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Thirty-eighth year

Report of the Secretary-General

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## I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolution 37/123 F of 20 December 1982, adopted by the Assembly at its thirty-seventh session, concerning the situation in the Middle East. In paragraph 11 of that resolution, the Assembly requested the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the Assembly at its thirty-eighth session a comprehensive report covering the developments in the Middle East in all their aspects. In the preceding paragraphs of that resolution, the Assembly dealt with various aspects of the situation in the Middle East, including the search for a comprehensive settlement of the Middle East problem (see para. 35 below).

2. At the same session, the General Assembly adopted resolutions 37/86 D and E of 10 December 1982 in which it requested the Security Council to take action on the establishment of an independent Arab State in Palestine and on the promotion of a just and comprehensive solution of the question of Palestine, and resolution 37/123 E concerning the question of Lebanon. In order to avoid duplication, the reports requested of the Secretary-General in those three resolutions have been incorporated in the present comprehensive report, which is being submitted to the Assembly, under agenda items 33 and 34, and also to the Security Council. The report is based mainly on information available in United Nations documents, to which references are made whenever appropriate.

## II. MILITARY DEVELOPMENTS AND UNITED NATIONS PEACE-KEEPING ACTIVITIES

3. The status of the cease-fire in the Middle East and the activities of the United Nations peace-keeping operations in the area up to October 1982 were dealt with in the report of the Secretary-General of 12 October 1982 (A/37/525-S/15451, paras. 4-50). The involvement of the United Nations in this field has remained essentially the same. There continue to be three United Nations peace-keeping operations in the area: two peace-keeping forces, the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL), and one observer mission, the United Nations Truce Supervision Organization (UNTSO). At present they operate mainly in the Israel-Syria and Israel-Lebanon sectors.

### (a) Israel-Syria sector

4. UNDOF, with about 1,280 troops provided by Austria, Canada, Finland and Poland, is deployed between the ~~Israeli and Syrian forces~~ on the Golan Heights in accordance with the disengagement agreement concluded between Israel and Syria in May 1974. A group of UNTSO observers is detailed to the Force and assists it in the performance of its tasks. The mandate of UNDOF has been extended twice by the Security Council during the period under review, the last time on 16 May 1983 for a further period of six months until 30 November 1983 (resolution 531 (1983)). The activities of the Force since October 1982 are outlined in two reports of the Secretary-General to the Security Council dated 18 November 1982 and 20 May 1983

(S/15493 and S/15777). As reported by the Secretary-General, the situation in the Israel-Syria sector has remained generally quiet; UNDOF has continued to perform its functions effectively with the co-operation of the parties and there have been no serious incidents. UNDOF is undoubtedly an important element of stability in a very sensitive area.

(b) Israel-Lebanon sector

5. There are at present two United Nations peace-keeping operations in Lebanon; UNIFIL and the Observer Group Beirut (OGB), which is an arm of UNTSO. UNIFIL, which is deployed in southern Lebanon, was established by the Security Council on 19 March 1978 following the first Israeli invasion of Lebanon. Its terms of reference were to confirm the withdrawal of the Israeli forces as called for by the Security Council, to restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area. The second Israeli invasion of Lebanon, which was launched in June 1982, radically altered the situation in which UNIFIL had to function. Following the invasion, the Security Council instructed the Force, as interim tasks, to maintain its positions in its area of deployment and to provide protection and humanitarian assistance to the local population to the extent possible. With the approval of the Security Council, the Force has continued to carry out these interim tasks. The activities of UNIFIL since October 1982 are described in the reports submitted by the Secretary-General to the Security Council on 14 October 1982, 13 January 1983 and 12 July 1983 (S/15455 and Corr.1, S/15557 and S/15863). During the period under review, the mandate of UNIFIL has been extended three times on an interim basis, the last time on 18 July 1983 for a further interim period of three months (resolution 536 (1983)). The authorized strength of UNIFIL is 7,000 but, because of its reduced activities, its present establishment consists of some 5,880 troops, from Fiji, Finland, France, Ghana, Ireland, Italy, the Netherlands, Norway, Senegal and Sweden. A group of UNTSO observers is assigned to the Force and assists it in the performance of its tasks.

