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Assembly's agenda with a view to its taking the necessary stands and measures.

4. The fact is that the United Nations, together with its various agencies, has in recent years always been fully aware of the magnitude of the Israeli scheme, which aims at imposing occupation and at distorting the legal status, the geographical nature and the demographic composition of the occupied Arab territories, and has unequivocally condemned it. The United Nations has unanimously agreed that the fourth Geneva Convention applied to all the occupied Arab territories, and this has been reaffirmed on numerous occasions.

5. The Security Council did not vary in its approach. It has adopted since 1967 numerous resolutions on this issue, all of which were totally ignored by Israel, the last of which was the unanimous statement, adopted by consensus in the Security Council on 11 November 1976.<sup>2</sup> Allow me to cite here some of its paragraphs and provisions since they are fully relevant to the item under consideration.

6. In that statement the Council expressed "its grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of continued Israeli occupation." It reaffirmed "... its call upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the territories and to facilitate the return of those inhabitants...". It then went on to reaffirm the applicability of the "... Geneva Convention relative to the Protection of Civilian Persons in Time of War... to the Arab territories occupied by Israel since 1967".

And it continued:

"Therefore, the occupying Power is called upon once again to comply strictly with the provisions of that Convention and to refrain from any measure that violates them. In this regard the measures taken by Israel in the occupied Arab territories that alter their demographic composition or geographical nature and particularly the establishment of settlements are accordingly strongly deplored. Such measures which have no legal validity and cannot prejudice the outcome of the search for the establishment of peace constitute an obstacle to peace...".

7. I do not wish to omit here the profound concern expressed by the Secretary-General of the United Nations on numerous occasions in respect of the establishment by Israel of settlements in the occupied Arab territories.

*President: Mr. Lazar MOJSOV (Yugoslavia).*

AGENDA ITEM 126

Recent illegal Israeli measures in the occupied Arab territories designed to change the legal status, geographical nature and demographic composition of those territories in contravention of the principles of the Charter of the United Nations, of Israel's international obligations under the fourth Geneva Convention of 1949 and of United Nations resolutions, and obstruction of efforts aimed at achieving a just and lasting peace in the Middle East.

1. The PRESIDENT: Before calling on the first speaker, I should like to propose that the list of speakers for the debate on this item be closed at 6 p.m. today. If I hear no objection I shall take it that the Assembly approves this proposal.

*It was so decided.*

2. Mr. ABDEL MEGUID (Egypt) (*interpretation from Arabic*): Egypt takes a grave view of the recent illegal Israeli measures in the occupied Arab territories designed to change the legal status, geographical nature and demographic composition of those territories in contravention of the principles of the Charter of the United Nations, of Israel's international obligations under the fourth Geneva Convention of 1949<sup>1</sup> and of United Nations resolutions, and obstruction of efforts aimed at achieving a just and lasting peace in the Middle East.

3. In view of this serious situation caused by Israel's further attempts to obstruct the chances of establishing a just and lasting peace in the Middle East, and the urgency and importance of the matter, Egypt has requested the inclusion of an additional priority item on the General

<sup>1</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. For the text, see United Nations, *Treaty Series*, vol. 75 (No. 973), p. 287.

<sup>2</sup> See *Official Records of the Security Council, Thirty-first Year, Supplement for October, November and December 1976*, document S/12233.

8. What were the results of these resolutions, be they of the General Assembly or the Security Council? Israel has blatantly declared its scorn and unwillingness to implement any of these resolutions. It stated, through its Prime Minister and high officials, its determination to continue to pursue these measures in total disregard of the international community or of Israel's international obligations. Israel, moreover, attacks and defies the United Nations, the Organization to which it is indebted for its existence. Today we shall doubtless hear from the Israeli representative even more defiance and mockery of the United Nations. Nevertheless, all of us in this hall and in other forums of the United Nations are fully aware who is right and who is wrong.

9. Mr. Ismail Fahmy, the Minister for Foreign Affairs of Egypt, has previously explained in his statement before this Assembly on 28 September of this year that those Israeli measures can be divided in three sections. He said:

“First, there is an attempt to give legality to the Israeli settlements established on the West Bank . . . .

“Secondly, there are the measures to impose Israeli regulations on the Arab population in the territories occupied since 5 June 1967 under the guise of ensuring equality between the Arab population and citizens of Israel . . . .

