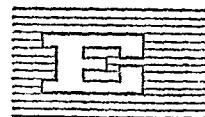


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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 February 1984, at 3 p.m.

Chairman: Mr. KOOLJMANS (Netherlands)

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES,
INCLUDING PALESTINE (Agenda item 4) (continued) (E/CN.4/1984/2, 6, 9 and 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 and 16)

1. Mr. RAMLAVI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that the statement by the Observer for Israel that the implementation of United Nations resolutions concerning the people of Palestine would simply lead to bloodshed and war in the region was indicative of the Israeli attitude towards decisions taken by the United Nations. Israel flouted all resolutions designed to produce peace in the region and acted solely in pursuit of its own interests, which were contrary to the principles of the Charter and the Universal Declaration of Human Rights. Moreover, Israel's failure to comply with United Nations resolutions, such as Security Council resolution 242 (1967) calling for the withdrawal of Israeli troops, was blamed on others. Israel also continued to refuse to comply with its undertakings concerning the establishment of the state of Palestine and the enjoyment by the Palestinian people of their fundamental human rights.
2. Israel had rejected the concept of a single Palestinian state in which Christian, Jewish and Muslim communities would co-exist on a basis of equality because it wished Palestine to be a purely Jewish state. Israel wished to impose the solution proposed by the United States on the region and people of Palestine. What right had the Israeli leaders, who were all recent arrivals in Palestine, to devise solutions which deprived the authentic population of their rights? Why had they not concentrated on solving the problems of the societies in which they had been born?
3. The Observer for Israel had attempted to mislead the Commission by stating that the elected representatives of the Palestinian people could participate in negotiations on the future of the region. It was difficult to see how there could be any such participation since the Israelis had removed from office all the elected heads of the Arab communities in the occupied territories. Such was the Israeli concept of democratic procedure.
4. In describing the PLO as a terrorist organization, the Observer for Israel appeared to have forgotten the fact that members of the Israeli Government itself had been wanted by the international police and by the United Kingdom authorities for more than 35 years as leaders of terrorist groups.
5. Mr. MASUKU (Observer, Pan Africanist Congress of Azania) said that the question of the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation was crucial for the current session of the Commission, as the forces of colonialism were on the rampage in southern Africa, the Middle East, Asia, Central America, the Caribbean and other areas.
6. The "constitutional proposals" of Premier Botha, and the obnoxious laws that accompanied them, were currently the burning issue in racist South Africa. At the preceding session, his organization had informed the Commission of the steps already being taken by the racist regime to persuade the coloured and Indian populations to enter into a fraudulent and unequal constitutional

arrangement which would simply serve the interests of white domination. It had also informed the Commission of the preparation of the bill for the orderly movement and settlement of black persons, which, in conjunction with other existing laws, would facilitate the implementation of the "proposals".

7. For the indigenous African people who comprised 73 per cent of the population and were the legitimate and rightful owners of the country, the constitutional arrangement meant enforced removal to the barren and scattered so-called "homelands" which constituted only 13 per cent of the total land area of Azania, together with loss of citizenship, perpetual dispossession, oppression, exploitation, ignorance, hunger and disease. Those traitors among the coloured and Indian groups who accepted the new arrangement would be depriving Africans for all time of their inherent right to control their country effectively and would be ensuring that the essentials of white domination were retained, regardless of the nature of the new social order established.

8. The so-called "power-sharing" proposal merely involved the creation of constitutional "bantustans" for the coloured and Asian populations. The Pan Africanist Congress condemned power-sharing as a particularly sinister and dangerous form of multiracialism. In response to that new fraud, the people of Azania had formed two mass organizations, the National Forum Committee and the United Democratic Front, in order to defend their inalienable right to shape their own destiny.

9. The liberation movements of Azania had condemned the proposed constitution in advance and had pledged to intensify their armed struggle as the only alternative method of adjusting the situation. The Pan Africanist Congress maintained that apartheid was a form of colonialism in South Africa, just as "assimilation" and "association" had been forms of colonialism in the former Portuguese and French colonies.

10. The racist State of South Africa was illegal, illegitimate and alien. It had never been granted legal instruments of sovereignty and independence by the last colonial Power. Even the 1909 South Africa Act, passed by the United Kingdom Parliament, had conferred only administrative powers. The republican status adopted in 1961 had been sanctioned neither by the United Kingdom Parliament nor by the leaders of the Commonwealth. It had been a unilateral, and therefore illegal, act. The regime was alien and illegitimate because it was composed of a foreign minority that could not, and did not, represent the legitimate aspirations of the indigenous African majority. With the favourable results of the white referendum held in November 1983, the racist regime would seek to complete and consolidate its programme of colonization.

11. The Pan Africanist Congress maintained that apartheid and zionism were two sides of the same coin, both created by British imperialism, and that their continued survival was due to the support of Western imperialist Powers, led by the United States of America. The two settler regimes practised collusion with each other in the economic, cultural, military and nuclear fields, thus constituting a threat to world peace.

12. Not content with the occupation of the international Territory of Namibia, South Africa was pursuing a policy of terrorism and destabilization in the neighbouring States of Lesotho, Mozambique and Zimbabwe, and was even occupying part of Angola. Recently, it had launched a large-scale offensive deep into Angolan territory, after which it had announced the withdrawal of both the invading and occupying forces. However, recent reports from Luanda indicated

that there were still South African forces in southern Angola. Feverish diplomatic manoeuvring was also taking place between the racists and the United States, on the one hand, and the front-line States, on the other.

13. The Pan Africanist Congress believed that most of the problems of violation and gross denial of human rights in South Africa could be solved if the people of Azania were allowed to exercise their right to self-determination, which was the prerequisite for enjoying all other rights. That right was directly challenged by the "constitutional proposals", which had already been condemned by the General Assembly. His delegation called upon the Commission to do likewise.

