he had described was an international problem which, unless it was dealt with, would lead to the destruction of all mankind. According to the Zionists themselves, the First World War had produced the Balfour Declaration, the Second World War had led to the creation of the State of Israel; and a third world war would permit the establishment of a Zionist empire. The Zionist movement hoped to eradicate millions of human beings in order to create a Zionist empire stretching from the Nile to the Euphrates that would rule the world. Zionists had used British colonialism to establish a State of Israel and would use neo-colonialism to establish an empire.

37. It was high time the international community became aware of the Zionist threat. The Commission must therefore give the matter serious consideration and warn the international community and the whole world before it was too late. It should also, as a matter of priority, make a distinction between a policy of opposition to Israeli expansionism and anti-Semitism. Arabs were Semites and were opposed to Nazi Zionism. The true meaning of the term anti-Semitism must therefore be established, for instance by requesting an advisory opinion on the subject from the International Court of Justice.

38. The massacres perpetrated by the Zionists at Sabra and Chatila and their continuing violation of human rights in the occupied territories, including Palestine, were very serious matters but they paled in significance when compared with the unprecedented dispersion of Palestinians throughout the world. The scourge visited on the Palestinian people could have afflicted any people, since Britain, whose colonialism was the root cause of all the problems now existing in Palestine, South Africa, Cyprus and the Falkland Islands, among other places, had proposed that Argentina, Uganda, Guinea or Western Libya might house a Jewish State. Those countries could have suffered the fate that had in fact befallen Palestine and their neighbours' territory might have been annexed after the fashion of the Golan Heights.

39. Zionist expansionism and Zionist terrorist gangs threatened international peace and security, and international action must be taken to stop them. Many nations with differing ideologies and social and economic systems had united to oppose Hitlerian Nazism and save mankind. States must now unite in the same spirit to oppose the neo-Nazi threat of Zionism.

40. The Commission was responsible for human rights at the international level, and yet it was unable to implement its resolutions on Palestine. It must therefore work with those responsible for maintaining international peace and security, in particular the Security Council, to ensure that all United Nations resolutions on Palestine were implemented. Countries which were assisting Zionism must desist from doing so, and moral and material support must be afforded to the Palestinian and Arab peoples who were the victims of Zionism. There would be no peace and security in the region as long as Zionist aggression continued and the aggressors received outside assistance, and as long as the rights of the Palestinian people were trampled on. The Palestinian people was the victim of Zionism and yet its representative, the PLO, had been asked to recognize the Zionist entity. Was that what was meant by human rights?

41. Many peoples were suffering a fate similar to that of the Palestinians as a result of colonialism and racism. There was a close organic link between the Zionist system and the odious apartheid system operating in Namibia and South Africa. That link confirmed that the forces of evil and racism had come together in their ambition to control the world. Racist zionism and apartheid in South Africa were pursuing the same ends and the same strategies, and they must be stopped. The former British colonialism that had established the Zionist entity at the expense of the Palestinians had also established the racist regime in South Africa at the expense of millions of African blacks and even now was helping both regimes to perpetuate their racism and their subjugation of other peoples. The white racist in South Africa was no different from the white racist in Palestine and had the same interests and ideology. Blacks and Palestinians should be able to live independently in their own land, without interference or harassment, and yet, like the American Indians before them, both peoples were the victims of genocide. Other peoples, for instance the Sahrawi people and peoples in Asia and the Caribbean region, were also struggling for self-determination and dignity and were also entitled to be heard and to determine their own future.

42. As an African and an Arab State, the Libyan Arab Jamahiriya hoped that the Commission would consider human rights realistically and objectively wherever African and Arab peoples were being made to suffer. Human rights must not be subordinated to conflicts between the major Powers or to special interest and relationships. As Africans, Libyans were appalled to see their African brothers treated as third-class citizens and forced to work in industrialized countries where they were subjected to racist practices. He wondered whether, in some countries, human rights consisted in providing individuals with the financing and weapons to emigrate and usurp the rights of citizens of other lands. There was pressure on individuals to emigrate to Palestine and force the Palestinians off their own lands. Was that what was meant by human rights? The Commission must adopt a consistent approach to what was meant by human rights and not be influenced by questions of colour, creed or other distinction.