6. OGB was set up in early August 1982 in pursuance of Security Council resolution 516 (1982). In that resolution, which was adopted on 1 August 1982 following intensification of military activities in the Beirut area, the Security Council authorized the Secretary-General to deploy immediately, on the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut. OGB has now 50 observers headed by an officer-in-charge under the overall command of the Chief of Staff of UNTSO.

7. On 5 September 1983, following the withdrawal of Israeli forces from the Beirut area, the Secretary-General submitted a report to the Security Council on the Israeli withdrawal and related developments in and around Beirut, based on information received from OGB (S/15956). On 8 September, following the outbreak of fighting in some of the areas evacuated by the Israeli forces, the Secretary-General issued an appeal to all concerned to support current efforts to achieve a cease-fire and to help restore national unity with the participation and the co-operation of all the Lebanese parties. In the context of this appeal, the Secretary-General asked the United Nations Co-ordinator of Assistance for the Reconstruction and Development of Lebanon to exert all possible efforts, within his

present mandate, to alleviate the suffering of the afflicted people in the area and to help to provide them with emergency humanitarian assistance. He also instructed the United Nations military observers of OGB to continue to follow closely the development of events in the area and, as far as possible, to facilitate humanitarian efforts. OGB is continuing its activities on the basis of Security Council resolution 516 (1982) and the Secretary-General's appeal of 8 September.

8. Since the thirty-seventh session, a number of communications have been addressed to the Secretary-General concerning the situation in Lebanon. Those communications were from Egypt (A/38/93-S/15610), the Federal Republic of Germany on behalf of the 10 member States of the European Community (A/38/297-S/15867), Lebanon (A/38/380 and S/15953) and Mongolia (S/15773).

### III. SITUATION IN THE OCCUPIED TERRITORIES

9. The action taken by the United Nations prior to October 1982 on the situation in the occupied territories, including Jerusalem, was outlined in the Secretary-General's report of 12 October 1982 (A/37/525-S/15451, paras. 51-66).

10. The General Assembly, at its thirty-seventh session, after considering the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/37/485), which was composed of Senegal, Sri Lanka and Yugoslavia, adopted resolutions 37/88 A to G on 10 December 1982. By these resolutions, the General Assembly, *inter alia*, reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 June 1949, 1/ was applicable to the territories occupied by Israel since 1967, including Jerusalem, and demanded that Israel acknowledge and comply with those provisions (resolution 37/88 A); demanded that the Government of Israel desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of those territories (resolution 37/88 B); demanded that Israel desist forthwith from a number of policies and practices mentioned in the resolution and renewed the mandate of the Special Committee (resolution 37/88 C); demanded that the Government of Israel rescind the expulsion of the Mayors of Hebron and Halbul and the Sharia Judge of Hebron and that it facilitate their immediate return (resolution 37/88 D); determined that all legislative and administrative measures and actions taken or to be taken by Israel that purport to alter the character and legal status of the Syrian Arab Golan Heights were null and void and constituted a violation of international law (resolution 37/88 E); condemned Israeli policies and practices against Palestinian students and faculty in the educational institutions in the occupied Palestinian territories and demanded that it rescind all actions and measures taken against those institutions, and ensure freedom of those institutions and refrain from hindering the effective operation of those universities (resolution 37/88 F) and demanded that Israel inform the Secretary-General of the results of the investigations relevant to the assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh, after expressing its concern that Israel had failed to apprehend and prosecute the perpetrators of those attempts (resolution 37/88 G).

11. The Security Council held nine meetings on the situation in the occupied Arab territories; three in mid-February, one in May and five at the end of July and the beginning of August 1983 (S/PV.2412-2414, 2438, 2457-2461). On 2 August 1983, the Council voted on a draft resolution (S/15895), but it was not adopted, owing to the negative vote of a permanent member.

12. On 4 April 1983, the members of the Security Council met in informal consultations in connection with complaints that there had been mass poisonings of Palestinian schoolgirls in the West Bank. On the same day, the President of the Council issued a statement requesting the Secretary-General to conduct independent inquiries and to report on the findings (S/15680). The Secretary-General contacted the Director-General of the World Health Organization and requested that it conduct such an inquiry in pursuance of the wishes of the Security Council. The Director-General agreed to do so, and on 10 May the Secretary-General transmitted his report to the Council (S/15756).

