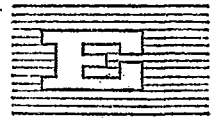


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1984/SR.5
13 February 1984
ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 5th MEETING

held at the Palais des Nations, Geneva,
on Thursday, 9 February 1984, at 10.30 a.m.

Chairman: Mr. KOUIJMANS (Netherlands)

CONTENTS

Question of the violation of human rights in the occupied Arab territories,
including Palestine (continued)

The right of peoples to self-determination and its application to peoples
under colonial or alien domination or foreign occupation (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.84-15195

The meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1984/2; E/CN.4/1984/6; E/CN.4/1984/9; E/CN.4/1984/51)

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.4/1984/15; E/CN.4/1984/16)

1. Mr. BEAULNE (Canada) said that the problem of the violation of human rights in the occupied Arab territories had its origins in the permanent state of war that affected a large portion of the Middle East. That was what made the peace process between Israel and the Arab countries so important. In his introductory statement, the Assistant Secretary-General for Human Rights had suggested that the highest priority should be given to the most fundamental right of all, namely, the right to life. In view of all the human lives that had been lost in the Middle East, there could only be one correct answer to all the questions that arose: peace must be sought through dialogue and negotiation.
2. Security Council resolutions 242 (1967) and 338 (1973) provided the necessary basis for negotiation. While his delegation supported the right of Israel to peaceful existence and considered that the Arab countries and the Palestinian representatives must recognize that right, it was also of the opinion that Israel could make a substantial contribution to the start of negotiations by displaying a more flexible attitude towards the future of the occupied Arab territories. Although his Government had expressed its disapproval of the annexation of Jerusalem and the Golan Heights and the establishment of settlements in the occupied Arab territories as being contrary to international law and having a negative impact on the pursuit of negotiations that might lead to a lasting peace, it had supported the initiative taken by the United States in September 1982 to advance the peace process between Israel and the Arab countries. It also supported the resolution which had been adopted by the Arab summit at Fez in November 1982 and which did not rule out Israel's recognition by the Arab countries.
3. Canada recognized the rights of the Palestinians, including the right to full participation in negotiations concerning their future and the right to a homeland. In view of developments, however, it could not say exactly how the Palestinians' aspirations should be fulfilled. The parties to the dispute would have to come to an understanding and determine the nature of a Palestinian homeland and its relations with its neighbours. His Government did not wish to rule out any possible option, including political autonomy for the Palestinians in association with Jordan or a homeland established within well-defined borders.
4. The violence that was still raging in Lebanon today served as a reminder of the importance of the political stakes in the region. His Government once again condemned the use of force for the settlement of disputes. The Lebanese people had been the only one in the Middle East to offer asylum to the Palestinians when they had been driven from their homes, but its generosity had now been poorly rewarded. Was the great dream of an independent, pluralist and democratic, Lebanese State, which would be a bridge between West and East, doomed to drown in blood? Extreme situations, such as that of the 25,000 Christian refugees who had been besieged in the village of Deir el Kamar in late 1983 and whose most basic rights had been violated, were now increasingly frequent and, while discussions were being held at the United Nations, a nation was dying. The worst was that, although the tragedy was perhaps drawing to a close, no one was doing anything or knew how to be of assistance.