“Thirdly, there is the establishment of new Jewish settlements on the West Bank . . . .” [10th meeting, paras. 119-121.]

10. The Foreign Minister of Egypt explained that:

“The latest Israeli measures provide an opportunity for all countries without exception to declare their rejection of those measures and of the arguments adduced to defend them. I should like to refer in particular here to the firm statement made by President Omar Bongo, the current Chairman of the Organization of African Unity, and the official statements issued by the Governments of the Asian and European countries and the countries of North and South America . . . .” [ibid., para. 123.]

11. This hall witnessed as well the denunciations of those Israeli policies made by the various Heads of State. One hundred and thirty-five speakers referred to this issue in the general debate in the General Assembly—135 out of a total of 140 speakers—and, whether they were heads of State or heads of Government or Foreign Ministers or heads of delegations they were unanimous in their denunciation of the Israeli policies in the occupied Arab territories. Perhaps this is the most eloquent refutation of the allegations that have been and will be made by the Israeli representative to the effect that the condemnation of his country was limited to 40 delegations. These figures are an eloquent indication of the baselessness of Israeli allegations and the extent of Israel's isolation from the international community.

12. The audacity of the Israeli Foreign Minister has reached the extent that he declares in this hall that the fourth Geneva Convention and even international law do not apply to the occupied Arab territories. He added that

even should they apply, “those rules contain no restrictions on the freedom of persons”—and he means of course the Israelis—“to take up residence in the area involved” [27th meeting, para. 201]. He also claimed that “not a single Arab resident of Judaea and Samaria has been made homeless as a result of the establishment” of Israeli settlements, which he describes as “peaceful villages” [ibid.] He added that “it is unacceptable to us that Jews should be prohibited from living in any part of their ancestral land” [ibid.]

13. The Israeli policy of expelling Arab citizens is well known, and up to now Israel refuses to allow the inhabitants who are dispersed as a result of the 1967 aggression to return to their homes, in spite of Security Council resolution 237 (1967), which was explicit in this respect. Every day stands witness to this increased expulsion of Arab inhabitants, the seizure of their property and the introduction of Israeli immigrants to replace the Arab citizens. And after all this, the Foreign Minister of Israel claims that not even one Arab has lost his home.

14. The Herut Party, which is led by the present Prime Minister of Israel, has continued since 1948 to the present to call for the establishment of full Israeli sovereignty over Palestine, including Transjordan through the use of force. It is noteworthy that the emblem of the Herut Party is a map which shows both banks of the River Jordan linked together by a rifle, with a caption which states, “This is the only way.”

15. The concepts of the Israeli leaders have been exposed to the world. The Foreign Minister feels no shame when he declares that the occupied territories are liberated territories. All this is rejected by us both in content and in form. It is in complete contravention of the principles of international law, the Charter and resolutions of the United Nations.

16. The plan of setting up Israeli settlements commenced immediately in the aftermath of the 1967 war. The number of settlements up to the present has reached about 90, 25 of which are on the Golan Heights, 22 in the Gaza Strip and Sinai and 36 on the West Bank, in addition to dozens of settlements which were recently planned for the occupied Arab territories, including Arab Jerusalem, in which tens of thousands of immigrants and people attracted to Israel were settled following the destruction by the Israeli authorities of dozens of Arab homes in the city, the expulsion of their inhabitants and their replacement by Israeli citizens.

17. The matter was not limited to establishing settlements but went beyond this to setting up entire cities such as what is referred to as the city of Yamit in occupied Sinai. The Israeli Ministry of Housing this very month declared that it has plans for a population of 100,000 Israelis in the city of Yamit. The Director General of the Israeli Ministry of Housing, who accompanied the Prime Minister of Israel in visiting the current construction in Yamit, said that there is an immediate plan to increase the Israeli citizens in that city to 30,000 people. The main protagonist for setting up this Israeli city inside Egyptian territory is General Dayan, who mentioned before the October 1973 war that he is the initiator of such a scheme so that it may become one of the

factors which would enable Israel to extend its borders westwards. He said:

“Boundaries are not delimited on maps, rather they are drawn through establishing settlements. Therefore the city of Yamit must be established, and this is not the time to abandon the Zionist banner”.