43. The world was beset by international terrorism: leaders who opposed colonialism and racism were assassinated and economic reprisals were taken against peoples who chose certain economic and social systems. In 1983, \$600 billion would be spent on arms and weapons of mass destruction and yet the countries most to blame spoke of human rights. Weapons of mass destruction were in fact being supplied to racist regimes so that they might kill their opponents and pursue their heinous policies. Was that what was meant by human rights? To some people, Palestinians and Africans were less than human. Every day, 70 million African children went hungry yet their plight went unheeded because they were black. Was that what was meant by human rights?

44. As an Arab, African and third-world people, Libyans had almost lost faith in traditional human values for those values were consistently applied to the detriment of inhabitants of the third world, who were starved and disinherited so that foreign interests and multinational corporations might flourish. Some countries installed dictatorships in Latin America and fomented terrorism in Africa, Asia and the Arab world, yet presumed to talk about human rights. It was high time the Commission viewed that situation in its proper perspective.



45. Mr. KHMEI (Ukrainian Soviet Socialist Republic) noted for for 16 sessions the Commission had considered, as a matter of serious concern, the gross and mass violation of human rights perpetrated by Israel against the people of the occupied Arab territories, including Palestine. The matter had been considered by the United Nations and many specialized agencies, and some 900 resolutions had been adopted condemning the Israeli regime, which however not only ignored them but continued to render the situation even more tragic and dangerous, in defiance of the world community. The most recent example was Israel's invasion of Lebanon, the fifth large-scale conflict begun by Israel in its 35 years in existence; the victims this time were not only the population of that sovereign Arab State but Palestinian Arabs seeking refuge there. As the territory under Israeli occupation widened the sufferings of the Arab peoples increased.
46. The documents listed in the note by the Secretary-General (E/CN.4/1983/6) revealed a picture of Israel's oppression of the peoples in Palestine and other occupied Arab territories. The appraisal of Israel's deeds showed that there was not a single instrument of international law and human rights which Israel had not violated, including its own obligations. Studies and findings produced in many international forums, both intergovernmental and non-governmental, had shown how Israeli policy and practices concerning the peoples of the occupied Arab territories violated the Charter, with regard to both international human rights obligations and the rules against the use or threat of force.
47. Israel, despite being a signatory of the International Convention on the Elimination of All Forms of Racial Discrimination, pursued a policy against the Arab peoples which was unmitigatedly racist. Arabs under Israeli occupation were deprived of numerous rights and opportunities and suffered every type of indignity merely because they were Arabs. Israel denied the Palestinian people its right to self-determination and to create an independent sovereign State, thus violating the Charter and a number of other highly important international instruments relating to decolonization, human rights, and the principles of friendly relations and co-operation among States.
48. Israel sought to present its illegal occupation of Palestine and other Arab territories as "liberation"; under that pretext it was violating, inter alia, the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War. One particular violation was the collective punishment meted out in the occupied territories. As could be seen from document ST/HR/SER.A/14, it was common practice to demolish homes in towns, villages or refugee camps and to punish families, neighbours or even entire settlements on various pretexts. Some 20,000 homes had been razed in that way.
49. Jewish settlements in the occupied territories, following the deportation of the Arab population, already numbered 150; the settlers' so-called militia terrorized the Arab population. Arabs' personal and communal property was confiscated and expropriated, they were deprived of access to water supplies, and historical sites were destroyed. Protest resulted in arrest and detention in prisons or concentration camps. Under such conditions there was clearly no question of the Arab peoples in the occupied territories enjoying the human rights and freedoms defined in the International Covenants. But Israel's aims grew increasingly nefarious and even included depriving the Palestinian Arabs of the right to exist. The supreme expression of that was the large-scale destruction perpetrated in Lebanon