5. Canada nevertheless wished to contribute, even modestly, to the search for a peaceful solution, as it had done in the past. It was taking part in UNRWA's humanitarian activities and it had refused to supply military matériel to the parties to the conflict. It had sought to expand its bilateral relations with the countries of the region and, as always, to convince the parties involved of the need for moderation.
6. Moderation should also guide the Commission in its discussions. Although his delegation had supported the resolutions of the Commission and of other bodies that represented a serious effort to solve the problems at hand, it would not hesitate to abstain or vote against excessive resolutions that did not take account of the goals which he had just described.
7. Mrs. GU Yijie (China) said that, as a result of Israel's refusal to implement the relevant resolutions of the General Assembly and the Commission, the question of the violation of human rights in the occupied territories, including Palestine, had still not been solved. Israel's policy of aggression, expansion and annexation had prolonged the conflict in the Middle East and caused the Arab population untold suffering. The Palestinians, in particular, had seen their homeland ravaged, had been deprived of their national rights and had been forced into exile by the millions. Despite strong opposition by the international community, Israel had recently intensified its policy of establishing settlements on the occupied West Bank, driving away Palestinians and other Arabs to make room for Israeli immigrants and trying to change the geographical and demographic composition of the area to legitimate and perpetuate its occupation.
8. In June 1982, Israeli troops had openly invaded Lebanon and massacred Palestinian civilians. In the past year, the situation had grown still worse and the invasion forces continued to occupy southern Lebanon, despite Security Council resolutions 508 (1982) and 509 (1982). Israel had recently bombed Palestinian bases east of Beirut and Syrian troops in the Bekaa valley, inflicting heavy casualties. Communications between the north and the south of the country had been cut off and many families had been unable to re-unite. For several months, the Israeli occupation troops had been arbitrarily arresting people in southern Lebanon and had even brought police dogs into mosques.
9. Israel could pursue its policy of aggression and expansion only because it enjoyed the connivance and support of a Superpower. In November 1983, the United States and Israel had reached a new "agreement on strategic co-operation", further intensifying their military collaboration in the Middle East. Under the leadership of the Palestine Liberation Organization headed by Mr. Arafat, the heroic Palestinian people had waged a relentless struggle and the Palestine Liberation Organization had now shown itself to be a well-tempered fighting force. For years, United Nations bodies and, in particular, the Commission had been deeply concerned by the persistent tension in the Middle East and had adopted many important resolutions condemning Israeli policy and reaffirming the inalienable rights of the Palestinian people to return to its homeland, exercise self-determination and establish its own State. Since Israel refused to implement those resolutions, however, the legitimate rights of the Palestinians had not been realized. Out of concern for justice, the Commission must therefore continue to adopt resolutions which took account of the rights and interests of the Palestinians and other Arab peoples; strongly condemned Israel for its policy of aggression and expansion; demanded that it should withdraw from all the Arab territories that had been occupied since 1967 and that the Israeli troops of aggression should withdraw immediately and unconditionally from Lebanon; recognized the inalienable and legitimate rights of the Palestinian people, including its right to return to its homeland, to exercise self-determination and to establish its own State; and urged all countries to continue their solidarity with the just struggle of the Palestinians and other Arab peoples. Only on the basis of those principles could a just solution be found to the problem of the Middle East and could peace and stability be restored to the region.

10. The Chinese Government had consistently condemned Israeli aggression and supported the struggle of the Palestinians and other Arab peoples. Together with all peace- and justice-loving Governments and peoples, it would continue its efforts to achieve a comprehensive, just and lasting solution to the Middle East question. If the Palestinians and other Arab peoples strengthened their unity and persisted in their struggle, they would certainly be able to recover their territories and their national rights.

11. Sir Anthony WILLIAMS (United Kingdom) said that, in view of the increasing urgency of the Middle East problem and the current situation in Lebanon, in particular, the Commission was right to consider agenda items 4 and 9 at the beginning of its current session. A compromise had to be reached in order to halt the carnage of the past few days in Lebanon. The United Kingdom had played a full part in other forums in the search for a political solution - the only possible solution - to the Middle East problem. The Commission's discussions and resolutions should, however, reflect the fact that its concern was with human rights.

12. Respect for the right to self-determination was fundamental to resolving the problems of the Middle East, as it was to resolving those of southern Africa, Afghanistan and Kampuchea. As the United Kingdom representative had stated at the Commission's previous session, the people of Israel, whose history provided a striking example of the search for self-determination, should be uniquely equipped to understand and recognize the aspirations of the Palestinian people to self-determination.

13. In practice, however, Israel had taken a number of actions in the past year which were relevant to the work of the Commission and had led to a further deterioration in the confidence of the Arab inhabitants of the West Bank and the Gaza Strip. Israel's continuing encouragement and financing of the establishment of settlements was illegal and an obstacle to peace. There had been continuing harassment of educational institutions and harsh treatment of demonstrators. Renewed efforts by the Israeli authorities to respect human rights in the occupied territories would represent an important step towards peace. Of course, the Palestinians and, hence, the PLO also had an important role to play in improving the climate of confidence.

14. The United Kingdom was convinced that such an improvement was essential if progress was to be made on political issues. A balanced peace settlement embracing both Israel's right to exist and the Palestinians' right to self-determination could not be achieved without a realistic and determined approach on all sides. Such an approach was also required in the Commission and, in that connection, he had been encouraged by the tone of the opening statement made by the representatives of the PLO. It was, however, unfortunate that some later statements had not been equally moderate. Rhetorical statements would not help the victims of the current situation. The United Kingdom also regretted that the resolutions submitted in the past had not been formulated in such a way that they could command his delegation's support. He hoped that the realistic approach adopted in some recent statements made during the debate would also be reflected in the resolutions of the current session.