18. Israel establishes cities and settlements one after another in total disregard of world public opinion and in defiance of this public opinion to the extent that a number of Israelis themselves have become aware of the danger of such an expansionist policy, and they accuse their Government of annexing Egyptian territory; they held a large demonstration against this attitude.

19. The *New Outlook*, an Israeli magazine, in its December 1975 issue, has exposed the premeditated disregard and contempt the Israeli authorities showed when they planned to set up this Israeli city inside Egyptian territory. The magazine mentioned that Israeli bulldozers have obliterated large cemeteries in that area. The statement of General Dayan after such an act was that the matter was restricted to the temporary destruction of a children's cemetery. The magazine rightly found this statement strange even if it were true, adding that the facts differed entirely from what the General said, since the destruction of the cemeteries was something that the Israeli authorities had promised not to do but in spite of these promises they dispatched Israeli bulldozers to obliterate the cemeteries.

20. After all this, the Israeli authorities have claimed that the inhabitants of the region are greatly pleased with Israeli rule and fully support Israeli projects. The audacity of the Israeli military governor of Gaza was such that he proclaimed 27 July 1977 as Rafah Day and said the celebration was attended by Arab notables. But the Israeli newspaper, *Yediot Aharonot* explained in its issue of 28 July the events on that occasion. It said that the celebration was limited to four Arab prisoners who were dragged from prison to attend it.

21. More dangerous is the fact that the cities and settlements set up by Israel in occupied Sinai will be occupied, as mentioned by the Israeli newspapers, by immigrants coming from South Africa, for the racist régime in Israel is determined to sow the seeds of racial discrimination—the same seeds sown by the authorities of South Africa—in the occupied Arab territories. The Bureau for Marketing Israeli Citrus Produce has declared that it will set up a citrus factory in Yamit in conjunction with South Africa. We are all aware of the strong links between the two racist régimes, a matter that is not even concealed by the two countries but is rather one in which they take pride.

22. There are even more plans for setting up cities on the Golan Heights, including what is called the Katzrin city. The head of the Jewish Agency announced the establishment of that city in the midst of the Golan Heights, to cater for a population of 20,000.

23. The effect on the inhabitants of the occupied Arab territories of the setting up of these settlements was serious. Mr. Ammon Kapeliouk, the author of the book *La fin des*

*mythes*,<sup>3</sup> has described what happened regarding the city of Yamit. Mr. Kapeliouk explains how the Israeli soldiers expelled 10,000 peasants, destroyed their homes, levelling them with bulldozers, and destroyed their harvests and their wells.

24. Mr. T. D. Alman, who is an American professor and head of urban research at the University of California, gives us another description of what took place in yet another area in the occupied territories, the West Bank, when he relates the fate of two Arab villages, Tel El Beida and Al Baidlah, next to which a number of Israeli settlements were established. The Israelis prevented the inhabitants of those two villages from making use of the wells or from drilling new wells. They allowed themselves the right to drill wells but they refused even to sell water to the Arab inhabitants. Mr. Alman reported that 1,000 Palestinian families from both villages are allowed a limit of only 270 cubic metres of water per hour although the 30 Israeli families in the Maydah settlement consume 1,500 cubic metres per hour. Furthermore, while the expansion of these settlements is being completed, the neighbouring Arab villages will have no water whatsoever. Mr. Alman says that this is not an isolated incident, but rather a part of an integral policy through which Arab peasants are expelled forcibly from their farms, and their lands are expropriated to benefit Israeli citizens. When there are not enough Israelis to exploit the expropriated areas the fields are sprayed with chemicals so as to prevent their cultivation by the arabs.

25. Please observe the picture Mr. Alman presents in his article. It needs no elaboration, for it illustrates the fact that, while the inhabitants of the Israeli settlement swim in two swimming pools, the inhabitants of Tel El Beida village have to fetch water from afar. The Egyptian delegation is ready to circulate this article to anyone who wishes to read it.

26. The *U.S. News & World Report* mentioned on 17 October—that is, a few weeks ago—another bleak picture of the Israeli mentality and its expansionist tendencies. One of the leaders of the Israeli settlements on the West Bank named Yateer mentioned the attitude of the Israeli settlers vis-à-vis the Arab inhabitants whose land was usurped. He said:

“We shall hit them where it hurts. We shall set up fences around their land. We shall prevent them from leading their cattle to pasture. We shall deprive them of their means of livelihood and through this we hope that they will leave the area. We shall shoot any arab who interferes with our expansionist plans.”