14. Ms. PARADA (Women's International Democratic Federation) said that the Women's International Democratic Federation, which comprised 135 member organizations in 117 countries, greatly appreciated the Commission's efforts in support of the rights of the peoples in the occupied Arab territories. It was a matter of great concern, however, that, despite the adoption of numerous United Nations resolutions designed to solve the problem of the Middle East and to guarantee the legitimate rights of the people of the region, the situation there had greatly deteriorated. The inalienable rights of the Palestinian people were being trampled underfoot.

15. The Israeli military intervention in Lebanon in 1982, the occupation of the country since that time and the attempts to annex southern Lebanon constituted grave violations of the Charter of the United Nations and of Security Council resolutions 508 (1982) and 509 (1982). The Israeli threats against the Syrian Arab Republic represented attempts to violate the security and sovereignty of that country. The Israeli policy of aggression and annexation could not be pursued without the political, economic and military support of certain imperialist Governments. Her organization resolutely condemned that policy, which was increasing tension in the Middle East and was a permanent threat to world peace.

16. The Federation was in possession of convincing evidence of the Israeli practices of expulsion of Palestinians, destruction of their homes, terrorism and mass murder of Palestinian men, women and children. According to the data available, 3,677 Palestinians had been arrested in 1983 and 400 of them had needed medical attention as a result of torture during interrogation. The imposition of daily curfews, searches of houses and schools, the arrest of people of all ages, including women and children, the confiscation of identity cards of Arabs and the setting-up of checkpoints at the entrances to villages, towns and education centres were violations of the fundamental human rights of the Palestinian people.

17. One case which called for special mention was the atrocious poisoning of Palestinian girl students by the Israeli authorities, which had then tried to dismiss the crime as "mass hysteria", whereas the medical reports confirmed that the poison used would cause infertility. It was known that the same poison gases were widely used in Israeli prisons and against the Arab population.

18. Millions of women throughout the world decisively condemned the policy of genocide being pursued by Israel against the Palestinian people. The continuing Israeli occupation of Lebanon and the increasing military activity there were claiming large numbers of victims, including women and children, among the population. The occupation was depriving the Lebanese people of the right to move freely inside their own country. The closing of the Awali Bridge, the main point of access to the south, had separated that region from the rest of the country and exposed its population to the pressure and brutality of the Israeli aggressors.

19. The Israeli aggression and occupation were also causing great damage to the Lebanese economy and worsening the economic and social situation of the population. Israeli troops raided houses and markets to arrest men, women and children. A case in point was the arrest of five children aged 13 and 14 in the town of Arabsalim. In the Ansar camp alone, there were currently more than 1,000 persons, including women and children.

20. The right to practise religion was being gravely violated, since raids were made on mosques and holy places and religious figures were being arrested. A delegation of the Women's International Democratic Federation visiting Lebanon had been informed that 3,240 people had been killed during 1983 and several thousands wounded or maimed, including women and children. The delegation had brought back documents containing the names of thousands of persons who had been abducted or had gone missing. The Commission should devote special attention to that problem.

21. The Federation was deeply concerned about the grave violations of human rights in the Arab territories occupied by Israel and believed that there was an urgent need for sanctions against Israel for its continued violation of the Charter and General Assembly resolutions. The Commission should take all possible measures to achieve the effective implementation of United Nations resolutions concerning human rights in the occupied Arab territories, including the total and unconditional withdrawal of Israeli troops from all Arab territories occupied since 1967, including Jerusalem; the implementation of the inalienable rights of the Palestinian people, under the leadership of the PLO, to self-determination, to national independence, and to establish their own independent and Sovereign State; the immediate and unconditional withdrawal of all Israeli and other foreign troops from Lebanon; and the maintenance of the sovereignty, territorial integrity, political independence and democratic development of Lebanon.

22. The Federation supported efforts to organize an international conference on the question of Palestine with the participation of all parties concerned, including the PLO, as a significant step towards a just and comprehensive solution of the Middle East problem and the restoration of human rights in that region.

23. Mr. KAMYAB (Islamic Republic of Iran) wondered how many more massacres of Christian and Muslim men, women and children must take place and how many more Palestinians must die before the world found the courage to say that the orthodox zionism adhered to by Israel's rulers was a disastrous doctrine for the whole world. How many people were even aware of the names of the Palestinian villages and camps which made up the tragic litany of nightmares endured by the Palestinian people since the illegal establishment of Israel's racist regime in the heart of the Palestinian homeland? On 9 April 1948, in the village of Deir Yassin on the outskirts of Jerusalem, 200 members of the Irgun had attacked and indiscriminately shot the inhabitants, raped women and slaughtered a number of pregnant women with carving knives. No one had been allowed into the village except for one Jewish policeman, who had reported that one Palestinian had died. It had taken a persistent Red Cross official to discover the truth. In addition to the bodies in the streets, he had found 150 corpses stuffed down a well. In all 243 persons had been killed.

24. In October 1953, Ariel Sharon had led a similar operation against the inhabitants of Qibya, leaving 75 dead and as many wounded. That same criminal defended his acts in Sabra and Chatila by claiming to have warned against killings, "especially of women and children". The mass murder of Palestinians was consistent with the cold logic of zionism, which called for the destruction, expulsion or, at best, oppression of the indigenous people of Palestine.

25. In spite of the Security Council resolutions adopted in June, July and August 1982, Israel continued to occupy Lebanon. Its "Peace for Galilee" operation had resulted in the displacement of 800,000 of the population, the disappearance of 12,500 persons and the deaths of more than 30,000 civilians in Lebanon. In that regard, the British Royal Commission had established that 95 per cent of the population of Galilee were Palestinian and 5 per cent illegal Jewish settlers. The outrageous behaviour and religious intolerance of the Israelis in occupied Lebanon had also been reported in an article in Le Monde of 1-2 January 1984, describing the use of dogs by Israeli soldiers to evacuate worshippers from the Saida and El Zaatari mosques.