15. Mr. BIGGAR (Ireland) said that the complex issue of the violation of human rights in the occupied Arab territories had its roots in the conflict between two sets of rights: those of the Palestinians and those of Israel. A practical

equilibrium between those rights could be found by recognising two basic principles: first, all the peoples of the Middle East had a right to justice and that naturally applied to the Palestinian people and included its right to self-determination; secondly, all States in the region, including Israel, had the right to exist in peace and security within recognized and guaranteed borders. In practice, the legitimate rights of Israel had been respected, even if they had not been formally recognized by all. The Palestinian people had, however, been deprived of its right to self-determination and that had led to derials of other human rights and to the violation of the individual liberties of the inhabitants of the occupied territories, problems that were all too often accompanied by violence leading to death. For almost 17 years, the people of the occupied territories had endured a series of objectionable practices, including restrictions on freedom of movement, the removal of democratically elected representatives, curfew and censorship.

16. Israel's policy of creating settlements and extending infrastructural links in order to alter the physical and demographic character of the occupied territories was of particular concern. His delegation considered that, if that policy of "creeping annexation", which was contrary to international law, continued, it would make the exercise of self-determination by the Palestinian people nothing more than an academic exercise.

17. Israel must therefore abandon those illegal attempts to change the status of the occupied territories. The above-mentioned violations of human rights must cease and Israel had to agree that its withdrawal from the territories it had occupied since 1967 was an essential element in constructing a durable peace. Outside parties, in particular those with influence over the parties involved, could contribute to securing the rights of the Palestinian people within the framework of an over-all settlement. The reconciliation of the respective rights of the Palestinian people and of Israel could, however, be achieved only through negotiation and compromise between the parties directly concerned, including the PLO. His delegation therefore called on all the parties concerned to make the necessary efforts to bring about such a reconciliation.

18. Mr. BENDAÑA (Nicaragua) said that the deterioration of the situation in the Middle East justified priority consideration of the question of the violation of human rights in the occupied Arab territories, including Palestine. In that connection, the Ministers of the non-aligned countries had stated at the meeting they had held in New York in October 1983 that peace in the Middle East must be comprehensive and just and therefore depended on Israel's full and unconditional withdrawal from all the Palestinian and Arab territories it had occupied since 1967, including Jerusalem, as well as on the restoration to the Palestinian people of its inalienable rights, beginning with its right to self-determination and the establishment of a State. What was at stake was peace and stability in the world.

19. Territorial expansionism and human rights violations in the occupied Arab territories were, as attested in statements made by organizations and bodies such as the ILO, WHO, UNESCO, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Palestine Liberation Organization, two closely interwoven aspects of a single policy: a policy of aggression.

20. The Israeli occupation authorities continued to commit barbarous acts of terrorism against the Palestinian people and the Syrian people of the Syrian territory of the Golan Heights. They persisted in refusing to apply the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War and were doing everything they could to impose their laws, jurisdiction and administration illegally by promoting and encouraging the establishment of settlers in the occupied territories. Those settlers committed, with complete impunity, crimes that had cost the lives of many Arabs, illegally exploited the resources of the territories, removed elected leaders, set up obstacles to religious worship and opposed the return of the Arabs to their homes. More recently, Israel had refused to abide by the agreement concluded with the International Committee of the Red Cross in November 1983 for the exchange of prisoners. There was, moreover, abundant testimony concerning the torture and other acts of persecution suffered by Palestinian detainees, who, under that agreement, were to be released unconditionally.

21. Nicaragua condemned all Israeli measures to change the demographic composition and legal status of the occupied territories, including Jerusalem, just as it condemned the flagrant contempt Israel showed for General Assembly and Security Council resolutions relating to the Golan Heights.

22. Inasmuch as Israel continued to violate international law and to ignore the will of the great majority of the international community, it would be logical and fair, under international law and in view of the legitimacy of the cause of the victims of Israel's policy, to apply to Israel the measures envisaged in Chapter VII of the Charter. That was, however, impossible as Israel received the support it needed from the Government of the United States of America, which, by abusing its right of veto, prevented the Security Council from discharging its responsibilities under the Charter. The enormous support which the United States provided to Tel Aviv as part of their "strategic alliance" gave Israel the political, economic and military ability to pursue its policy of expansion, war and violations of the rights of the Arab population.

23. His delegation reiterated its active support for the heroic cause of the Palestinian people and in particular for the Palestine Liberation Organization, its sole legitimate representative. The justice of the Palestinian cause and the admirable heroism of its people were only heightened by the shameless brutality of the oppressors. The Commission must redouble its efforts to provide increasingly effective support for the Palestinian people in its struggle for self-determination, which was the absolute prerequisite for the exercise of all rights.