13. On 15 February 1983, the Commission on Human Rights adopted resolutions 1983/1 A and B concerning the question of violation of human rights in the occupied territories. Those resolutions in which the Commission condemned Israeli policies and practices in the occupied territories, along lines similar to those of General Assembly resolution 37/88 C, were brought to the attention of the Assembly (A/38/409).

14. Furthermore, the Commission adopted resolution 1983/2 of 15 February 1983 by which it declared the decision of Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights an act of aggression under article 39 of the Charter and Assembly resolution 3314 (XXIX), and without legal validity, and called upon Israel to rescind its decision. By resolution 1983/3 of the same date, the Commission condemned in the strongest terms the massacre of Palestinian civilians in the Sabra and Shatila refugee camps and requested the General Assembly to declare 17 September a day to commemorate the memory of the victims of that massacre. The Commission reaffirmed the right of the Palestinian people to self-determination and rejected the plan of "autonomy" within the framework of the "Camp David accords" and declared that those accords had no validity in so far as they purport to determine the future of the Palestinian people and of the territories occupied since 1967.

15. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories held periodic meetings in implementation of the request of the General Assembly under resolution 37/88 C. During the period between the meetings, the Special Committee was kept informed of events taking place in the occupied territories relevant to its mandate; the information was gathered from a variety of sources, including oral testimonies and written communications. At its periodic meetings, the Special Committee reviewed this information and assessed the human rights situation in the occupied territories with a view to deciding whether any action would be undertaken. The report of the Special Committee under Assembly resolution 37/88 C (A/38/409) will be submitted to the Assembly at its thirty-eighth session.

16. During its thirty-seventh session, the General Assembly also adopted resolution 37/122 concerning Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea, resolution 37/135 concerning permanent sovereignty over national resources in the occupied Palestinian and other Arab territories, and resolution 37/222 concerning living conditions of the Palestinian people in the occupied Palestinian territories. These questions are the subject of separate reports, which have been circulated under agenda items 75 (A/38/ ), 12 (A/38/282-E/1983/84 and A/38/265-E/1983/85), and 78 (h) (A/38/278-E/1983/77) respectively.

17. The situation in the occupied territories has been the subject of a number of communications addressed to the President of the Security Council or the Secretary-General and circulated as official documents of the United Nations. These communications dealt with Israeli settlement activity (A/38/78-S/15572, A/38/82-S/15574, A/38/112-S/15635, A/38/116-S/15640 and Corr.1, A/38/123-S/15655, A/38/257-S/15810, S/15869, A/38/306-S/15880, A/38/331-S/15916, A/38/369-S/15942); complaints of mass poisonings (S/15659, A/38/128-S/15667, S/15673, S/15674, S/15683, A/38/365-S/15939); matters relating to the Holy Places at Jerusalem (A/38/115-S/15639 and Corr.1, A/38/117-S/15642, A/38/118-S/15646); and other matters relating to the situation in the occupied territories (S/15553, S/15561, A/38/73-S/15562, A/38/122-S/15653, S/15660, S/15854, A/38/295-S/15865, S/15886, S/15901).

#### IV. PALESTINE REFUGEE PROBLEM

18. The Palestine refugee problem and the efforts of the United Nations to assist the refugees up to October 1982 were dealt with in the report of the Secretary-General of 12 October 1982 (A/37/525-S/15451, paras. 67-70).

19. Following its consideration of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) 2/ at its thirty-seventh session, the General Assembly adopted 11 resolutions on 16 December 1982. In resolution 37/120 K, the Assembly noted with regret that repatriation or compensation of the refugees as provided for in paragraph 11 of Assembly resolution 194 (III) had not been effected, that no substantial progress had been made in the programme endorsed by the Assembly in paragraph 2 of its resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continued to be a matter of serious concern; expressed its thanks to the Commissioner-General and to all the staff of UNRWA, recognizing that the Agency was doing all it could within the limits of available resources; reiterated its request that the headquarters of UNRWA should be relocated to its former site within its area of operations as soon as practicable; noted with regret that the United Nations Conciliation Commission for Palestine had been unable to find a means of achieving progress in the implementation of paragraph 11 of Assembly resolution 194 (III) and requested the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but not later than 1 October 1983; directed attention to the continuing seriousness of the financial position of UNRWA as outlined in the report of the Commissioner-

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General; noted with concern that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions, this increased level of income to UNRWA was still insufficient to cover essential budget requirements in 1982; and called upon all Governments as a matter of urgency to make the most generous efforts possible to meet the anticipated needs of UNRWA.