in June 1982, involving the use of many barbaric forms of weapons and missiles, and the bombing and strafing of hospitals and medical posts bearing Red Cross and Red Crescent emblems. During the blockade of West Beirut, the inhabitants had run short of food, water and electricity. And the massacre of Palestinian refugees at Sabra and Chatila on the night of 17/18 September, in which the occupants of the refugee camps - women, children and old people - had been wiped out, was the darkest event of the tragedy in Lebanon. World opinion was aghast at that genocidal act - a recurrence of the type of atrocity committed by the Nazis at Babi Yar, Lidice and Oradour. It contravened the Convention on the Prevention and Punishment of the Crime of Genocide, of which Israel itself was a signatory, and was but the logical outcome of Israel's policy in the occupied Arab territories for many years past. His delegation could not help noting, in Israel's policy and practices, many similarities to Nazi practices in occupied territories, including the Ukraine, during the Second World War.

50. Those responsible for the death and destruction in the Middle East were the Israeli aggressors and their collaborators and supporters, especially the rulers in the United States. The bloody war waged in Lebanon clearly formed part of the United States political aims in the Middle East, based on "strategic co-operation" with Israel, in order to ensure United States hegemony in the region, to give United States capital control over the resources of the Middle Eastern States and to consolidate the United States military presence there. That was perhaps the gravest factor underlying Israel's misdeeds against the peoples of the occupied Arab territories.

51. His delegation firmly condemned Israel's policy of mass repression, violation of human rights and racial discrimination. It was bound to share the conclusion reached in the Special Committee's report, that the Palestinians and Syrians in the occupied territories could never achieve their fundamental rights so long as they were denied the right of self-determination. His delegation was firmly convinced that an essential condition for preventing such violations of human rights was the withdrawal of Israeli forces from all the occupied Arab territories and the establishment of the Palestinian Arab people's inalienable rights, including its right to create an independent State, and the right of all Palestinians to return to their homeland. Lasting peace in the region could be achieved only through a genuine effort by all interested parties, including the PLO, the Palestinian people's sole legitimate representative. For that purpose, an international conference would be the best forum.

52. The Commission had a duty, at its current session, to condemn once again Israel's criminal acts in the occupied Arab territories and to call once more for their immediate cessation. In particular, the Commission should denounce the acts of genocide and vandalism committed by Israel in Lebanon, in violation of the Convention on the Prevention and the Punishment of the Crime of Genocide. In addition, the Commission could request the General Assembly, through the Council, to declare 18 September a date to commemorate the Zionist crime against the peaceful inhabitants of the Palestinian camps at Sabra and Chatila.

53. Mr. HERDOCIA (Nicaragua) said the fact that Israel had made no attempt to comply with the resolutions of the Commission and the Security Council, which had condemned it for its violations of human rights in the occupied Arab territories, including Palestine, showed that Israel was blatantly violating the principles of the Charter and the relevant resolutions of the United Nations. His delegation therefore wished to express the profound concern of the people and Government of Nicaragua at the appalling massacres perpetrated against the valiant Palestinian people and against civilians and defenceless Arabs residing in the occupied territories. Such acts of genocide enabled Israel to perpetuate its control over the West Bank and Gaza and to oppose the establishment of a Palestinian State in those territories, in the face of overwhelming international condemnation. The list of Israel's violations of human rights in the occupied territories was endless.

54. There could be no doubt about whose powerful hand was instigating and supporting Israel's crimes and there was no need to name the powerful country that pulled the strings as Israel acted as regional gendarme to protect that Power's hegemonistic interests in the Middle East.