26. Israel was using brutal methods to create a vassal state in Lebanon, with the connivance of its Government, and to establish an empire stretching to the Persian Gulf, in order to further the interests of the United States of America. The usurper regime occupying Palestine, with the full support of United States imperialism, violated international laws and regulations and occupied other Islamic lands at every available opportunity by massacring the population. In spite of the adoption of many United Nations resolutions, the situation of the Arab population of Golan was no better than that of the Palestinians. The racist Israeli regime also continued its illegal occupation of Syrian lands.

27. Those who drew a distinction between persons and political parties in Israel were, deliberately or unconsciously, propagating a very grave historical misconception. As far as the strategic aims of Israel were concerned, there was a consensus among the various parties. It should be remembered that it had been the so-called Labour Government which had begun the installation of illegal Jewish settlements in the western part of the occupied Palestinian territory. There was also a consensus between the political parties in Israel regarding the extermination of the Palestinian nation. The methods might change, but the aims and goals remained the same.

28. The Islamic Republic of Iran believed that the solution to the Palestine question lay in joint international action to remove the causes of aggression and to facilitate the return of the Palestinian people to their homeland and the establishment of an independent Palestine in all the occupied territories. Victory could not be won except by following the sublime teachings of Islam, emphasizing human values, and mobilizing the Muslim masses and all freedom-loving people of the world against rulers and regimes dependent on the United States and its Zionist hirelings.

29. His delegation fully supported the armed struggle of the Palestinian people to regain their rights and drew the attention of individual Member States and the United Nations as a whole to their obligations regarding that situation. The collapse of the Palestinian cause would signify the impotence and bankruptcy of the whole international community vis-à-vis the aggressive Zionist regime and its

oppressive allies. The cause of Palestine was an integral part of the cause of the Islamic people throughout the world. If any member of the Islamic world remained indifferent to the situation in Palestine, all would, one after the other, fall victim to the expansionist policies of the racist regime. It must be realized, once and for all, that force recognized only the logic of force.

30. Mr. DHANAPALA (Observer for Sri Lanka) said that his delegation regretted the unwarranted references made by the observer for Israel to Sri Lanka's membership of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. Pursuant to General Assembly resolution 2443 (XXIII), three Member States, including Sri Lanka, had been appointed to serve on that Committee; if its members were "hand-picked", as the observer for Israel had said, the choice had been made by the General Assembly. Sri Lanka was proud of the honour conferred on it and had attempted to discharge its duty strictly in accordance with the mandate conferred on the Committee. To disparage the countries represented on the Committee was to cast aspersions on the entire General Assembly.

31. The bilateral relations between Israel and Sri Lanka were not relevant to the latter's membership of the Committee. However, since the observer for Israel had referred to them, he should recall that full diplomatic relations between the two countries had existed at the time of Sri Lanka's appointment. Only as a result of Israel's persistent disregard of United Nations resolutions had Sri Lanka subsequently suspended diplomatic relations with that country.

32. Sri Lanka's internal political affairs, also referred to by the Observer for Israel, were likewise not relevant to the Commission's deliberations. Sri Lanka's human rights record was well known; as a functioning democracy, Sri Lanka had always co-operated with, and contributed to, United Nations human rights activities, and was a party to 10 international human rights instruments, including the International Covenants. As an open society, it was always receptive to United Nations human rights bodies and to non-governmental organizations. His delegation, while refraining from comment on Israel's internal political affairs, noted that the Committee's efforts to fulfil its mandate had been obstructed by Israel's refusal to allow it to investigate the situation in the occupied territories; such disdain for a United Nations body's credentials was unhelpful and unfair to countries which had responded to the international community's request to act on its behalf.

33. The Director of the Centre for Human Rights, in his opening address, had said that among the Commission's hallmarks were the quality of the membership and the way in which its members, although representatives of Governments, so often acted in a common cause, putting humanitarian considerations before narrow national interests.

34. Mr. NICOLAIDES (Cyprus) said that the situation in the Middle East, the prospects for a comprehensive political solution and the continuing violations of human rights in the occupied Arab territories, including Palestine, were matters of the greatest concern. Israel's continued military occupation constituted an injustice imposed by force, under which human rights violations were bound to continue. Sadly, the situation was steadily worsening, as had been noted in the Special Committee's report. Despite many United Nations resolutions on all aspects of the Middle East's problems, conditions in the occupied Arab territories continued to deteriorate. Israel continued to annex territories and establish new Jewish settlements instead of dismantling those in existence, to expel the Arab population

from its lands and property, to alter the territory's demographic structure and to exploit its natural resources illegally. The resultant violation of the Arab population's rights, exacerbated by the inhuman and degrading treatment of individuals, was an unacceptable state of affairs which should be terminated forthwith. The world community should make Israel end its aggression and help the Palestinian people to regain its rights, including the right to the restoration of homeland and property and the right to establish its own State. Moreover, a comprehensive settlement in the Middle East depended on the immediate withdrawal of Israeli occupation forces from all Arab lands.

35. The people of Cyprus were well aware of the serious problems stemming from political, strategic, religious, social, cultural and other causes and of the way in which human rights could be violated; Cyprus itself was still experiencing continued military occupation and de facto partition - a situation in which human rights were denied not only in the occupied areas but in regions beyond. Cyprus had always supported the just cause of the Arab peoples, especially those of Palestine; in international forums, and by its own efforts, it had always striven to help the struggling Arab people, particularly the Palestinians. During the recent crisis in Lebanon, Cyprus had done its best to alleviate the Arab people's sufferings. Cyprus would remain firmly committed to the Palestinian people's right to self-determination and to the establishment of its own independent sovereign State; it also recognized the rights of all States in the Middle East to exist within internationally recognized boundaries.