27. On 25 July the *U.S. News & World Report* said that the Israeli authorities had destroyed up to that time 18,000 Arab homes in order to set up houses for Israeli settlers.

28. The Israeli authorities spare no efforts to set up such settlements without any public statements or propaganda for fear of international reaction, to the extent that Israeli Galili, the previous head of the ministerial committee on settlements, has advised Israeli journalists not to publicize

<sup>3</sup> Ammon Kapeliouk, *Israël, la fin des mythes* (Paris, Editions Albin Michel, 1975).

the establishment of such settlements. He said. "The more information that is published on Israeli settlements the more foreign interference will take place."

29. General Sharon, the successor of Israel Galili in the post, has followed this advice to the letter, but he was even more defiant than his predecessor. Last month he called for the total disregard of world public opinion regarding the establishment of such Israeli settlements. Sharon related in an interview on 9 September 1977 how the British Embassy in Tel Aviv contacted him at the urgent request of the Foreign Ministry in London to learn if it was true that Israel has set up a new colony close to the arab city of Janeen on the West Bank. Sharon scornfully replied that that was none of the business of the British. This is but one example of the mentality which rules in Israel today.

30. Sharon has announced a new scheme for Israeli settlements, a scheme which is based on establishing Israeli settlements which would surround Arab population centres in order to prevent their expansion and to cut their links with one another, a scheme which will allow the setting up of new Israeli settlements at the level of municipalities to be surrounded by a network of colonies, three of which will be sited in the Jerusalem region since the former Israeli Defence Minister declared that the city must be encircled by a series of Israeli settlements. The same scheme provides for a swift route in the Jordan valley between Tel Aviv and the Jordan River on the banks of which Israeli settlements and large industries will be placed so as to serve as a barrier to traffic between both sides of the river. In addition to this highway, Sharon, who is the head of the ministerial committee on settlements, calls in his plan for setting up a number of routes lengthwise on the West Bank. Generally the Sharon plan calls for the settlement of 2 million Israelis in the settlements scheduled for the occupied Territories from Golan to Sinai.

31. The Israeli ministerial committee on settlements announced on 12 October that it had decided to allocate tens of millions of Israeli pounds to set up new Israeli settlements on the West Bank, Gaza, Sinai and Golan this year.

32. It is noteworthy that the first action taken by the new Israeli Prime Minister was to visit the Israeli settlements on the West Bank, where he literally declared on 18 May last:

"We are now standing on liberated Israeli land, land which was settled and developed, and there will be numerous other settlements and colonies in this region."

33. It is well known that the present Israeli Government does all it can to encourage Israeli colonization in the occupied territories, abetted by the extremist movements which publicly call for the expulsion of arab inhabitants, movements such as the Gush Emunim movement. That is the group which believes that Israelis have a sacred right to what they call "all the land of Israel." According to them, when sooner or later, this will come to be accepted as a fact, the Arab problem will become an insignificant one.

34. We Arabs ask the following question; Is that what the Foreign Minister of Israel means by coexistence between Jews and Arabs in the occupied territories, as claimed in his statement before the General Assembly?

35. The best description of the policy of Israeli settlements has come from Israel itself. The Government newspaper, the *Jerusalem Post*, commented on this policy on 26 September last as follows:

"All Israeli Governments have called for and proposed negotiations and were determined to enter negotiations with no preconditions. Nevertheless, there are 77 preconditions, that is, the settlements on the Golan Heights, in the Jordan Valley, the Gaza Strip and elsewhere."

36. If we apply the provisions of international law to those Israeli expansionist measures we shall find that the law is explicit and unequivocal. For example, article 46 of The Hague Convention of 1907 respecting the Laws and Customs of War on Land reads as follows:

"Family honor and rights, the lives of persons and private property, as well as religious convictions and practice, must be respected.

"Private property cannot be confiscated."<sup>4</sup>

37. We are all aware of the expropriations by the Israeli authorities of the property, land and homes of tens of thousands of Arab inhabitants. Even if the Israeli authorities present the argument that the settlements which it has set up are the property not of individuals but rather of the State, the provisions of The Hague Convention are clear on that point as well, since we read in article 55 the following:

"The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct."<sup>5</sup>

38. It is clear that the expropriation of public land on the pretext of setting up Israeli settlements is groundless and is not consistent with Israel's international obligations.