24. Mr. CHOWDHURY (Bangladesh), reviewing the historical background of the question of human rights in the world, pointed out with concern that the violation of the rights set forth in the Universal Declaration of Human Rights - which was intended to ensure the welfare and dignity of all human beings after all the horrors of the past - cast the ominous shadow of a new world conflagration. It was in that light that the Commission must consider the situation in the occupied Arab territories, including Palestine, and the right of peoples to self-determination. It must do so with patience, objectivity, tolerance and in a spirit of solidarity and fraternity in order to find a solution based on reason, justice and equity.

25. The future of Palestine must be decided by the Palestinians themselves, through their sole legitimate representative, the Palestine Liberation Organization. The Commission must, however, promote their just cause, so that the Palestinians might live in security, dignity and freedom on their own land, and in order to put an end to the violations of their rights and the acts of terrorism to which

they were subjected, as shown in document E/CN.4/1984/9. Israel's colonial policy in the occupied Arab territories, including Palestine, and in the occupied Syrian territory of the Golan Heights must be stopped without delay.

26. The invasion of Lebanon by Israel had also created an extremely serious situation and Israel must apply the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.

27. His country had supported and would always support the Arab cause and would actively seek ways of finding a just solution that would ensure a lasting peace in the Middle East and everywhere in the world. In all cases, however, respect for the right of peoples to self-determination was absolutely essential.

28. Mr. HEREDIA (Cuba) noted with concern that the increasingly violent Zionist acts of aggression in the occupied Arab territories were a genuine tragedy for the inhabitants of the territories, who were subjected to the worst possible humiliations, terror and barbarism, of which the Sabra and Chatila massacres were only one dramatic example. Having refused to apply the provisions of the 1949 Geneva Conventions and, in particular, the Convention Relative to the Protection of Civilian Persons in Time of War, the Zionist invader was now expanding its policy of annexation and the establishment of new settlements in order to consolidate forever its presence on Palestinian land. Those acts had been condemned by the Palestine Liberation Organization, the legitimate representative of the Palestinian people, and by other groups and Governments.

29. It should be noted that Israel could commit such atrocities against the Arab peoples only because it benefited from the material support of North American imperialism, which supplied it with the military and financial resources it needed to pursue its policy of domination. In the context of a strategic alliance for domination both in the Middle East and in Africa, Israel also maintained ties with South Africa in order to oppose the liberation of peoples still under the yoke of colonialism and neo-colonialism. It would, however, be a mistake to underestimate the courage of the Arab peoples, who were the victims of the Israeli occupation, but enjoyed the support of most of the world, as could be seen in statements by the Movement of the Non-Aligned Countries, which supported their just cause unconditionally.

30. His delegation reiterated its support for those peoples and, in particular, for the Palestinian people, which had been deprived of its homeland by the Israeli occupier and had suffered violations of its rights and fundamental freedoms.

31. Mr. TOŠEVSKI (Yugoslavia) said that the international community could not tolerate any aggressive policy or any denial of the basic rights of peoples. There was no moral, political, historical or other reason why Israel should be excluded from that universal rule. That was a matter of principle, for the United Nations itself, which was based on the equality of the Member States and to whose establishment the Jewish people had, through the activities of its intellectuals, contributed so prominently. It was not in the interests of any Israeli Government, of whatever type, and even less in the interests of the Jewish nation persistently to challenge the United Nations. It was regrettable that, since the occupation of the Arab territories in 1967, successive Israeli Governments had followed a policy of expansion and total disregard for the rights of other peoples, a policy of disregard for the basic principles of the United Nations and a policy of almost paranoid nationalism and intolerance. Such a policy contrasted strongly with the contribution that the Jewish people had made to civilization, including Yugoslavia's.

32. What was now needed from Israel, after so many years of military brutality and political arrogance, was a demonstration of genuine goodwill and readiness to co-operate with the international community. But, year after year, Israel's foreign policy increasingly frustrated that hope. It was an unfortunate fact that most of the Arab territories, including the Gaza Strip, Jerusalem, the West Bank and the Syrian Golan Heights, were still in Israeli hands and were subject to illegal measures designed to change their demographic and administrative character and that various kinds of oppression were the daily practice of the occupying forces. Two years after the invasion, those forces were still in Lebanon and Lebanese civilians continued to endure the worst suffering. Israel ignored appeals by the United Nations for the immediate withdrawal of its forces from Lebanon and for the restoration of the territorial integrity, sovereignty and independence of that country.