36. The history of the Middle East showed that the question of Palestine was at the core of the region's problems, and events confirmed the widely-held view that negotiations for a solution to its problems could succeed only if the Palestinian people participated, through its sole legitimate representative, the PLO. The United Nations as a whole, the General Assembly, the Security Council and the Commission in particular could help to achieve a successful peace initiative. The Commission should again add its politically and morally strong voice to the call for Israel to withdraw all its forces from the occupied Arab territories, abandon the dangerous policy of annexation, dismantle Israeli settlements, restore homes and property to the Arab population and enable the Palestinian people to exercise its rights to self-determination and to establish its own State. Such action would not only promote respect for the human rights and fundamental freedoms of the Arab population in the territories concerned but would help to secure a lasting peace, in freedom and in justice, in the Middle East.

37. Self-determination was one of the cardinal principles of the Charter, and the one which had made the greatest impact on international relations since the Second World War. One of Cyprus's first acts on gaining independence and acceding to the world community had been to join in promulgating the Declaration on the Granting of Independence to Colonial Countries and Peoples. The declaration served as a reminder that, despite the great strides made in decolonization, some peoples, including those of Palestine and Namibia, were still being denied the right to self-determination. And at a time when the end of alien domination was thought to be in sight, progress was being retarded, and matters made more dangerous, because of foreign occupation, forcible expulsions of indigenous populations, colonization, settlements, attempts to change demographic structures and, more recently, efforts to create artificial and illegal conditions in support of an untenable claim to self-determination.

38. In order to safeguard and promote the right to genuine self-determination, certain unchallengeable rules governing its application should be restated. The principle of equal rights and self-determination of peoples had become embodied in international law from 1945 onwards, stemming, inter alia, from the Charter, relevant United Nations declarations and the International Covenants on Human Rights. The principle meant that "peoples" had the right freely to determine, without external interference, their internal and external political status and to pursue their economic, social and cultural development. It was limited, however, by other principles of international law such as that of the sovereign equality of States and territorial integrity. The interdependence of such principles was reflected in General Assembly resolution 2625 (XXV) and, with regard to Europe, in the Final Act of the Conference on Security and Co-operation in Europe. Nevertheless, some secessionist groups and their instigators argued that as a "people" they had a right to self-determination; but a "people" should not be confused with an ethnic, religious or linguistic minority or community. Such groups, while entitled to protection and to all citizens' rights, did not have the right to self-determination. Indeed, resolution 2625 (XXV) expressly provided that no action which would impair the territorial integrity or a political unity of sovereign independent States should be authorized or encouraged. The rule was designed to avert the chaos which would clearly ensue if the principle of self-determination was applied in favour of secessionist movements.

39. It should be re-emphasized that alien occupation, whatever the pretext, could never alter the legal situation, and that no Charter principle could be invoked in support of any forcible population movements or attempts to change the demographic structure of occupied territories. The Government and people of Cyprus fully supported the suffering peoples of the occupied Arab territories, in particular the Palestinian people, and upheld their right to self-determination.

40. Mr. SENE (Senegal) said that it was appropriate to consider agenda items 4 and 9 together, since foreign occupation against a people's wishes frequently led to human rights violations.

41. The Special Committee, of which Senegal was a member, was grateful for the satisfaction expressed concerning its report (A/38/409), which had been adopted by the General Assembly at the thirty-eighth session. The Committee's members had undertaken to carry out their task objectively and impartially on behalf of the international community. In accordance with its fact-finding procedure, it received information from bodies in the United Nations system, non-governmental organizations and the media, including statements by the Israeli authorities. It also received and carefully scrutinized statements by witnesses, retaining only those conforming to the criteria established pursuant to international legal instruments or the relevant resolutions of the United Nations and specialized agencies. Contrary to what the observer for Israel had said, the Committee's deliberations were free from prejudice, political considerations or pressure. The fact that Senegal had severed diplomatic relations with Israel had had no bearing on the Committee's work. Senegal had taken that step in line with many other African countries as a mark of disapproval of what they had seen as Israel's defiance of international law and human rights standards, particularly the fourth Geneva Convention of 12 August 1949. The move did not signify any hostility towards Israel by Senegal.

42. What concerned Senegal was human suffering, regardless of who the victims were; the topic in question concerned the sufferings of the Palestinian Arab population. Senegal had always borne in mind the sufferings of the Jewish people, which, like the black peoples, had a history of persecution and humiliation. The Israeli people could surely understand that such suffering, inflicted on any people, could lead to despair and violence; the Commission would be shirking its duty if it failed to take action to alleviate that suffering.

43. The human rights situation of the civilian population in the occupied Arab territories alarmed the international community, particularly in view of the tension prevailing in the Middle East. Passivity on the Commission's part would hinder the efforts being made elsewhere to relieve the tension and to end the cycle of violence, which had so often resulted in acts disturbing to the world's conscience. The Commission's task was to seek an end to the rule of force and to help the region's peoples, to re-establish their historic roots and overcome the racial and religious prejudice which had led to such bitterness and aggression. History had shown that policies based on the notion of superiority and the desire for power led nowhere. The Commission had a duty to do everything possible to ensure that no one suffered on account of race, religion, philosophy or political leanings; to pursue policies which accorded privileges to one religion to the detriment of others was wrong.

44. The Special Committee had appended to its report details of the settlements established since 1967 in the Gaza Strip, the Golan Heights and the West Bank. Such settlements clearly violated article 47 of the fourth Geneva Convention, which prohibited an occupying Power from populating any part of occupied territory; moreover, the annexation of civilian territory on the Golan Heights had been declared illegal in Security Council resolution 497 (1981). Armed aggression by Israeli settlers against the Arab population in the occupied territories of the West Bank was in violation of human rights. Pursuant to article 29 of the fourth Geneva Convention, the Israeli Government was clearly responsible for the settlers' acts. However, an official inquiry which had condemned the lack of police supervision had been ignored by the Israeli Government, and the Assistant Attorney-General who had conducted the inquiry had resigned as a result.