39. Turning to the fourth Geneva Convention of 1949, to which Israel is a party, we find that the Israeli Government has refused to apply that Convention to the occupied territories, even though the provisions of the Convention are clear and explicit. Article 49 stipulates the following:

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country occupied or not, are prohibited regardless of their motive.

...

"The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."<sup>6</sup>

<sup>4</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 123.

<sup>5</sup> *Ibid.*, p. 126.

<sup>6</sup> See United Nations, *Treaty Series*, vol. 75 (No. 973), p. 318.

40. I need not refer to the fact that the actions of the Israeli occupying authorities conform neither to the spirit nor to the letter of that Convention. In addition to the plunder and pillage of the economic resources of the occupied territories, especially with respect to oil in the Sinai, those actions are in total contravention of The Hague Convention, which prohibits the drilling and prospecting for oil in occupied territories. Despite its provisions, the Israeli authorities continue their activities in this respect.

41. With respect to the second part of the Israeli measures in the occupied territories, that is, the application of Israeli laws and regulations to Arab inhabitants, this was concealed behind a "humanitarian" facade, the argument being that the Israeli authorities were extending services enjoyed by the Israelis to the Arab inhabitants. Those are fraudulent arguments. If they were true and if we wanted to consider them for the sake of argument, we would ask: where was the conscience of the Israeli authorities throughout the past 10 years of occupation? Did that conscience come to life suddenly? Did Israel become convinced of the need for equality and the preservation of Arab rights? If the Israeli Government has been serious in making such a claim, it would have allowed the Arab inhabitants to obtain the most fundamental of all rights, the right to return to their land and to determine their own destiny.

42. But it is clear that the objective of the Israeli authorities is expansion and annexation of those territories under the pretext of applying Israeli laws. Our past experience is still fresh in our minds. In 1948 the Israeli authorities promulgated certain extraordinary and emergency laws which were compiled in 1950 in what is called the Absentees' Property Law,<sup>7</sup> under which Israel expropriated the property of the Arab refugees who were expelled from their homes by the Israelis. There were the special emergency laws of 1949, which were called emergency regulations and which were applied to the cultivation of wasteland. Under those regulations Arab citizens were prevented from farming their own land, after which they were expelled. The Israeli Government claimed that land to be wasteland that was not being developed.

43. The same type of activity takes place in the occupied territories. Arab citizens are expelled from their land and property, which are then seized by the authorities and handed over to Israeli settlers on the pretext that it belonged to no one.

44. Israeli newspapers state that the Israeli Government does not have enough funds to finance what it calls Israeli services in the occupied territories. Therefore, there is no alternative but to continue draining the Arab inhabitants of those areas through the forcible levying of Israeli taxes, in addition to the sales tax, the revenue from which accrues to the Israeli treasury and is not spent on the citizens of the occupied territories. The Israeli authorities have considerably increased trade and industrial taxes on the Arab citizens, and of course the revenue flows into the Israeli treasury. The Israeli Finance Minister, when visiting Gaza on 17 August last, after the declaration of the Israeli Government that in all probability the authorities would

increase their taxes on the citizens of the Gaza Strip, totally rejected the demands and requests that were put forward by the representatives of the Strip to abolish the sales tax.

45. Allow me to quote from the telegram dispatched by Rashid al Shawa, the Mayor of Gaza, addressed to President Carter in August last regarding the latest Israeli measures. This is a refutation of Israeli claims which maintain that its decision is based only on humanitarian considerations. The telegram reads:

"The municipality of Gaza does not accept the decision of the Israeli Government to extend social services in the occupied territories under the pretext that they are similar to Israeli services elsewhere. The municipality considers that this decision is an encroachment on the rights of the Arab Palestinian people, a defiance of world public opinion and an attempt to announce the annexation of occupied territories.

"We reject this resolution and we protest this declaration on the part of the Israeli Prime Minister, and we call for the application of international covenants and the Geneva Convention which govern the affairs of citizens of occupied territories and ensures them a humanitarian way of life—a life of which we have been deprived during the 10 years of occupation. We call upon the United States of America, through its President and Government, to rise up to its historic responsibility, to exert pressure on Israel to withdraw from the occupied territories and to seek a just and lasting peace in the region.

