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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Thirty-eighth year

Letter dated 10 October 1983 from the Chairman of the Committee on
the Exercise of the Inalienable Rights of the Palestinian People
addressed to the Secretary-General

I have the honour to transmit herewith, for the attention of the General Assembly and the Security Council, the text of the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights adopted at the International Conference on the Question of Palestine, held at the United Nations Office at Geneva from 29 August to 7 September 1983.

I should be grateful if you would have this letter distributed as a document of the General Assembly under agenda items 33 and 34 and of the Security Council.

(Signed) Massamba SARRE
Chairman of the Committee on the
Exercise of the Inalienable Rights
of the Palestinian People

ANNEX

GENEVA DECLARATION ON PALESTINE

and

PROGRAMME OF ACTION FOR THE ACHIEVEMENT OF PALESTINIAN RIGHTS*

A. Geneva Declaration on Palestine

In pursuance of General Assembly resolutions 36/120 C of 10 December 1981, ES-7/7 of 19 August 1982 and 37/86 C of 10 December 1982, an International Conference on the Question of Palestine was convened at the United Nations office at Geneva from 29 August to 7 September 1983 to seek effective ways and means to enable the Palestinian people to attain and to exercise their inalienable rights. The Conference was opened by the Secretary-General of the United Nations, Javier Pérez de Cuéllar and presided over by the Minister of Foreign Affairs of Senegal, Moustapha Niassé.

1. The Conference, having thoroughly considered the question of Palestine in all its aspects, expresses the grave concern of all nations and peoples regarding the international tension that has persisted for several decades in the Middle East, the principal cause of which is the denial by Israel, and those supporting its expansionist policies, of the inalienable legitimate rights of the Palestinian people. The Conference reaffirms and stresses 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.

2. The Conference recognizes that, as one of the most acute and complex problems of our time, the question of Palestine - inherited by the United Nations at the time of its establishment - requires a comprehensive, just and lasting political settlement. This settlement must be based on the implementation of the relevant United Nations resolutions concerning the question of Palestine and the attainment of the legitimate, inalienable rights of the Palestinian people, including the right to self-determination and the right to the establishment of its own independent state in Palestine and should also be based on the provision by the Security Council of guarantees for peace and security among all States in the region, including the independent Palestinian State, within secure and internationally recognized boundaries. The Conference is convinced that the attainment by the Palestinian people of their inalienable rights, as defined by General Assembly resolution 3236 (XXIX) of 22 November 1974, will contribute substantially to the achievement of peace and stability in the Middle East.

* Previously issued under the symbol A/CONF.114/41 and Corr.1.

3. The Conference considers the role of the United Nations in the achievement of a comprehensive, just and lasting peace in the Middle East to be essential and paramount. It emphasizes the need for respect for, and application of the

provisions of the Charter of the United Nations, the resolutions of the United Nations relevant to the question of Palestine and the observance of the principles of international law.

4. The Conference considers that the various proposals, consistent with the principles of international law, which have been presented on this question, such as the Arab peace plan adopted unanimously at the Twelfth Arab Summit Conference held at Fez, Morocco, in September 1982, should serve as guidelines for concerted international effort to resolve the question of Palestine. These guidelines include 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 Palestine Liberation Organization, 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 situated 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 stated in paragraph (a) above.

5. In order to give effect to these guidelines, the Conference considers 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

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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 would be the establishment of an independent Palestinian State in Palestine. This 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 Palestine Liberation Organization, as well as the United States of America, the Union of Soviet Socialist Republics, and other concerned States, on an equal footing. In this context the Security Council has 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.

6. The International Conference on the Question of Palestine emphasizes the importance of the time factor in achieving a just solution to the problem of Palestine. The Conference is convinced that partial solutions are inadequate and delays in seeking a comprehensive solution do not eliminate tensions in the region.

B. Programme of Action for the Achievement of Palestinian Rights

The International Conference on the Question of Palestine agreed that no effort should be spared to seek effective ways and means to enable the Palestinian people to attain and exercise their rights in Palestine in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the principles of international law. The Conference, taking into consideration the Geneva Declaration on Palestine (sect. A above), recommended the following Programme of Action.