20. The other resolutions adopted by the General Assembly dealt with the Working Group on the Financing of UNRWA (resolution 37/120 A), assistance to persons displaced as a result of the June 1967 and subsequent hostilities, (resolution 37/120 B), the University of Jerusalem for Palestine Refugees (resolution 37/120 C), offers of grants and scholarships for Palestine refugees (resolution 37/120 D), Palestine refugees in the Gaza Strip (resolution 37/120 E), resumption of the ration distribution to Palestine refugees (resolution 37/120 F), population and refugees displaced since 1967 (resolution 37/120 G), revenues derived from Palestine refugee properties (resolution 37/120 H), special identification cards to all Palestine refugees (resolution 37/120 I) and protection of Palestine refugees (resolution 37/120 J).

21. The situation of UNRWA refugees and the activities of the Agency since the adoption of those resolutions are described in the annual report of the Commissioner-General of UNRWA for the period 1 July 1982 to 30 June 1983. <sup>3/</sup> At its thirty-eighth session, the General Assembly will have before it the report of the Working Group on the Financing of UNRWA. It will also have before it the reports of the Secretary-General on the subjects mentioned in the preceding paragraph.

#### V. QUESTION OF PALESTINE

22. The action taken by the United Nations on the question of Palestinian rights up to 12 October 1982 was outlined in the report of the Secretary-General (A/37/525-S/15451).

23. At its thirty-seventh session, in resolution 37/86 A, the General Assembly endorsed the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and drew the attention of the Security Council to the fact that action on the Committee's recommendations, as endorsed by the General Assembly in resolution 31/20, was long overdue. The Assembly authorized the Committee to continue to exert all efforts to promote the implementation of its recommendations.

24. In resolution 37/86 B, the General Assembly requested the Secretary-General to ensure that the Division for Palestinian Rights continued to discharge its tasks, in consultation with the Committee and under its guidance. It invited all Governments and organizations to lend their co-operation to the Committee and the Division for Palestinian Rights and noted with appreciation the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

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25. In resolution 37/86 C, the General Assembly endorsed the recommendations of the Preparatory Committee for the International Conference on the Question of Palestine concerning the preparatory activities for the Conference, its objectives, the documentation, the draft provisional agenda, the draft provisional rules of procedure, participation in the Conference and the organization of work. It urged all Member States to promote heightened awareness of the importance of the Conference and to intensify preparations at the national, subregional and regional levels in order to ensure its success. It called upon all Member States to contribute to the achievement of Palestinian rights and to support modalities for their implementation, and to participate in the Conference and the regional preparatory meetings preceding it.

26. In resolution 37/86 D, the General Assembly reaffirmed once again that a comprehensive, just and lasting peace in the Middle East could not be established without the unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and without the exercise and attainment by the Palestinian people of their inalienable rights in Palestine, in accordance with the principles of the Charter and the relevant resolutions of the Assembly. The Assembly requested the Security Council to discharge its responsibilities under the Charter and recognize the inalienable rights of the Palestinian Arab people, including the right to self-determination and the right to establish an independent Arab State in Palestine. It reiterated its request that the Security Council take the necessary measures, in execution of the relevant United Nations resolutions, to implement the plan which, *inter alia*, recommends that an independent Arab State shall come into existence in Palestine.

27. In resolution 37/86 E, the General Assembly recalled, in particular, the principles relevant to the question of Palestine that have been accepted by the international community, including the right of all States in the region to existence within internationally recognized boundaries, and justice and security for all the peoples, which required recognition and attainment of the legitimate rights of the Palestinian people. It reaffirmed the inalienable rights of the Palestinian people, including the right to self-determination and the right to establish an independent state in Palestine. In conformity with the fundamental principle of the inadmissibility of the acquisition of territory by force, the Assembly demanded that Israel withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem. The Assembly urged the Security Council to facilitate the process of Israeli withdrawal and recommended that, following the withdrawal, those territories should be subjected to a short transitional period under the supervision of the United Nations, during which the Palestinian people would exercise its right to self-determination. The Assembly also called for the achievement of a comprehensive, just and lasting peace, based on the resolutions of the United Nations and under its auspices, in which all the parties concerned, including the Palestine Liberation Organization (PLO), the representative of the Palestinian people, would participate on an equal footing.