"The municipality declared a two-hour strike on the morning of Wednesday, 17 August, in protest of the decision of the Israeli Government."

46. These are but mere examples of the Israeli contraventions of international law. Many of these Israeli measures were fully covered in the reports of the three-man commission appointed by the General Assembly to investigate Israeli policies in the occupied territories.<sup>8</sup> They were also recorded in the international press, and in the associations and international institutions which work in the field of human rights and international law.

47. It is crystal-clear today that the recent Israeli measures—be they the expropriation of land and property, the depletion of economic resources, the establishment of settlements, the expulsion of Arab citizens, or the application of Israeli laws and regulations—aim at but one goal: that is the consecration of the Israeli occupation of these areas as a preliminary step to their annexation to Israel, and the destruction of all chances for peace in the area. For if Israel were truly serious in its claim that it works for peace, it would not have undertaken such measures. How can Israel imagine it can convince the Arabs of its desire for peace at a time when it increases every day its efforts to consolidate its occupation?

48. I declare here that the Arab people will never accept, under any circumstances, the policies of Israeli occupation and annexation. I reiterate: the Arab people will never

<sup>7</sup> See *Fundamental Laws of the State of Israel*, Joseph Badi, ed. (New York, Twayne Publishers, 1961), p. 129.

<sup>8</sup> Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.



accept, under any circumstances, the policies of Israeli occupation and annexation. This Israeli policy, which we place before you today, constitutes a serious threat to all peace efforts and to the opportunities for establishing peace. It requires a strong response from the international community, represented by the General Assembly, in order to confront the Israeli challenge to international legitimacy, international law and the principles and foundation of civilization.

49. Allow me to introduce draft resolution A/32/L.3 and Add.1 and 2.

50. It is natural that the draft resolution should commence in the second paragraph of its preamble by expressing "grave anxiety and concern" on the part of the General Assembly

"... over the present serious situation in the occupied Arab territories as a result of the continued Israeli occupation and the measures and actions taken by the Government of Israel as the occupying power and designed to change the legal status, geographical nature and demographic composition of those territories".

51. After this, in the third preambular paragraph, the draft resolution goes on to consider "that the Geneva Convention relative to the Protection of Civilian Persons in Time of War... is applicable to all the Arab territories occupied since 5 June 1967"—a stand that was previously endorsed by the General Assembly on numerous occasions. Nevertheless, the sponsors wish to reaffirm this stand so as to remove any ambiguity, especially after the declaration of the Foreign Minister of Israel regarding the non-recognition by Israel of the applicability of this Convention to the occupied territories.

52. In operative paragraph 1 the draft resolution:

*"Determines* that all such measures and actions taken by Israel... have no legal validity and constitute a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East".

53. It was natural that, in operative paragraph 2, it should strongly deplore "... the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the occupied Arab territories".

54. It also, in operative paragraph 3:

*"Calls upon* Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949",

and in operative paragraph 4 it of course:

*"Calls once more upon* the Government of Israel as the occupying Power to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem".

55. The draft resolution in operative paragraph 5 goes on to urge

"... all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem".

That is a normal procedure if we wish to implement our international covenants.

56. The draft resolution in operative paragraph 6:

*"Requests* the Secretary-General:

*"(a)* To undertake urgent contacts with the Government of Israel to ensure the prompt implementation of the present resolution;

*"(b)* To submit a report to the General Assembly and the Security Council... on the results of his contacts".

I should like here to point out that the original draft resolution requested the Secretary-General to submit his report not later than 15 November 1977. However, some members pointed out that the time allowed to submit such a report was not sufficient. Therefore, the sponsors of the draft resolution have agreed to change the time-limit to read "not later than 31 December 1977", and we wish to make this correction.

57. In operative paragraph 7 the draft resolution:

*"Requests* the Security Council to review the situation in the light of the present resolution and of the report of the Secretary-General"

because the Council previously dealt with this situation and should continue to follow developments because of the harmful impact of this situation on peace and security in the area.

58. That concludes my introduction of the draft resolution, which, we trust, will receive the unanimous approval of the General Assembly. We hope that the United Nations will once more enshrine international legitimacy as the basis of any just and lasting peace in any part of the world.