33. It was high time for Israel to understand that its current political orientation was not going to ensure its own security. It was totally unacceptable to claim that security should be considered a right and duty for one nation and to deny and ignore the same right and duty of other nations. Why should the Palestinian nation be denied its right to political identity, its right to live in security and its right to national development?

34. The international community had, it seemed, arrived at a consensus on the content of the crisis and on methods of solving it and that consensus should be further enhanced. Joint efforts should be made to achieve a political solution to the crisis within the framework of the United Nations. The International Conference on the Question of Palestine had adopted a comprehensive political platform and a detailed programme of action aimed at that objective.

35. The uninterrupted series of wars of expansion and aggression and the denial to the Palestinian people of its right to self-determination had now been followed by developments that threatened to make the conflict spread to the entire region and beyond. The Middle East crisis had reached a crucial point. All those involved must show the highest degree of restraint and exert further efforts, on their own and through the United Nations, to limit and remove the dangers of further exacerbation. New possibilities and prospects for the political settlement of all aspects of the crisis must be opened, primarily by discouraging maximalistic and narrowly defined ambitions and goals.

36. Mr. KHERAD (Observer for Afghanistan), speaking under rule 69 of the rules of procedure, said that the violation of human rights in the occupied Arab territories, including Palestine, and the deterioration in the general situation in the Middle East constituted a serious threat by the State of Israel to world peace and security. The documents before the Commission bore overwhelming witness to that fact.

37. Since its inception, the Zionist State had been pursuing a policy of aggression and occupation and imposed a policy of coercion and oppression on the helpless people of Palestine and other Arab countries, part of whose territory it had been occupying since 1967. The violations of the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights were countless and were a challenge to world public opinion and the international organizations. In their policy of zionization the Israeli authorities persisted in applying measures intended to change the legal status, geographical nature and demographic composition of the territories they occupied. The appetite of the Zionist entity remained unassuaged, and its first victim was the people of Palestine.

38. Mr. SCHIFTER (United States of America), speaking on a point of order, asked the Chairman to invite speakers to refer to States Members of the United Nations by their official names. He recalled that at the thirty-ninth session of the Commission, in response to a point of order, a member of the United States delegation had been obliged to apologize for having used the expression "Kabul regime".
39. The CHAIRMAN requested speakers to refer to States Members of the United Nations by their official names.
40. Mr. KHERAD (Afghanistan), continuing with his statement said that the Palestinians, a people with their age-old history, wrenched from their homeland and deprived of their national rights as a result of a conspiracy by the imperialists, colonialists and Zionists, were experiencing a tragedy unprecedented in human history and were exposed to nothing less than annihilation.
41. The inalienable rights of the Palestinian people and their right to self-determination, independence and sovereignty were officially and unequivocally recognized by the international community in a series of resolutions and relevant documents, within the United Nations as well as outside, more particularly in the resolutions and declarations of the conferences of the non-aligned countries.
42. Yet despite that basic conviction on the part of the international community, United States imperialism and the State of Israel, resorting to dissembling methods against the interests of the Palestinian and Arab peoples, had sought to legitimize the Israeli occupation of Palestinian and other Arab territories and condemn the Arab people of Palestine to eternal exile. Such acts ran counter to the Charter of the United Nations and the generally recognized rules and principles of international law, including the right of peoples to self-determination.
43. The State of Israel had intensified its warlike and aggressive activities against the people of Palestine and other Arab countries by refusing to implement the resolutions of the Security Council and the General Assembly, by continuing to deny the Palestinian people the exercise of their national rights, by pursuing its policy of expansion and repression against the peoples of the region in the name of a racist ideology, and by committing atrocious crimes against the Palestinian and other Arab peoples in the occupied territories.
44. Limitless support from the United States of America had encouraged Israel to carry on its racist, expansionist and terrorist policy and practices against the Palestinian people in their occupied homeland. It had also encouraged Israel to implement its own settlement programmes and to judaize the occupied Palestinian and Arab territories, beginning with the annexation of Jerusalem which it had made its capital, and then illegally annexing the Syrian territory of the Golan Heights.
45. The acts of repression against the Palestinian and Arab peoples in the occupied territories, the barbaric raids against the civilian population of Lebanon to terrorize them and undermine their morale, and the massacre of Palestinians at Sabra and Chatila, were part of a policy of sheer international terrorism.
46. Israel had become an effective tool of the United States policy of aggression and expansion, thus seriously jeopardizing the independence and sovereignty of the Arab peoples and world peace.