45. The Israeli occupying military forces continued to control schools and universities, pursuant to the Israeli Ordinance No. 854, which required teachers to declare non-allegiance to the PLO - a further infringement of human rights. Many inhabitants had been unable to return to their homes in the Golan Heights and the West Bank, as well as in the Rafah area, which had become Egyptian territory as a result of the frontier delineation between Egypt and Israel. The occupying Power also meted out collective punishment - a practice contrary to article 33 of the relevant Geneva Convention.

46. The Special Committee's report clearly showed that, despite all claims to the contrary, human rights were being violated in the occupied Arab territories. The human rights situation in those territories could not be justified by the claims, put forward by Israel, that the inhabitants' economic conditions had been improved. Nor were Israel's attacks on the members of the Committee either justified or relevant. If visiting experts from other United Nations bodies and non-governmental organizations were allowed to visit those territories - as indeed they had been, there could be no reason for the occupying authorities to prevent the Committee from doing likewise, especially if the situation of the civilian

population was as good as the observer for Israel had claimed. Conditions there might be excellent for Jewish settlers. But for the Palestinian and other Arab peoples of those territories, the situation represented a violation of the right to self-determination enshrined in Articles 1 and 55 of the Charter, in the International Covenants, and in the Declaration on the Granting of Independence to Colonial Countries and Peoples. Unless the occupying Power took steps speedily to remedy the situation, all prospects for peace would vanish.

47. The Chairman of the Special Committee, in transmitting the latter's report to the Secretary-General, had said that, in the Committee's view, the situation in the occupied territories continued to deteriorate, the civil population's human rights being disregarded or violated pursuant to Israel's policy of annexation and settlement, and that the Committee was anxious for the international community to make an effort to end the human suffering in those territories. The justice of the Palestinian people's claim to a homeland had been reflected in a number of United Nations resolutions. The United Nations could not, of course, undo the events which had occurred since the days of the 1947 partition plan to establish a Hebrew State and an Arab State in Palestine; but there was no denying the Palestinian people's rights to its homeland, to self-determination and to establish an independent sovereign State, with the democratic participation of its legitimate representative, the PLO. The current serious situation in Lebanon showed how important it was to bring about a peaceful settlement of the situation in the Middle East, to which the question of Palestine was central. The need for further peace initiatives had been expressed during the International Conference on the Question of Palestine, held in August 1983.

48. Senegal remained ready to contribute to the establishment of peace in that region, based on respect for the sovereignty and territorial integrity of States and the right of all States to exist within secure and internationally recognized frontiers. After five Arab-Israeli wars it was time for the international community to restore peace to the Middle East, the cradle of so much of mankind's cultural and religious heritage and, it was hoped, a region which would come to symbolize fraternity, tolerance and mutual understanding. The Jewish people had endured great suffering and persecution; it had also made invaluable contributions to civilization in fields such as science, art, philosophy and religion. Israel, one of the world's major military Powers, possessing the most advanced technology, could make an immense contribution to the cause of justice and progress for mankind; it should pay greater heed to the international community's efforts to bring about peace, freedom, dignity and respect for the rights and interests of all peoples in the Middle East and throughout the world.

49. Mr. SCHIFTER (United States of America) said that the Commission was the one body in the United Nations system that should place primary emphasis on the life and well-being of the individual and concern itself with truly humanitarian solutions to international problems. It could hardly be said, however, that it had lived up to the standards of fairness which the world community had a right to expect of it or that it had put aside the use of all political slogans so as to focus on its principal goal of helping to improve the human condition. In the torrent of words in which the Commission had been engulfed, it had lost sight of the fate of individual suffering human beings.

50. Instead of focusing its debate in a balanced manner on the lives and welfare of all the residents of the Middle East, the Commission had focused on human rights violations attributed to Israel, to the exclusion of others. His country had repeatedly shown its concern for the Palestinian inhabitants of the West Bank and Gaza, but the region abounded with well-established and well-documented violations of the most basic human rights - unrelated to the issues currently under discussion, some of which had assumed the most shocking proportions, resulting in many thousands of deaths. The Commission's credibility appeared to be jeopardized by the fact that such violations had not been placed on its agenda. His country had expressed its views on all cases in which it believed that human rights violations had occurred, but any fair-minded person listening to the debate of the past few days must be astounded by the mass of allegations, including allegations against his country, which simply did not correspond to the actual state of affairs. Nor did the hyperbole used in the Commission reflect the sense of proportionality that should be expected of speakers.

51. The Commission would no doubt proceed with its annual ritual, conclude its debate on the item and then go on to adopt resolutions. It ought for once, however, to stop and consider whether it could not do something to contribute to a solution of the problem rather than exacerbate existing difficulties. It was aware that a state of war had existed between Israel and most of its neighbours for over 35 years, but much could be accomplished if the parties were at last to sit down together with a genuine commitment to conclude a peace agreement. The framework for such an agreement had been provided by Security Council resolutions 242 (1967) and 338 (1973). The Commission should use its good offices to encourage negotiations for a peace agreement without stipulating preconditions which constituted insurmountable obstacles to the achievement of that objective.

52. His country's recommendations had been clearly set forth in the statements and proposals of its President. They called upon the parties directly concerned to bring an end to the existing states of war. No one could doubt that the best way of improving the conditions of life of all those directly concerned, both Arabs and Israelis, was to reach for that goal. The Commission could make a great contribution to the attainment of the humanitarian objectives to which it should be committed by sending forth the simple message: give peace a chance.