I

The International Conference on the Question of Palestine recommends that all States, individually or collectively, consistent with their respective constitutions and their obligations under the Charter of the United Nations and in conformity with the principles of international law:

1. Recognize the great importance of the time factor in solving the question of Palestine;

2. Intensify efforts for the establishment of an independent Palestinian State within the framework of a comprehensive, just and lasting settlement to the Arab-Israeli conflict in accordance with the Charter of the United Nations, the relevant United Nations resolutions and the guidelines of the Geneva Declaration on Palestine;

3. Consider the continued presence of Israel in the occupied Palestinian and other Arab territories, including Jerusalem, as exacerbating instability in the region and endangering international peace and security;

4. Oppose and reject, as a serious and continuing obstacle to peace, the expansionist policies pursued by Israel in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and in particular the alteration of the geographic nature and demographic composition, and the Israeli attempt to alter through domestic legislation the legal status of those territories and all the measures taken in violation of the Geneva Convention relative to the Treatment of Prisoners of War 2/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 3/ both of 12 August 1949, and of the Hague Regulations of 1907, 4/ such as the establishment and expansion of settlements, the transfer of Israeli civilians into those territories and the individual and mass transfers therefrom of the Arab Palestinian population;

5. Refrain from providing Israel with assistance of such a nature as to encourage it militarily, economically and financially to continue its aggression, occupation and disregard of its obligations under the Charter and the relevant resolutions of the United Nations;

6. Not encourage migration to the occupied Arab territories until Israel has put a definitive end to the implementation of its illegal policy of establishing settlements in the Palestinian and other Arab territories occupied since 1967;

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7. Fully comply with the relevant resolutions of the United Nations and its specialized agencies on the Holy City of Jerusalem, including those which reject Israel's annexation of Jerusalem and its declaration of that city as its capital;
8. Undertake universal efforts to protect the Holy Places and urge Israel to take measures to prevent their desecration;
9. Consider ways and means of meeting the threat that Israel poses to the regional security in Africa in view of Israel's disregard of United Nations resolutions, and its close collaboration with the apartheid régime in the economic, military and nuclear fields, thereby contributing to the continued illegal occupation of Namibia and enhancing the régime's repressive and aggressive capacity;
10. Encourage, through bilateral and multilateral contacts, all States, including Western European and North American States which have not done so, to welcome all peace initiatives based on the recognition of the inalienable rights of the Palestinian people, which were also welcomed by Chairman Yasser Arafat in his address to the International Conference on the Question of Palestine;
11. Seek and develop ways and means to enable the Palestinian people to exercise sovereignty over their national resources;
12. Express concern that Israel debar Palestineans from economic activity and access to national resources on Palestinian territory, in consistent violation of General Assembly resolutions on the right of the Palestineans to permanent sovereignty over their national resources;
13. Declare null and void, and counter such measures and practices applied by Israel in the occupied Palestinian and other Arab territories, including Jerusalem, as the annexation and the expropriation of land, water resources, and property and the alteration of the demographic, geographic, historical and cultural features thereof;
14. Undertake measures to alleviate the economic and social burdens borne by the Palestinian people as a result of the continued Israeli occupation of their territories since 1967;
15. Consider contributing or increasing special contributions to the proposed budgets, programmes and projects of the relevant organs, funds and agencies of the United Nations system that have been requested to provide humanitarian, economic and social assistance to the Palestinian people, with particular reference to:
 - (a) General Assembly resolution 33/147 of 20 December 1978, and the appeal of the Governing Council of the United Nations Development Programme at its thirtieth session, for additional special contributions amounting to at least \$8 million during the third programming cycle (1982-1986) aimed at helping to meet the economic and social needs of the Palestinian people; 5/

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(b) The proposed programme budget of the United Nations Conference on Trade and Development (UNCTAD) for the biennium 1984/1985 regarding the establishment within UNCTAD of a special economic unit, as requested by UNCTAD at its sixth session at Belgrade;

(c) Establishing a special legal aid fund to assist Palestinians in securing their rights under conditions of occupation, in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

16. Ensure that the United Nations Relief and Works Agency for Palestine Refugees in the Near East can meet the essential needs of the Palestinians without interruption or any diminution in the effectiveness of its services;

17. Review the situation of Palestinian women in Israeli occupied territories and, in view of their special hardships, urge the Preparatory Committee of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, to be held at Nairobi in 1985, to include this item on the agenda of the Conference;

18. Review, if they have not yet done so, in conformity with their national legislation, their economic, cultural, technical and other relations with Israel, and the agreements governing them with the aim of ensuring that these regulations and agreements will not be interpreted or construed as implying in any way recognition of any modification of the legal status of Jerusalem and of the Palestinian and other Arab territories occupied by Israel since 1967, or an acceptance of Israel's illegal presence in those territories;