28. On the basis of General Assembly resolutions 36/120 C, ES-7/7 and 37/86 C, the International Conference on the Question of Palestine was convened at the United Nations Office at Geneva from 29 August to 7 September 1983. It was opened by the

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Secretary-General of the United Nations and presided over by the Minister for Foreign Affairs of Senegal.

29. The Conference considered the question of Palestine in all its aspects and adopted a Declaration and a Programme of Action. In the Declaration, the Conference reaffirmed that a just solution of the question of Palestine, the core of the problem, is the crucial element in a comprehensive, just and lasting political settlement in the Middle East. It considered that the various proposals, consistent with the principles of international law, which had been presented on this question, such as the Arab Peace Plan adopted by the Twelfth Arab Summit Conference held at Fez in September 1982 (see A/37/525-S/15451, sect. VI), should serve as guidelines for concerted international effort to resolve the question of Palestine. These guidelines included the following:

(a) The attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent state in Palestine;

(b) The right of the PLO, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;

(c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;

(d) The need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any de facto situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East;

(e) The need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situation thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;

(f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the sine qua non of which is the recognition and attainment of the legitimate inalienable rights of the Palestinian people as at (a) above.

30. In order to give effect to these guidelines, the Conference considered it essential that an international peace conference on the Middle East be convened on the basis of the principles of the Charter of the United Nations and the relevant resolutions of the United Nations, with the aim of achieving a comprehensive, just and lasting solution to the Arab-Israeli conflict, an essential element of which

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would be the establishment of an independent Palestinian state in Palestine. The peace conference should be convened under the auspices of the United Nations with the participation of all parties to the Arab-Israeli conflict, including the PLO, as well as the United States of America and the Soviet Union and other concerned States, on an equal footing. In this context, the Security Council had a primary responsibility to create appropriate institutional arrangements on the basis of relevant United Nations resolutions in order to guarantee and to carry out the accords of the international peace conference.

31. The Conference also adopted a detailed Programme of Action enumerating measures to be taken in the political, economic and information fields. The Conference invited the Security Council, to take prompt, firm and effective steps and actions to establish an independent, sovereign Palestinian state in Palestine through the implementation of the relevant United Nations resolutions, by facilitating the organization of the international peace conference on the Middle East, as called for in the Geneva Declaration. The text of the Programme of Action may be found in document A/CONF.114/41 and Corr.1.

32. The report of the International Conference on the Question of Palestine will be issued as an official document of the thirty-eighth session of the General Assembly (A/CONF.114/42). The Assembly will also have before it at its thirty-eighth session the reports of the Committee on the Exercise of the Inalienable Rights of the Palestinian People <sup>4/</sup> and of the Preparatory Committee for the International Conference on the Question of Palestine. <sup>5/</sup> In addition, since the thirty-seventh session of the General Assembly, a number of communications have been received: from Israel (A/38/350, <sup>6/</sup> A/38/364 and Corr.1, A/38/367 and Corr.1), Bulgaria (A/38/398), Mongolia (S/15609) and the Union of Soviet Socialist Republics (A/38/373). The final documents of the Seventh Conference of Heads of State or Governments of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983, were transmitted to the Secretary-General by the Permanent Representative of India in a letter dated 30 March 1983 (A/38/132-S/15675 and Corr.1).

## VI. SEARCH FOR A PEACEFUL SETTLEMENT

33. An outline of developments relating to the search for a peaceful settlement of the Middle East problem from November 1967 until October 1982 may be found in the Secretary-General's reports of 18 May 1973 (S/10929), of 17 October 1978 (A/33/311-S/12896), of 24 October 1979 (A/34/584-S/13578), of 24 October 1980 (A/35/563-S/14234), of 11 November 1981 (A/36/655-S/14746) and of 12 October 1982 (A/37/525-S/15451).