53. Mr. ZORIN (Union of Soviet Socialist Republics) said that the question of the violation of human rights in the occupied Arab territories, including Palestine, was not simple. Despite the Commission's extensive discussion of the question, no real way of solving the problem had yet been found, and the current discussion was taking place in a complex international situation exacerbated by the general foreign policy of the current United States Administration. Mr. Andropov, President of the Supreme Soviet of the USSR, had stressed that the United States was following a militaristic course which constituted a serious threat to peace, disregarding the interests of other States and peoples and striving to secure for itself a dominant position in the world. To that end, United States leaders were endeavouring to maintain a military presence in the most economically and strategically important areas, particularly those bordering the Soviet Union, and were using Israel as a tool of their policy in the Middle East. The current situation in the area, with its repercussions on human rights, was a direct result of those policies.

54. During the short period that had elapsed since the Commission's thirty-ninth session, the human rights situation in the Middle East had worsened. Flagrant and massive violations by Israeli leaders had increased pari passu with their aggression against the Arab States and peoples. The reason for the increased tension in what had already been a trouble-spot was to be found in the strategic alliance between Israel and the United States, which had encouraged Israel to commit further acts of aggression. Those acts had been condemned in General Assembly resolution 38/180 D. In flagrant defiance of the principles and generally accepted standards of international law, the two countries were expanding their undeclared war against the Lebanese people, causing human casualties, and creating a threat to international peace and security. The periodic shelling of south Beirut and other areas of Lebanon and of the Syrian peace-keeping force continued, with destruction of schools, hospitals and dwellings. More than 500,000 people had been forced to flee their homes, the Lebanese economy had been damaged to the tune of \$12-\$15 billion, and human rights were completely disregarded.
55. Israel had repeatedly committed aggression against neighbouring Arab States as well as against the Lebanese people. The United States representative had rightly observed that the state of war in the area had existed for over 35 years. Israel consistently received from the United States the economic, political and military assistance which enabled it to pursue its expansionist policy. Following the talks at the end of 1983 between the President of the United States and the Prime Minister of Israel, the strategic alliance had become even closer and the policy of aggression against the Arabs even more blatant. A United States fleet with 30,000 troops and 300 aircraft was standing off the Lebanese coast, and it was planned to base United States ships in Israeli ports. Israel had been occupying Lebanon for a year and a half, with the assistance of United States marines. The United States had claimed that the landing of its troops in Beirut in 1982 was a short-term peace-keeping operation, yet the world had certainly not become more secure as a result. On the contrary, United States and Israeli troops were being used to fight Arabs, and United States warships and aircraft were reducing Lebanese towns to ruins, with the obvious intention of bringing Lebanon under the domination, or so-called vital sphere of interest, of the United States.
56. Following the frustration of the Geneva conference on the Middle East, the Camp David accords had produced a split in the Arab world. Next had come the invasion of Lebanon and the bloody massacres at Sabra and Chatila. The plan for the Israeli invasion of Lebanon had been prearranged with the United States, which had participated in the seizure of west Beirut. A series of violations of human rights had taken place under a campaign hypocritically named "Peace for Galilee".
57. The United States Administration resorted to all manner of excuses to justify its acts in the Middle East. The Lebanese-Israeli agreement which it had imposed had exacerbated the problems in Lebanon. Mr. Gromyko, Minister for Foreign Affairs of the USSR, had recently drawn attention to the aggressor's claim that it was forced to defend itself against attack by its victim. It was difficult to imagine a greater distortion of fact or lack of understanding of international law. The announcement of the withdrawal of United States troops from Lebanon to the vessels off the Lebanese coast was yet another attempt to mislead world public opinion. Washington was, in fact, preparing for the increased use of sea-borne artillery and aircraft against Lebanese patriotic forces, with the aim of imposing a settlement that was solely in the interests of the United States and Israel, dividing up Lebanon, and establishing political and military control over the Middle East as a whole.

58. The Soviet Union had repeatedly voiced its solidarity with the Lebanese patriots against the invaders. It supported the sovereignty, territorial integrity and independence of Lebanon and called for an immediate and unconditional withdrawal of Israeli and multinational forces from that country. One of the aims of the Israeli invasion was to continue to split Arab ranks. The aggressors knew that the Arab States could not defend their interests individually, but only by standing together.

59. The use of zionism as a tool of international imperialism was an insult to the Jewish faith. The Israeli representative had claimed that Judaism and zionism were synonymous and that everyone opposed to zionism was antisemitic. Zionism was, in fact, a form of fascism which sought to use the Jewish faith for its own ends. Many Jewish workers were opposed to zionism. The General Secretary of the Central Committee of the Communist Party of Israel had recently observed that the fight against zionism as a reactionary ideology and a practice of the Jewish bourgeoisie was in the interest of the Israeli people and of the Jewish masses throughout the world. It would be hard to find a better answer to the observer for Israel in his efforts to assimilate Judaism to zionism.

60. The crux of the events in the Middle East, was the problem of the Arab people of Palestine, who were deprived of their legitimate rights, particularly the right to self-determination and the right to establish their own independent State. The Israeli and United States invasion of Lebanon had been designed to crush the Palestine resistance movement, deprive the Palestinian people of any hope of self-determination, and deter the Arab States and peoples from helping them in their just struggle.

61. In September 1983, an International Conference on the Question of Palestine had been held in Geneva, attended by representatives of 138 States, the PLO, and over 100 international and national organizations. The basic provisions of the Declaration adopted at the Conference deserved the Commission's attention, since they offered a realistic approach to a Middle East settlement and a means of ending the violations of human rights in the area. The Declaration expressed concern at the continuing tension in the Middle East as a result of the refusal of Israel and its supporters to recognize the legitimate rights of the Palestinian people. Representatives from various continents had recognized that international imperialism, led by the United States and Israel, was an obstacle to Palestinian self-determination. The Declaration went on to say that the settlement of the Palestine question, which was a key to the establishment of peace in the Middle East, should be based on the principle of the realization by the Palestinian people of their legal and inalienable rights, including the right to self-determination and the right to establish their own State. The participants in the Conference had reiterated that the PLO, as the legitimate representative of the Palestinian people, had a right to participate in efforts to reach a just and lasting settlement in the Middle East. The Declaration called for the withdrawal of Israeli troops from the occupied territories, including Jerusalem, and condemned Israel's policy in those territories, and in particular its establishment of settlements and annexation of Jerusalem. It further called for an international conference on the Middle East under United Nations auspices, aimed at the practical implementation of a Middle East settlement.

