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Chairman: Mr. PIZA-ESCALANTE (Costa Rica)

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AGENDA ITEM 55 (continued)

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (A/33/356, A/33/369; A/SPC/33/L.15-17)

Mr. SAYEGH (Kuwait): In his extensive reply to my statement of yesterday, at the end of yesterday's meeting, the Israeli representative made a number of points which I should like to take up one by one.

First, he cast doubt on what I had said regarding the constitutions of the Jewish Agency and the Jewish National Fund, which prohibit those agencies from transferring the ownership of land they hold by whatever means to a non-Jew, from permitting the employment on that land of non-Jews, and from having that land leased to non-Jews.

I have with me the official constitution of the Jewish Agency for Palestine, article 3, paragraph (d) of which states, "Land is to be acquired as Jewish property." That subparagraph goes on to say,

"The title to the lands acquired is to be taken in the name of the Jewish National Fund to the end that the same shall be held as the inalienable property of the Jewish people."

Subparagraph (e) of the same article states:

"The Agency shall promote agricultural colonization based on Jewish labour, and in all works or undertakings carried out or furthered by the Agency it shall be deemed to be a matter of principle that Jewish labour shall be employed."

As to the leases they give to lessees, article 23 of the standard lease of the Jewish National Fund states:

"The lessee undertakes to execute all works connected with the cultivation of the holding only with Jewish labour."

It goes on to state that failure to comply with this duty through the employment of non-Jewish labour shall render the lessee liable to the payment of compensation, and that after three violations the lease shall be abrogated.

The representative of Israel said, "Yes, but the Jewish Agency and the Jewish National Fund do not permit the sale of the land whether to a non-Jew or to a Jew." That is a transparent half-truth. Both the Jewish Agency and the Jewish National Fund permit the long-term leasing of land for 49 years. These leases are renewable for a period of another 49 years. These leases are

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inheritable. These leases are bequeathable. In other words, they are private property in all respects but the technical name. When you can own a lease to the land for 98 years, bequeath it to your children, dispose of it by subleasing it to someone else, or bequeath it to someone else, then you are in effect the holder of everything except the title to the land. The title remains the inalienable property of the Jewish people for ever.

He made his second point when he questioned my statement that public Arab land in the occupied territories, as well as private Arab land, is being seized. He said that that is not Arab land, that is Government land. In a previous statement he called the public land of the West Bank "British Crown property". I submit that this is the logic of colonialism. In the post-colonial era, public property is recognized as the property of the people, not the property of the colonial Power that happened at one time or another to be in control of the territory concerned.

Perhaps the representative of Israel has forgotten that his Government voted in favour of resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources", to which is appended a Declaration, article 1 of which reads as follows:

"The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned."

Article 7 reads as follows:

"Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations." (General Assembly resolution 1803 (XVII))

He still uses the pre-United Nations colonial logic instead of the logic of the post-colonial United Nations period.

We were told yesterday that there were Jewish settlements in the West Bank and Gaza in the seventh century, so why should there not be Jewish settlements there today? There was Palestinian settlement in Israel 30 years ago, and yet by December 1948 Israel was saying that the Palestinians who had left could not return because the clock could not be turned back. The clock could not be turned back seven months, but now it can be turned back 13 centuries.

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We were told yesterday that failure to permit the establishment of Jewish settlements in the occupied territories would mean discrimination against Jews.

I caution the representative of Israel not to cry wolf too often because the currency of anti-Semitism, in which they have traded so profitably for so long, has already been devalued, and further devaluation would make it worthless. Do not call everything you do not agree to anti-Semitism. When we ask you to uphold the law, a law you yourself have subscribed to in general terms, do not say that we are preventing you from being above the law because we are anti-Jewish. If respect for the rights of Jews means enabling Jews alone to be above the law, then I do not have that respect for the rights of Jews - and I am not ashamed to say so, and I am not afraid of being called an anti-Semite for saying so. If, out of fear of being called anti-Semites, we are to submit to making possible anti-Gentilism by Jews, to making it possible for Jews to become above the law, then that is contrary to all the anti-discrimination provisions which this United Nations upholds.