34. As indicated in the last of those reports, various Governments put forward last year proposals aimed at promoting a peaceful settlement of the Middle East problem. These included a draft resolution submitted by Egypt and France to the Security Council on 29 July 1982 (S/15317), a peace initiative announced by the President of the United States on 1 September 1982, a peace plan adopted by the Twelfth Arab Summit Conference at Fez on 9 September 1982 and a statement by the President of the Presidium of the Supreme Soviet of the USSR on 15 September 1982

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setting forth certain principles as the basis for a peaceful settlement in the Middle East. The Secretary-General stated that although all those proposals contained elements that were unacceptable to one party or another, he felt that they deserved careful study and that every opportunity should be seized to overcome the present impasse and shift the conflict from military confrontation to peaceful negotiation.

35. At its thirty-seventh session, on 20 December 1982, the General Assembly adopted resolution 37/123 F in which it condemned Israel's continued occupation of the Palestinian and other Arab territories and demanded its immediate, unconditional and total withdrawal; reaffirmed its conviction that the question of Palestine was the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region would be achieved without the full exercise by the Palestinian people of its inalienable national rights; reaffirmed that a just and comprehensive settlement could not be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization; declared that peace in the Middle East was indivisible and must be based on a comprehensive, just and lasting solution under the auspices of the United Nations; rejected all agreements and arrangements in so far as they violated the recognized rights of the Palestinian people and contradicted the principles of just and comprehensive solutions to the Middle East problem; determined that Israel's decision to annex Jerusalem and to declare it as its "capital", as well as the measures to alter its physical character, demographic composition, institutional structure and status, were null and void and demanded that they be rescinded immediately; condemned Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside those territories, and condemned Israel's annexationist policies and practices in the occupied Syrian Golan Heights; considered that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981 would encourage Israel to pursue its aggressive and expansionist policies and practices; and called upon all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people.

36. At the same session, the General Assembly also adopted resolutions 37/86 A to E concerning the question of Palestine, parts of which have a direct bearing on the search for a peaceful settlement in the Middle East. Those resolutions are outlined in the preceding section of the present report.

37. During the period under review, the Secretary-General discussed the Middle East problem with the parties directly concerned and other Governments. At the last session of the General Assembly and earlier this year, contacts were held between various interested Governments with a view to examining the possibility of promoting the resumption of the negotiating process on the basis of the peace initiatives of September 1982. The Secretary-General was fully briefed on those contacts but tangible progress has yet to be achieved.

38. Since the thirty-seventh session of the General Assembly, a number of communications have been addressed to the President of the Security Council or the Secretary-General. In addition to those referred to in the preceding sections of

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this report (see paras. 9, 18 and 30), communications were received from the Federal Republic of Germany on behalf of the 10 members of the European Community (A/38/124-S/15657), Israel (A/38/60-S/15548, A/38/61-S/15549, S/15569, A/38/80), Jordan (A/38/179-S/15748) and the Syrian Arab Republic (S/15566, A/38/76, A/38/84-S/15576 and Corr.1).

## VII. OBSERVATIONS

39. The developments in the Middle East during the past year have given little cause for hope that the problems of that region are nearer to solution. Great efforts have been made to bring about conditions in which the State of Lebanon could regain the full exercise of its sovereignty with the withdrawal of all non-Lebanese forces, but so far the achievement of this objective is not in sight. Preoccupation with the events in Lebanon has tended to overshadow the consideration of major aspects of the Middle East problem, and there can be little doubt that developments in this year of frustration will prove to have made even more difficult the comprehensive settlement which alone can eventually bring coexistence and peace to this vital part of the world. The central problem of the legitimate rights and the future of the Palestinian people, a matter for which all members of the international community share a clear obligation, has been further complicated by the growth of Israeli settlements on the West Bank and by the failure once again to get down to meaningful negotiations. The basic problems of the withdrawal of the Israeli forces from occupied territories, the recognition and the long-term security of all States in the region and the future of Jerusalem have also been left in abeyance.

40. The delay in getting to the roots of the Middle East problem cannot, in the long run, serve the cause of peace. The process whereby the aims enunciated by the United Nations, especially in Security Council resolutions 242 (1967) and 338 (1973), are steadily receding can only increase bitterness and tension. In the end we run the risk by this process of procrastination, of a far more fundamental and destructive crisis in this unique region of the world.