62. A programme of action had been formulated with a view to mobilizing the efforts of the international community for the formation of a Palestinian State. The Commission should make every effort to fulfil the objectives of the Declaration and programme of action, which the Conference had adopted unanimously. It should decisively condemn the policy followed by Israel and its protectors and insist that they comply with the basic principles of international law, the Charter and United Nations resolutions.

63. His country, whose position on the problems of the Middle East was well known and had been explained at the thirty-eighth session of the General Assembly, firmly advocated a global settlement in the area, withdrawal of Israeli troops from all the occupied territories, the exercise by the Palestinian people of their right to establish their own State, and the guarantee of a secure and independent existence for all States and peoples in the Middle East, including the Palestinian and Israeli peoples. The Soviet Union supported the convening of an international conference with the participation on an equal footing of all interested parties, including the PLO as the sole legitimate representative of the Palestinian people.

64. Mr. MACOTTA (Italy) said that his country attached great importance to respect for human rights in the territories occupied by Israel. Its position in that respect was well known and had been confirmed on a number of occasions, most recently at the thirty-eighth session of the General Assembly. He drew attention to the Venice Declaration by the members of the European Community, which held that peace in the area could be built only on the basis of the right of all States, including Israel, to a secure existence and justice for all their peoples, and recognition of the right to self-determination of the Palestinian people.

65. His Government considered that any change in the status of the occupied territories was illegal under international law. It shared the concern that had been voiced with respect to certain practices of the occupation authorities, particularly the expansion of Israeli settlements, which caused inevitable tension with the local population and gave rise to chain reactions. It also opposed collective punishment, the demolition of buildings, the removal of democratically-elected mayors and the imposition of a controlled civil administration.

66. His Government had noted that the situation had by no means improved during the past year. In that connection, he referred to the recent military orders on the control of water resources and tree planting, which had adverse effects on the economic conditions of the population, and to the various measures concerning schools. He observed, however, that all those problems were discussed democratically in Israel, whose Government was currently taking action on them. He had just read in the press that an Israeli report on the situation in the West Bank criticized certain police actions and that the Israeli Government had given a severe warning to Jewish officers in the West Bank and Gaza.

67. Certain statements concerning the reasons for the United States presence in Lebanon, as referred to by the representative of the Syrian Arab Republic, had been wrongly attributed to the President of Italy, no doubt as a result of a misunderstanding on the part of a reporter. Those statements had not, in fact, appeared in the end-of-year statement to which reporters had referred. The multinational peacekeeping force, to which the United States, French, United Kingdom and Italian contingents belonged, was a force designed to guarantee the security of the population, including the Palestinians.

68. Mr. BIANCHI (Argentina) observed that the situation in the occupied Arab territories, including Palestine, had deteriorated over the past year. During the last few hours, the world had been astounded at the worsening situation in Lebanon, whose horrors appeared to know no bounds. War was the most serious violation of human rights, and in order to solve human rights problems, it was essential to attack the roots of the conflict. Argentina was convinced that any solution to the Middle East conflict must be based on recognition of the inalienable rights of the Palestinian people, legitimately represented by the PLO. Such a solution could be achieved by putting an end to Israel's occupation of all the Arab and Palestinian territories. The perpetuation of the current situation was an affront to the international community. His country reaffirmed that defence of territorial integrity was one of the basic pillars for the peaceful coexistence of all nations.

69. The illegal presence in the Arab territories, in open defiance of international law and United Nations resolutions, could in no way be legalized by the measures - which his delegation strenuously opposed - adopted by Israel in flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and designed to change the legal status, geographical character and demographic composition of the territories. The artificial introduction of new populations into already inhabited areas was simply a colonialist manoeuvre that was doomed to failure, despite the political aim of strengthening the settlements. Such attempts should be resisted and repudiated by the international community. Mrs. Indira Gandhi had rightly observed that the sufferings of the Palestinian people had been one of the great tragedies of history and that few peoples had been so systematically oppressed and humiliated in their own land. Those words at once brought to mind the Sabra and Chatila massacres, which could never be sufficiently condemned. Those who had illegally occupied the Arab territories and were holding them in their power had a particular responsibility with respect to human rights. No imaginable security reasons could be sufficient to justify the violation of the human rights of the people concerned.

70. Referring to the situation in the city of Jerusalem, which had been occupied and held by unilateral decision, he drew attention to Security Council resolution 476 (1980) concerning that city. The de facto policy with respect to the acquisition of territory had been rejected by the international community as a basis for such acquisition.

71. His delegation unreservedly supported the conclusions of the International Conference on the Question of Palestine, which had been adopted by consensus, and considered it relevant to reiterate the principles set forth therein, namely: recognition of the inalienable right of the Palestinian people to self-determination and independence and to establish their own sovereign State; the right of all States in the region, including Israel, to a peaceful existence within secure and internationally-recognized frontiers; the principle that Israel, as the occupying Power, was not authorized to carry out administrative acts designed to strengthen and perpetuate its presence in, and occupation of, the occupied Arab and Palestinian territories; Israel's withdrawal, in accordance with the relevant Security Council resolutions, from all the Arab and Palestinian territories occupied since 1967, and the establishment of a special status for the city of Jerusalem, in accordance with General Assembly resolution 303 (IV).