55. By preventing the Palestinian people from exercising their right of self-determination, Israel was violating not only the resolutions of the United Nations but also the basic principles of international law and the International Covenants on Human Rights. It could not claim that the Universal Declaration of Human Rights was not binding in nature and that the Covenants were binding only on States which had ratified or acceded to them. While those instruments were not binding per se, they helped to interpret the provisions of Articles 1, 55 and 56 of the Charter, and even those States which were not parties to the Covenants must base themselves on them when applying the provisions of the Charter that related to human rights.

56. The Movement of Non-Aligned Countries and the Organization of African Unity had also recognized Palestine's right to self-determination and independence.

57. His delegation's full support for the resolutions condemning Israel for its massive violations of human rights in the occupied territories was best explained by the fact that the same great Power that used Israel in the Middle East was now using it as gendarme in Central America. Sister countries, in close alliance with Israel, were being encouraged to try to overthrow the Government of Nicaragua when Nicaragua's right of self-determination had been won at the cost of 50,000 lives sacrificed in the heroic national liberation struggle led by the Sandinista National Liberation Front.

58. In paragraph 31 of the communiqué issued by the Co-ordinating Bureau of the Movement of Non-Aligned Countries at its Fifth Extraordinary Ministerial Meeting held at Managua from 10 to 14 January 1983, the Ministers of non-aligned countries had drawn attention to the crimes committed by Israel over the past 35 years in the Middle East and denounced the recent strengthening of ties between Israel and Latin America, particularly Central America, a development which threatened peace and security in the region. In particular, they had denounced the arms deals which Israel had concluded with some States in the region and which only served to strengthen Israel's military and economic position in the Middle East. The Ministers had reaffirmed their support for the struggle of the Arab peoples to liberate the occupied territories and restore the inalienable rights of the Palestinian people, and had urged those Latin American States which were co-operating with Israel to cease their co-operation and take steps to end Israeli penetration of the region.

59. In paragraph 32 of the same communiqué, the Ministers had drawn attention to the fact that the United States was using Israel to further its own intervention in Latin America and had denounced visits by Israeli officials to certain Latin American countries - visits which had led to the conclusion of military agreements and an increase in United States and Israeli intervention.

60. The Ministers had further concluded that the Zionist regime, the main ally of the former Somoza regime and architect of the policy of elimination of the Palestinian people, had reached the heights of imperialism and racism when it had occupied part of Lebanon and resorted to acts of aggression against the Palestinian and Lebanese peoples and the massacre of Palestinians.

61. In view of the gravity of the situation, his delegation was prepared to sponsor a forceful resolution condemning Israel and calling for practical measures to ensure that the Commission's resolutions on violations of human rights in the occupied territories were finally implemented.

62. Mr. SOFFER (Observer for Israel) said that although fundamental human rights and freedoms were being systematically suppressed in many countries - a fact attested to by the Secretary-General, the Director of the Centre for Human Rights and many international human rights organizations, the Commission had allotted an inordinate amount of time to consideration of the situation of Palestinian Arabs in the areas administered by Israel. In fact, their over-all human rights situation had steadily improved during the past 15 years and an acceptable political solution could have been found had the Palestinian Arabs been enabled to enter into direct negotiations, as prescribed in the Camp David accords, and not been subjected to intimidation and harassment by the PLO.

63. The current report of the Special Committee (A/37/485) was as tendentious as its predecessors. The Committee's terms of reference and methodology precluded an objective approach; it had expressly ignored many positive aspects of Israeli administration and had relied instead on sources hostile to Israel. The virulent attitudes of the PLO - a terrorist organization bent on the destruction of a State Member of the United Nations - permeated the report and revealed the biased attitude of the Committee, which remained a tool of anti-Israel propagandists, sacrificing concern for human rights to political controversy. It had been manipulated by those in the Middle East who preferred conflict to negotiation and peace.

64. The politicization of human rights was one of the world's current tragedies. Even the United Nations, theoretically committed to the principle of universality, was selective; a special committee existed to investigate Israeli practices, but no committees existed to examine some of the most flagrant violations of human rights ever to occur in history. It was blatant hypocrisy to ignore the ruthless persecution of peoples such as the Kurds, the Baha'is, the Afghans and the Cambodians, who for years had been struggling for survival.