41. I believe that the time has come to take a searching look at the actual state of affairs in the Middle East. I do this in the full knowledge that such an effort may be unpopular in many quarters. But it is of little value to pretend that things are as they were in 1948, or 1967, or indeed even two years ago. The facts and the principles involved must be faced, if any genuinely effective action is to be taken, and if this intractable and increasingly dangerous problem is to be resolved in a relatively peaceful manner. Israeli withdrawal from occupied territories, the rights of the States in the area to live in peace within secure boundaries and the future and rights of the Palestinians still constitute the main elements of the Middle East conflict as it now faces us. These problems have been repeatedly discussed by the General Assembly and the Security Council, and most recently by the International Conference on the Question of Palestine.

42. It is worth observing that since 1948 the Middle East problem has been bedevilled by the fact that the parties have invariably been out of phase with each other in relation to the question of discussing a peaceful solution, a problem

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exacerbated by lack of mutual recognition and communication. Thus, we have come, after 35 years, to the present extremely dangerous impasse, a situation given tragic dimensions especially by the plight of the Palestinians and by the travail and tragedy of Lebanon. The Israeli invasion of Lebanon in 1982 and its aftermath have once again shown that the use of force cannot resolve the Middle East conflict, but serves only further to complicate and embitter it. They have also pointed to the tragic situation of the Palestinians as a major human and political problem to which a just solution must be found most urgently.

43. In this great historical tragedy, no State or party is likely ultimately to achieve all of its stated aims. The safety and survival of all the parties concerned can ultimately be achieved only through an agreed settlement that will take due account of the basic aspirations and the vital interests of each. I continue to believe that such a settlement must be based on the principles outlined in Security Council resolution 242 (1967) of 22 November 1967, namely, "withdrawal of Israel armed forces from territories occupied in the recent conflict" and "termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force". A just settlement of the Palestinian problem based on the recognition of the legitimate rights of the Palestinian people is vital to any such settlement. The question of Jerusalem remains of primary importance.

44. If we are not to be the helpless witness of further futile rounds of fighting in the Middle East, with the potential danger of an escalation into a broader confrontation, serious and realistic negotiations encompassing all of the parties must somehow be initiated.

45. I am deeply conscious of the formidable difficulties that lie on the way to the attainment of this objective. The issues involved are complex in the extreme and after 35 years of deadlock and violence, the parties are divided by mutual enmity, fear and mistrust. The major Powers which are involved in various ways in the Middle East conflict are also divided. Their opposing views have often made it impossible for the Security Council to take decisive action at critical times. This has had adverse effects not only on the peace-making process, but also on the effectiveness and even the potential of United Nations peace-keeping. The events of the last year have highlighted both the advantages and the weaknesses of United Nations peace-keeping operations, which, lacking enforcement power, can function effectively only with the co-operation of the parties and the full support of the Security Council.

46. It is my earnest hope that, confronted with the increasing dangers of the Middle East conflict, which threaten the security of the region and beyond, the major Powers will find it possible to work with each other in the search for a just and durable peace in the Middle East as they have at various times in the past. If they were to adopt this course of action, they could bring their powerful influence to bear and, with their support, the Security Council would be in a far better position to fulfil the responsibilities entrusted to it by the Charter through the peace-making and peace-keeping process. It is relevant to note in this connection

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that the Security Council might provide a practical framework for such a process since its existing procedures enable the participation of all parties concerned.

47. I am not convinced that the present impediments of the Security Council are insuperable if its approach could be dictated by the gravity of the problem and an appreciation of the fears and interests of all parties. I continue to believe that the Council could become a key instrument for resolving the Middle East conflict and eliminating an increasingly dangerous element of instability in world affairs. I believe that this and other means of approaching the problem, for example, through the institution of a suitable negotiating process, including, in an appropriate form, an international conference, should be very seriously considered by the membership. The plight of the victims on all sides and the peace of the world demand no less.

Notes

- 1/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.
- 2/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 13 (A/37/13).
- 3/ Ibid., Thirty-eighth Session, Supplement No. 13 (A/38/13).
- 4/ Ibid., Supplement No. 35 (A/38/35).
- 5/ Ibid., Supplement No. 46 (A/38/46).
- 6/ See also the Secretary-General's reply (A/38/351).

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