72. Mr. COLLIARD (France) said that since the previous session the Commission had made little progress on the item before it. His delegation was fully aware of the legitimate claims of the population of the occupied territories, which were justified in part by the obligations devolving upon the occupying Power under the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

73. Generally speaking, France was concerned about all measures taken by the Israeli authorities which changed the legal status, geographical nature or demographic composition of the occupied territories, or which undermined personal freedom. His Government was particularly concerned about the arbitrary practices of detention, removal from office of democratically-elected mayors, the closure of schools and universities, the demand for a political pledge on the part of teaching staff at universities, and the imposition of collective punishments. His delegation was also concerned about the establishment of a civilian Israeli authority in the occupied Arab territories. It should be noted that military occupation did not give an occupying Power the right to extend its jurisdiction and administration to the territories occupied, since that would amount to annexation, which was contrary to international law.

74. A comprehensive settlement of the Middle East conflict could be achieved only through ensuring justice for the peoples concerned - including the Palestinian people, who should be allowed to exercise their right to self-determination, and through the recognition of secure frontiers for the States in the region, including Israel. In the meantime, the humanitarian aspects of the matter should be tackled in order to alleviate the tragic consequences of the conflict. It was in that spirit that his Government had assisted in an exchange of prisoners between Israel and the PLO, in November 1983. France would continue to give practical expression to its humanitarian sentiments wherever possible.

75. Mr. DOWEK (Observer for Israel), speaking in exercise of the right of reply, said that the word "genocide" had been freely bandied about in the Commission. Indeed, in resolution 1983/3, the Commission had referred to the massacre at the Sabra and Chatila refugee camps as an act of genocide. That such language could be used in a resolution of a United Nations organ seemed to advance Goebbels' theory that the more outrageous the lie, the more chance it had of being believed.

76. The massacres which had taken place and were continuing to take place were a source of shame for mankind as a whole and should be condemned outright. The international community should take effective measures to ensure that such abject crimes were not repeated. With regard to Sabra and Chatila, Israel, despite being only indirectly responsible in that its forces had been present in Lebanon, had appointed a legal commission of inquiry, which had subsequently punished certain senior officials and members of the armed forces for not having anticipated the likely outcome of the inter-community hatred in Lebanon. Certainly no other country in the region would have done likewise.

77. Yet, despite such occurrences, how could the term "genocide" be meaningfully applied to the Palestinian people? Those who used the term in a cavalier manner should consult a dictionary. The truth was that the number of Palestinians was increasing, as was their birth rate, and that their mortality rate was the lowest among the Arab peoples in the region. Far from having suffered genocide, the number of Palestinians had increased from approximately 1 million in 1948 to somewhere between 4 and 7 million by 1983. Of course, no Jew needed to resort to a dictionary to know the true import of the word "genocide". Six million Jews had been led to the slaughterhouse like cattle and had been systematically

exterminated in cold blood simply for having been born Jews. The aim had been to eliminate the entire Jewish race from the face of the earth, a solution which some of Israel's neighbours and a certain terrorist organization would still apply to the Palestinian problem. Yet there should be no misunderstanding: Israel would certainly not endorse such a solution, even if at the end of the day it induced the august Commission on Human Rights to adopt a resolution expressing sympathy for his country.

78. Ms. ABDALLA (Syrian Arab Republic), speaking in exercise of the right of reply, said that the representative of the Zionist entity had spoken on matters which were not before the Commission. Despite his reaction, it was not surprising that the Commission had focused its attention on Israel and South Africa. There were many United Nations resolutions condemning Israel and its flagrant violations of the will of the international community. In fact, almost one third of the resolutions adopted by the Security Council related to Israeli crimes.

79. As recently as 1982, Israel had sent some 120,000 troops, armed with United States weapons, against the Palestinian and Lebanese peoples, of whom some 30,000 had been killed and more than half a million expelled from their homes. The Commission's reaction to those events had been no more than appropriate. It should be noted that Israel would be unable to continue its crimes without the enormous financial assistance provided by the United States and the use of the United States veto in the Security Council. Her delegation could not understand why Israel was rewarded in that way for its occupation of Arab territories. In that connection, it was not surprising that Israel had supported the Camp David accords, since they left part of the occupied territories under Israeli control.

80. Israel maintained its policy of denying the existence of the Palestinian people, in violation of United Nations resolutions and the fourth Geneva Convention. The Israeli policies of death and expulsion were in marked contrast to the quest for peace pursued by the Arab people, supported by the international community. Her delegation wondered why, if the United States Government was genuinely concerned to achieve peace, it did not support the principles set forth in the Geneva Declaration on Palestine. The United States should shoulder its responsibilities and allow the Palestinian people to enjoy their legitimate rights.

81. Mr. RAMLAWI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that in referring to the ILO report on the conditions of the Arab people in the occupied territories, the representative of the Zionist entity had distorted the facts. Israeli practices, in particular the policy of establishing settlements, violated the rights of the Palestinian people. The report indicated that Israel intended to increase the number of Jewish settlers in the West Bank by some 100,000 by 1987, while the number of Jews in Jerusalem would double over the next four years. Approximately 37 per cent of the total area of the West Bank had already been confiscated by the Israeli authorities, including much of the arable land owned by Palestinians. Furthermore, the project to construct a Mediterranean-Dead Sea canal would have major implications for water resources and agricultural land. Resolutions had already been adopted by the General Assembly and Security Council in an endeavour to put an end to the project, but they had been ignored by Israel.

82. Arab workers were discriminated against by the Israelis. They were employed in tasks which endangered their health and which were refused by Israeli workers. There was also wage discrimination against the Arabs, and they received no social benefits even though they paid social security contributions. There was no doubt that the occupation authorities exploited Arab workers, who were forced to work excessive hours. In effect, the Arab inhabitants of the occupied territories were prisoners.

The meeting rose at 6.15 p.m.