19. Recognize that the process of enabling the Palestinian people to exercise its inalienable rights in Palestine is a significant contribution to the restoration of the rule of law in international relations;

20. Assure the observance of the stipulations provided in General Assembly resolution 181 (II) guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, speech, publication, education, assembly and association;

21. Express concern that the laws applicable in the occupied Arab territories have been totally eclipsed by a plethora of military orders that have been designed to establish a new "legal régime" in violation of the Hague Regulations of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

22. Act in accordance with their obligations under existing international law, in particular with regard to the Geneva Conventions of 1949 which require States Parties to respect and to ensure respect for those conventions in all circumstances, and in particular ensure the respect by Israel for the Geneva Conventions of 1949 in the occupied Palestinian and other Arab territories;

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23. Express concern that the Palestinians and other Arabs in the occupied territories are deprived of juridical and other kinds of protection, that they are victims of repressive legislation, involving mass arrests, acts of torture, destruction of houses, and the expulsion of people from their homes, acts which constitute flagrant violations of human rights;

24. Recognize the necessity that Palestinian and Lebanese prisoners detained by Israel be accorded the status of prisoners of war in accordance with the Geneva Convention relative to the Treatment of Prisoners of War of 1949, 2/ if combatants, or in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, 3/ if civilians;

25. Strive for the adoption of international measures so that Israel will implement in the West Bank and Gaza the provisions of the Hague Regulations of 1907 and the Geneva Convention relative to the Protection of Civilian Persons, in the light of Security Council resolution 465 (1980);

26. Recognize, if they have not yet done so, the Palestine Liberation Organization as the representative of the Palestinian people and establish with it appropriate relations;

27. Encourage, in conformity with their national legislations, the formation of national committees in support of the Palestinian people;

28. Encourage the observance of 29 November as the International Day of Solidarity with the Palestinian People, in a most effective and meaningful way;

29. Request the General Assembly at its thirty-eighth session to designate a Year of Palestine, to be observed at the earliest possible time, taking into consideration the factors necessary to ensure its effective preparation for the purpose of galvanizing world-wide public opinion and support for further implementation of the Geneva Declaration on Palestine and the Programme of Action.

II

The International Conference on the Question of Palestine stresses the obligation of all Member States, under the Charter of the United Nations to enable the United Nations through an expanded and more effective role to fulfil its responsibility for achieving a solution to the question of Palestine. To this end;

A

States participating in the Conference invite the Security Council, as the organ with primary responsibility for the maintenance of international peace and security:

1. To suppress continuing and growing acts of aggression and other breaches of peace in the Middle East which endanger peace and security in the region and the world as a whole;

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2. 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 paragraph 5 of the Geneva Declaration on Palestine, and by creating in this context the appropriate institutional arrangements on the basis of relevant United Nations resolutions in order to guarantee and carry out the accords of the international peace conference, including the following:

(a) Taking measures consistent with the principle of the inadmissibility of the acquisition of territory by force to ensure Israel's withdrawal from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, within a specific time-table;

(b) Undertaking effective measures to guarantee the safety and security and legal and human rights of the Palestinians in the occupied territories pending the withdrawal of the Israeli forces from the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

(c) Subjecting those territories, following the withdrawal of Israel, to a short transitional period, under the supervision of the United Nations, during which period the Palestinian people would exercise its right to self-determination;

(d) Facilitating the implementation of the right to return of the Palestinians to their homes and property;

(e) Supervising elections to the constituent assembly of the independent Palestinian State in which all Palestinians shall participate, in the exercise of their right to self-determination;

(f) Providing, if necessary, temporary peace-keeping forces in order to facilitate the implementation of subparagraphs (a)-(e) above.

B

Meanwhile the Security Council is also invited:

1. To take urgent action to bring about an immediate and complete cessation of such Israeli policies in the occupied territories, and in particular, the establishment of settlements as have been determined by the Security Council to have no legal validity and as a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

2. To consider urgently the reports of the Commission established under its resolution 446 (1979) of 22 March 1979, which examined the situation concerning settlements in the Arab territories occupied since 1967, including Jerusalem, and to reactivate the above-mentioned Commission;

3. To initiate action to terminate Israel's exploitative policies which go against the indigenous economic development of the occupied territories, and to

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compel Israel to lift its restrictions on water use and well-drilling by Palestinian farmers as well as its diversion of West Bank water resources into the Israeli water grid systems;

4. To keep under its constant attention the actions committed by Israel against the Palestinian people in violation of the stipulations provided for in relevant General Assembly resolutions, in particular the stipulations of resolution 181 (II) of 29 November 1947 guaranteeing to all persons equal and non-discriminatory rights and freedoms;

5. To consider, in the event of Israel's persistent non-compliance with the relevant United Nations resolutions which embody the will of the international community, appropriate measures in accordance with the Charter of the United Nations, to ensure Israel's compliance with these resolutions.