47. The United States of America, the protector of a State with rulers whose main aim was territorial expansion through constant aggression, provided the Zionist aggressors with the most modern weapons, pouring billions of dollars into the Israeli military machine and striving to paralyse the will of the international community every time the issue of a United Nations review of Israel's acts of provocation against the Arabs was raised.

48. Without United States aid and support, Israel on its own would be unable to persist stubbornly in its policy of aggression and expansion in Palestine and the other Arab countries, nor could it maintain its arrogant attitude towards the international community.

49. The Government and people of revolutionary Afghanistan resolutely condemned the State of Israel's policy and practices of aggression and oppression and reaffirmed their firm support and revolutionary solidarity with the heroic people of Palestine and with the legitimate Palestinian and Arab struggle against aggression and oppression by the State of Israel and its protectors. They considered that there could be no just, comprehensive and lasting solution to the problem of the Middle East unless the people of Palestine could genuinely exercise their inalienable rights, including the right to establish their own State.

50. His delegation welcomed the adoption of the Declaration of the International Conference on the Question of Palestine, held from 29 August to 7 September 1983, and considered that cessation of Israeli aggression against the Arab countries, immediate and complete withdrawal of Israeli troops from Palestinian territories, including Jerusalem, and from other occupied Arab territories, and exercise by the Palestinian people under the leadership of their sole legitimate representative, the Palestine Liberation Organization, of their right to self-determination, including their right to establish their own State, were indispensable in arriving at the full settlement awaited so long.

51. Mr. ALFARARGI (Observer for Egypt) welcomed the fact that the Commission had assigned high priority to the question of the violation of human rights in the occupied Arab territories, including Palestine, for the international community was faced with an escalation of violence in that region and with an unprecedented tragedy that weighed heavily on the conscience of mankind. The Commission had carried out its responsibilities to the full and had adopted a number of resolutions on the issue, mentioning more particularly its concern at the increase in the number of settlements on Arab land and the change in the physical character, demographic composition and legal status of the occupied territories. In its resolution 1983/1, the Commission had condemned Israeli practices and had "reiterated its call to all States ... not to recognize any changes carried out by Israel in the occupied territories" (resolution 1983/1 A, para. 9). It had also called upon Israel to "respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War" (resolution 1983/1 B, para. 4). The issue could not be settled, however, while the Palestinian people remained deprived of their lawful right to self-determination. Despite the clear position taken by the international community, the violations of human rights in the occupied territories were increasing in

number and Israel was continuing its systematic policy of oppression of the Palestinian people, in the form of collective punishment, mass arrests, the imposition of curfews, the closing of schools and universities and the demolition of houses. In addition, Israel was obstructing the activities of development and educational bodies, and those of the trade unions, and preventing Palestinian leaders from going to other Arab States to take part in meetings or international study courses. Israel was also pursuing its settlement policy in defiance of United Nations resolutions and the provisions of international instruments. Since 1967, more than 150 settlements had been established on the West Bank, 14 in the Gaza Strip and at least 36 on the Golan Heights.

52. His delegation was also concerned about the steps taken by Israel to impose its sovereignty in the Arab territories. In January 1983, the Israeli Parliament had passed a bill on the implementation of emergency regulations in the West Bank region and the Gaza Strip, authorizing troops to arrest, interrogate and sentence any Palestinian citizen for crimes committed in those regions. It was also about to adopt a law authorizing Israel to levy a tax on income from real estate transactions in the territories. The adoption of those bills was a clear breach of Israel's commitments under the Fourth Geneva Convention of 1949, since Israel was seeking in that way to impose its sovereignty and jurisdiction in the territories in question. The international community must take the requisite measures to put an end to an unacceptable policy which made coexistence between Israel and the Arab countries impossible.

53. Egypt, which affirmed the authenticity of its Arab identity, solemnly declared that the Israeli presence on the West Bank, in Jerusalem, in the Gaza Strip and the Golan Heights was unlawful. It had always categorically rejected Israeli practices, which constituted a breach of all the international instruments and the Security Council resolutions. Israel had adopted an intransigent, negative and extremist attitude that stood in the way of peace in the region. In an effort to create a climate conducive to peace, Egypt had called on Israel to stop establishing settlements in the Arab territories, to restore confiscated property, to lift restrictions and to free political prisoners, but its appeals had gone unheeded.

54. Egypt for its part had always firmly defended the cause of the Palestinian people and their inalienable rights. It had welcomed the Palestinians on its own soil, had made great sacrifices and had provided funds for the search for a just and lasting solution. It had unfailingly encouraged the parties concerned to wage the struggle for peace and respect for the rights of the Palestinians.