65. Ironically, the report, in seeking to highlight inadequacies in Israel's legal system, actually demonstrated the strength of the rule of law in the territories Israel administered. The descriptions of many legal petitions and proceedings, including habeas corpus and instances in which the Supreme Court had annulled administrative detention orders, revealed the existence of rights which were unprecedented in the history of military administrations and went beyond the requirements of international law. Such rights and remedies were guaranteed in few of the countries which hurled allegations against Israel.

66. The report was as noteworthy for its omissions as for its inconsistencies and distortions. Facts essential to objective evaluation of human rights conditions had been excluded; for example, there had been not one execution since Israel had administered the territories, despite the heinous nature of some of the crimes committed, including the murder of women and children. Such facts, when contrasted with the well-documented mass executions and torture occurring elsewhere in the region, cast doubts upon the Committee's credibility. No mention was made of the fact that the bridges connecting the territories with Jordan had promoted an unrestricted flow of people and goods in both directions under Israel's "open bridges" policy, thus strengthening family, cultural and economic ties. The Committee had also ignored the multitude of civil and political freedoms enjoyed by the population of the administered area. Freedom of expression, non-existent in the territories before Israel's administration, was now a fact of life; only incitement to violence and advocating terrorism were prohibited. Journalists of any nationality were free to travel within the territories and meet local inhabitants. Arab-language newspapers, of all political opinions, including extreme opposition to Israel, were circulated freely - a right not common to many other countries in the Middle East. His delegation would make available to all members of the Commission a survey showing the dramatic improvement since 1967 of the living standards and over-all human rights situation of the Palestinian Arab inhabitants of the territories concerned.

67. Rather than providing a terse list of so-called incidents, the Committee would have served the Commission better by considering the sufferings of the victims of terrorist attacks and recognizing the senseless atrocities for what they were. That section of the report displayed a total lack of sensitivity to the threat posed by terrorism in general and the suffering it caused.

68. Despite Israel's expressed fervent desire to live at peace with all its neighbours, the Arab States, with the recent exception of Egypt, had displayed a hostility and intransigence from which had stemmed all the human suffering in the Arab-Israel conflict. Israel constituted less than one per cent of the area of the Middle East, whereas there were 21 independent Arab States covering an area of more than 10 million square kilometres. Since 1948, Israel had successfully absorbed over one million refugees, without any international assistance. In stark contrast, the international community had expended vast amounts of money and resources for some 650,000 Palestinian Arab refugees; in 1981 alone, UNRWA had been allocated over \$233 million, whereas only \$319 million, a figure representing the total UNHCR budget, had been allotted for the rest of the world's refugees, who numbered over 15 million. Moreover, the Arab States were not only unwilling to contribute even a fraction of their unlimited wealth towards the Palestinian refugees' social and economic integration, but had exploited the Palestinian Arabs for political purposes, while spending more than \$60 billion for military purposes during the past seven years. It was high time blind hatred and obstinacy were replaced by realism and accommodation; the Camp David accords provided the Palestinian Arabs with a unique opportunity to participate fully in constructive debate about their future.

69. False allegations and politically motivated criticism, in the guise of objective international investigation, weakened the moral authority of the United Nations and hence its ability to protect human rights everywhere. Israel was justly proud of its record in the administered areas; the rule of law prevailed, and Israel's policies were based on the principles of international law and human rights. But Israel was the victim of hypocrisy and cynicism, being censured for combating terrorism while, in many other countries, thousands were killed arbitrarily in the name of "revolutionary justice". The Commission must avoid becoming a victim of political warfare and selective morality; millions depended on its efforts for relief from suffering. Its members could either drag it into groundless condemnation of Israel or seek to promote the cause of human rights and the easing of global tension through objectivity, responsibility, dedication and integrity.