C

1. Taking into account the recommendations of the five regional preparatory meetings of the International Conference on the Question of Palestine ^{6/} and United Nations resolutions concerning economic and social assistance to the Palestinian people, the Secretary-General of the United Nations is requested to convene a meeting of the specialized agencies and other organizations associated with the United Nations, as well as representatives of the Palestine Liberation Organization and of those countries which are hosts to Palestinian refugees, and other potential sources of assistance, to develop a co-ordinated programme of economic and social assistance to the Palestinian people and to ensure its implementation.

2. The meeting should also look into the most effective inter-agency machinery to co-ordinate and sustain and intensify United Nations assistance to the Palestinian people.

D

The dissemination of accurate and comprehensive information world-wide, and the role of non-governmental organizations and institutions, remains of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent sovereign Palestinian State. To these ends:

1. The Department for Public Information of the United Nations, in full co-operation and constant consultations with the Committee on the Exercise of the Inalienable Rights of the Palestinian People should:

(a) Co-ordinate all information activities of the United Nations system on Palestine through the Joint United Nations Information Committee (JUNIC);

(b) Expand publications and audio and visual coverage of the facts and of developments pertaining to the question of Palestine;

(c) Publish newsletters and articles in its respective publications on Israeli violations of human rights of the Arab inhabitants in the occupied territories and organize fact-finding missions for journalists to the area;

(d) Organize regional encounters for journalists;

(e) Disseminate appropriate information on the results of the International Conference on the Question of Palestine;

2. Relevant organizations of the United Nations systems should organize meetings, symposia and seminars on topics within their terms of reference and relating to specific problems of the Palestinian people by establishing closer liaison with non-governmental organizations, the media and other groups interested in the question of Palestine.

III

The International Conference on the Question of Palestine, convinced of the important role of world-wide public opinion in resolving the Question of Palestine, and in the implementation of the Declaration and Programme of Action, urges and encourages:

1. Intergovernmental and non-governmental organizations to increase awareness by the international community of the economic and social burdens borne by the Palestinian people as a result of the continued Israeli occupation and its negative effects on the economic development of the West Asian region as a whole;

2. Non-governmental organizations and professional and popular associations to intensify their efforts to support the rights of the Palestinian people in every possible way;

3. Organizations such as those of women, teachers, workers, youths and students to undertake exchanges and other programmes of joint action with their Palestinian counterparts;

4. Women's associations, in particular, to investigate the conditions of Palestinian women and children in all occupied territories;

5. The media and other institutions to disseminate relevant information to increase public awareness and understanding of the question of Palestine;

6. Institutions of higher education to promote the study of the question of Palestine in all its aspects;

7. Various jurists' associations to establish special investigative commissions to determine the violations by Israel of the Palestinians' legal rights and to disseminate their findings accordingly;

8. Jurists to initiate with their Palestinian counterparts consultations, research and investigations on the juridical aspects of problems affecting the

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southern African and Palestinian struggles, in particular the detention of political prisoners and the denial of prisoner-of-war status to detained members of the national liberation movements of southern Africa and Palestine;

9. Parliamentarians, political parties, trade unions, organizations for solidarity and intellectuals particularly in Western Europe and North America, to join their counterparts in other parts of the world in giving their support, where it has not been done, to an initiative which would express the desire of the international community to see the Palestinian people at last living in their own independent homeland in peace, freedom and dignity.

Notes

- 1/ General Assembly resolution 217 A (III).
- 2/ United Nations, Treaty Series, vol. 75, No. 972, p. 135.
- 3/ Ibid., No. 973, p. 187.
- 4/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press), 1915, p. 100.
- 5/ See Official Records of the Economic and Social Council, 1983, Supplement No. 9 (E/1983/20).
- 6/ African region, A/CONF.114/1; Latin American region, A/CONF.114/2; Western Asian region, A/CONF.114/3; Asian region, A/CONF.114/4; European region, A/CONF.114/5.