55. Egypt could not speak on behalf of the Palestinian people, who alone had the right to decide on their future, but it had always hoped that the course of events would change and the right to live freely and without constraints would triumph. It firmly supported all efforts to establish a just and lasting peace in the region and to secure observance of the fundamental rights of the Palestinian people, in the interests of the development of the region and general prosperity.

56. Mr. DOWEK (Observer for Israel) said it was deplorable that, with the prompting of some of the States that had the most shameful records of violation of human rights, the Commission constantly chose to ignore the disastrous human rights conditions and the plight of minorities in 24 out of the 25 States that comprised the Middle East. He had a documented list of all violations of human rights in those countries, but the Commission merely focused on issues relating to one single State, Israel, which was depicted in speeches and resolutions as the source of all evil.

57. The Commission had made it an inalienable human right of the Palestinian people to wipe off the map one, or even two, sovereign States, members of the United Nations almost since its inception. It had adopted resolutions affirming that the Palestinians had the right to return to their homes and to establish a sovereign State in Palestine by all available means, something which meant that the existence of the State of Israel and of the Hashemite Kingdom of Jordan was illegal, that they had usurped Palestinian lands, and that the Palestinians could use terror and assassination anywhere in the world to gain control over those lands and establish a State in Palestine from the Mediterranean Sea to the eastern boundary of Jordan. All States, United Nations organs, specialized agencies and other international organizations were urged to give the Palestinians active support in achieving that sublime goal. All forms of negotiation were to be banned, all agreements and peace treaties to be considered null and void, the Camp David accords should be invalidated, and the plan of autonomy rejected. For some it was a day-dream, one that not only Israel but also Jordan and all enlightened nations were bound to prevent from becoming a reality. It was also a nightmare, one that meant continued bloodshed and tears, and thousands of Israelis and Arabs alike would have to pay with their lives and the well-being of their families for the madness of leaders who were manipulated by foreign interests and were living in luxury.

58. The Palestinians themselves would pay the heaviest price. To date, countless resolutions and speeches had failed to settle their problem, and had simply stirred up more bitterness and hatred, provoked more bloodshed, and led to armed confrontation and ruthless Arab regimes. What an achievement by those who, for 35 years, had said no to all possibilities of settlement and to all negotiations! Even now, Mr. Arafat, the so-called moderate leader, expelled from Tripoli by his brethren and by his inconstant Syrian allies, was calling for more terror and bloodshed. On 19 December 1983 he had proclaimed to the Kuwaiti newspaper Al Watan: "The liberation of Palestine will never be achieved through political and diplomatic action", and on 26 December 1983 had declared to the Lebanese newspaper Al Dostour: "My interest is in a fully-fledged war in the region, because for me only a real war against the Jewish enemy can cure the plague of the Arab lands". Why not clasp the hand outstretched in peace? Why not try through negotiations to reach practical solutions that would at long last give the Palestinians the opportunity to live in peace and to determine their own future in close understanding with their natural neighbours, with the people they were bound to live with? Why reject the peace treaty with Egypt, the non-belligerency treaty with Lebanon and the Camp David framework for solving the Arab-Israeli conflict?

59. It was even more surprising that the Commission on Human Rights should reject the only possibilities that had emerged in recent years to foster peaceful coexistence in the Middle East. Had the members of the Commission carefully read the terms of the Camp David framework for peace in the Middle East? He doubted it, and wished to draw attention to some very significant paragraphs of that framework.

60. The preamble read: "The search for peace in the Middle East must be guided by the following:

The agreed basis for a peaceful settlement of the conflict between Israel and its neighbours is United Nations' Security Council resolution 242, in all its parts.

To achieve a relationship of peace in the spirit of Article 2 of the United Nations Charter, future negotiations between Israel and any neighbour prepared to negotiate peace and security with it are necessary for the purpose of carrying out all the provisions and principles of resolutions 242 and 338.

Peace requires respect for the sovereignty, territorial integrity and political independence of every State in the area and their rights to live in peace within secure and recognized boundaries, free from threats or acts of force.

Security is enhanced by a relationship of peace and by co-operation between nations which enjoy normal relations."

61. Why should the Commission reject those principles en bloc? The reasons given to justify that position utterly contradicted the spirit and letter of the Charter of the United Nations, whatever one might think of the text of the framework for peace, and were in no way substantiated by the Camp David text. He recommended that members of the Commission should read the full text and went on to cite further extracts.