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We are asking the Jews of Israel to abide by the law, and when we do so, we do so not because we refuse to have dealings with Jews, not out of hatred for Jews, as he seeks to allege, but because everybody should be under the law. If the Jew asks that he alone should be above the law, that is anti-Gentilism which is every bit as bad as anti-Semitism.

The representative of Israel took exception to my calling for a pluralistic Palestine. He cannot have it both ways. He cannot say, "we want an exclusively Jewish State in Israel, yet we want to force Jews on the occupied territories in order for them to coexist with the indigenous population". In commenting on his remark about coexistence I said, "let us have coexistence everywhere". If coexistence is as good as he says - and I agree it is - let us have it everywhere. But if the representative of Israel wants to insist on having an exclusive Israel, then he cannot in the name of coexistence justify the infliction of Jewish settlements on the occupied territories because, as I said yesterday, that means subscription to the Dayan formula that Jews and Arabs can coexist happily but only under Jewish rule. In reply to that, the Sayegh formula says that Jews and Arabs can coexist happily when they coexist in equality, and not when they coexist under the rule of either Arab or Jew.

We were told that the establishment of Jewish settlements in the occupied territories is justified in terms of safeguarding Israel's security. I say security is a two-way street. If the Jewish settlements on the West Bank and Gaza safeguard Israel's security, what do they do to the security of the West Bank and Gaza? Or is Israel asking the world to proclaim that only the security of Israel counts, that the security of others is negligible and should not be taken into account?

In conclusion may I give an illustration of how these settlements endanger the security of the occupied territories, which was given in a new Mein Kampf, that of Rabbi Kahane published in the Jewish Press of 3 November 1978, page 55. Rabbi Kahane is unhappy because Begin is ready to arrange for self-rule for the indigenous population of the West Bank. He has published this new Mein Kampf, and I shall read from it. He says:

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"Having officially become a resident of the Jewish settlement of Quiryat Arba overlooking Hebron, my first call will be for a conference of delegates from all the Jewish settlements in the liberated lands that Begin plans to turn over to Arab self-rule, namely, Judaea, Samaria and Gaza. They will elect an administrative council that will constitute itself the official self-government in that area. It will issue the rulings and directives both ignoring any contrary ones emanating from the Arab autonomous council as well as making it clear to the Arab residents of the region that it, the Jewish council, is the official authority in the region."

He goes on to say:

"The Jewish administrative body that governs the liberated lands holds within itself the germ of something even greater. If the Government of Israel refuses to join the liberated lands to it, no one can force it to. But having rejected annexation of Judaea, Samaria and Gaza out of fear of world reaction, there is no legal or moral justification for the State of Israel to prevent individual Jews from making those lands Jewish and declaring them to be a sovereign Jewish State to be known as the State of Judaea".

He concludes:

"As Begin withdraws Israeli authority from the liberated lands, let that vacuum be filled not with the Arab rule that the Prime Minister proposes, but with the Jewish rule that the God of Israel desires".

I know the representative of Israel will say that Meyer Kahane is an extremist, but the history of Zionism shows us that the logic of extremism today is the logic of the mainstream of Zionism tomorrow. As 1977 showed us, the terrorist extremist of one year becomes the Prime Minister of a later year. We will be told that Kahane does not represent a large group, but the first Mein Kampf was under-estimated also, when it was said that Hitler did not command the loyalty of a large group. The Arab world

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and the world at large will ignore the Mein Kampf of Kahane at its peril just as Europe and the world ignored the Mein Kampf of Hitler at their peril. There is today on the horizon, thanks to the Israeli settlements, a cloud the size of the palm of a man's hand. But in a few hours, a cloud that small can become a black sky which will unleash torrents and thunderstorms.