70. Mr. TAFFAR (Observer for Algeria) said that at each session the studies on the question of the violation of human rights in the occupied Arab territories, including Palestine, revealed further evidence of Zionist defiance. The repression of the Arab inhabitants had grown increasingly alarming throughout the past year. The General Assembly had been obliged to resume its seventh emergency special session on three occasions in 1982 in view of the gravity of the situation, and the Security Council had met several times to consider the situation caused by Israeli practices in the occupied Arab territories. In defiance of the recommendations and decisions of international bodies, however, the Zionist entity unscrupulously continued its repressive policy, which had culminated in the massacre of Palestinian civilians at Sabra and Chatila - an act which clearly fell within the definition of war crimes, genocide and crimes against humanity. The occupying Power responsible for that massacre had shown how lightly it treated the right to life, thus surely removing any doubts about its terrorist and racist nature. That premeditated act formed part of a vast plan aimed at the extermination, or at least dispersion, of the Palestinians as a national group through terror and destruction. The policy in the occupied Arab territories was to oust the indigenous population and install settlements in pursuance of the racist, megalomaniac dream of a "greater Israel".

71. The Special Committee's report provided ample evidence of the way in which the Zionist occupation forces were duly increasing their stranglehold over the population of those territories. And the events in Lebanon since the preparation of the report revealed the extent to which the human rights situation in the occupied Arab territories had deteriorated, as a result of harassment, discrimination, repression, arbitrary arrest, torture, humiliation and collective punishment, including the destruction of homes - all of which had become the Arab population's daily lot. The aim, as the excellent report clearly showed, was to uproot the inhabitants by depriving them of their human rights and thus to facilitate the annexation of the territory. To that end, the Zionist authorities had stepped up the establishment of settlements during the past year, thus accentuating the demographic change of the occupied territories, in flagrant violation of the Fourth Geneva Convention of 1949. The policy of Jewish settlements was all the more dangerous in that it was based on a racist ideology created and sustained by a myth, while at the same time it provided a demographic base from which to transform the entire economy of the occupied territories for the benefit of Israel - as the report clearly showed. As their land was progressively confiscated and absorbed into the "Jewish heritage", the inhabitants of those territories had no

alternative but to sell their labour cheaply to Israeli industry. Even their cultural aspirations and the expression of their very identity were being stifled implacably; education was controlled by the Zionist authorities, teachers were intimidated and universities were closed at the slightest sign of resistance to the authorities. All the evidence obtained by the Committee combined to reveal the racist and expansionary nature of Zionist policy in the occupied Arab territories.

72. The report had drawn attention to conditions in Israeli prisons, which had become infinitely worse since Israel's invasion of Lebanon. The situation in the Al-Ansar concentration camp in southern Lebanon was especially alarming. Israel persistently refused to apply the provisions of the 1949 Geneva Convention to detainees, who were deemed neither prisoners of war, under the terms of the third Convention, nor civilians interned for security reasons, under the terms of the fourth. The Zionist authorities, by thus ignoring the most basic human rights, not only flouted international law and ethics but posed a constant threat to international peace and security.

73. The situation in the occupied Arab territories involved a gross and systematic violation of human rights and stemmed from the denial of the Palestinian people's right of self-determination. Those human rights could be fully restored only through Israel's unconditional withdrawal from all the occupied Arab territories, including Jerusalem, through the fulfilment of the Palestinian people's national rights - foremost among which was the right to establish a State in its homeland, and through the participation of the PLO, the Palestinian people's sole legitimate representative, in any settlement of the Middle East conflict. Those conditions had been set forth in relevant General Assembly resolutions. In the meantime, the international community, and the Commission in particular, must exert political and moral pressure against the Zionist forces of occupation in order to alleviate the suffering of the people in the occupied Arab territories. Only firm words and actions would stop the Zionist entity from persisting in flouting the international community.

The meeting rose at 1.10 p.m.