62. "The Parties are determined to reach a just, comprehensive and durable settlement. They recognize that, for peace to endure, it must involve all those who have been most deeply affected by the conflict. They therefore agree that this framework as appropriate is intended by them to constitute a basis for peace not only between Egypt and Israel, but between Israel and each of its other neighbours which is prepared to negotiate on this basis. With that objective they have agreed to proceed as follows:

1. Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects. To achieve that objective, negotiations relating to the West Bank and Gaza should proceed in three steps:

(a) ... In order to provide full authority to the inhabitants under the arrangement, the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of the area to replace the existing military government. To negotiate the details of a transitional arrangement, the Government of Jordan will be invited to join the negotiations on the basis of this framework ..."

63. It should be emphasized that the Government of Jordan had repeatedly been called upon to do so; only a few weeks previously the call had been reiterated.

64. The text of the framework went on to state:

"(b) Egypt, Israel and Jordan will agree on the modalities for establishing the elected self-governing authority in the West Bank and Gaza. The delegations of Egypt and Jordan may include Palestinians from the West Bank and Gaza and other Palestinians as mutually agreed ...

(c) When the self-governing authority in the West Bank and Gaza is established and inaugurated, the transitional period of 5 years will begin. As soon as possible, but not later than the third year after the beginning of this transitional period, negotiations will take place to determine the final status of the West Bank and Gaza and to conclude a peace treaty between Israel and Jordan by the end of the transitional period. These negotiations will be conducted among Egypt, Israel, Jordan and the elected representatives of the inhabitants of the West Bank and Gaza ... The negotiations should be based on all the provisions and principles of UN Security Council resolution 242. The negotiations will resolve among other matters, the location of the boundaries and the nature of the security arrangements. The solution from the negotiations must also recognize the legitimate right of the Palestinian people and their just requirement. In this way, the Palestinians will participate in the determination of their own future ..."

65. It would be noted from the text he had just read out that the Palestinians were regarded as full participants in the negotiations for determining the final status of the West Bank and Gaza. Moreover, as soon as they established their own administrative council through genuinely free elections, without any outside interference, they would for the first time in their history enjoy full autonomy and rule themselves, by themselves and for themselves, in a way that would arouse the envy of many ethnic groups throughout the world. Was that solution rejected because Mr. Arafat was not "anointed" president of a State, or because the PLO gangs were not given the upper hand regarding the fate and future of the Palestinian people, or because it put an end to the dream of a greater Syria and prevented outside manipulations of the Palestinians, or because Jordan would have to meet its responsibilities? Was the reason for the rejection that a conflict could be continued and thus provide a convenient scapegoat for diverting world public opinion from international crises and internal strife, from blatant misbehaviour in the field of human rights and ruthless treatment of ethnic and religious minorities?

66. Even if the Commission once again adopted resolutions that would fan hatred in the Middle East, the peoples and Governments of that region would at long last realize where their real interests lay. The signing of the peace treaty between Israel and Egypt, the pact of non-belligerency between Israel and Lebanon, the open bridges to the Jordan, the life in common between the Palestinian Arabs and the Israelis in the past 16 years were but forerunners of changes which would no doubt bring peace, stability and co-operation to the region, despite the opposition of those interested in perpetuating conflict in the Middle East and despite the resolutions of the Commission on Human Rights.

67. Mr. BARAKAT (Jordan), speaking in exercise of the right of reply, said it was deplorable that, in referring to self-determination by the Palestinian people, the Observer for Israel should have distorted the situation and departed from the facts. Jordan had always responded positively to the peace efforts in the Middle East. Equally, it had always rejected the attempts to dictate to the Palestinians the role they were to play. It must be remembered that the peace agreement worked out by the United States, Israel and Egypt and mentioned by the Observer for Israel had required lengthy negotiation. Obviously, Egypt was still disposed to work towards a comprehensive solution, but Israel's negative attitude had delayed negotiations for years, to such a point that the United States negotiators themselves had emphasized the intransigence of the Israelis.

68. The Observer for Israel had mentioned Security Council resolution 242 (1967), which Jordan had accepted. How could Israel support that resolution yet pursue a policy of annexation of the West Bank, Jerusalem, the Gaza Strip and the Golan Heights? The Prime Minister of Israel, Mr. Shamir, had recently asked Jordan to negotiate, but had also referred to the population of the occupied Arab territories as "the Arab inhabitants of Israel" and declared that those territories formed part of Israel. Instead, Israel should truly recognize the right of the Palestinians to self-determination and apply the 1949 Geneva Conventions in the territories it occupied.

69. The CHAIRMAN said that the Observer for the Palestine Liberation Organization had also asked to speak in exercise of the right of reply and would do so at the next meeting.

The meeting rose at 1.15 p.m.