59. Mr. HERZOG (Israel): The item under discussion is typical of a new and frightening phenomenon of the conduct of international relations by means of the use of slogans and code words. A stereotypic slogan is uttered by a leader of prominence in the world to the effect that Israeli settlement in the territories administered by Israel is illegal and an obstacle to peace. The cry is then taken up by representative after representative, many of whom have no knowledge, as they freely admit to us, of the facts on the ground. They then echo parrot-like this *cliché* without even pausing for one moment to ascertain the facts. Now, I am not asking the representatives to agree with us in advance, but I am asking them to move away from this superficial approach to international affairs and at least to study the issue and to approach the subject after having given due thought and mature consideration to the facts on both sides.

60. To associate reference to the settlements with a *cliché* alleging an obstacle to peace is no more valid than it is to invoke automatic associations with such well used *clichés* as "imperialist aggressors", "Western decadence", "inalienable rights", "hegemonistic super-Power", and the like.

61. The purpose of the barrage of attacks to be levelled at Israel in this Assembly is a twofold one. It is part of an all-out attack on the State of Israel as a whole and an attempt to create the false impression that there exists an atmosphere of incipient revolt on the West Bank and in Gaza. Those who are inclined to believe the falsifications served up here in support of this thesis are reminded that ours is a free and open society which all members may visit at will to investigate conditions for themselves. Those who have already availed themselves of this opportunity have found, not a state of tension and revolt, but an atmosphere of coexistence and co-operation in an environment of growing prosperity. We do not claim that West Bank Arabs are the staunchest supporters of Israel. Indeed, I would say that their loyalties are very divided. But until a peaceful solution is found to the problems of our area, they are living together side by side with the Israelis in an atmosphere of daily coexistence, as any visitor to the territories concerned can see for himself or herself.

62. What are we discussing here today? I propose to deal in detail with every aspect of the subject. But let me say very simply at the outset that we are discussing moves by the Government of Israel which have not displaced one single individual, which have not removed one single Arab from his property and which have not cost one single life. None the less, the General Assembly, the Security Council, the Special Political Committee and the Second Committee are all seized of this problem within the span of a few days—all this while we have heard in the general debate many of the problems which are plaguing the world today and costing precious lives in the tens of thousands. Not one of them will be dealt with in this Assembly.

63. This Assembly in plenary meeting has not had the time this week, because the Arab representatives were apparently unwilling to forgo or postpone this debate, to discuss the scourge of terror which is threatening innocent men, women and children throughout the world. It has not had the time to discuss the wave of international terror which has spread throughout this world by terrorist organizations such as the Palestine Liberation Organization [*PLO*] and their trainees in such organizations as Baader-Meinhof in Germany and the Red Army in Japan financed by such countries as Libya. The subject has been relegated to the Special Political Committee. But there is time in the plenary meetings, of the Assembly and in the meetings of the Security Council, not to mention those of other forums, to engage in this irrational hate-ridden obsession with Israel.

64. This Assembly will not have the time in its plenary meetings to discuss the invasion of an independent black African country, namely, Ethiopia, by the invading forces of the Somali-Arab State coalition with the resulting loss of thousands of innocent lives. This Assembly will not have time in which to discuss the alarming revelation made by the Deputy Foreign Minister of Oman that the incursion of South Yemen—supported terrorists has created a problem of half a million refugees. Nobody even bothered to pay attention to this frightening revelation.

65. This Assembly will not have the time to discuss in its plenary meetings the bloodshed in the Algeria-Mauritania-Morocco conflict over Western Sahara. This Assembly will not have the time in its plenary meetings to discuss the complaint of Chad which was voiced here about the Libyan annexation of a part its territory, an annexation justified, mark you, by invoking, of all things, the Mussolini-Laval pact of 1935.

66. I could go on citing all the terrible massacres and atrocities which are occurring throughout the world, none of which will be dealt with by this Assembly. For this there is no time. There is time to deal with one issue in one forum after another which, I repeat—whatever your views as to the policy of our Government—has not cost one single life, has not displaced one single individual and has not removed one person from his land. The tragedy is not that there is no time to deal with other problems because of the overriding obsession with Israel, but that there are countries here that know better but that did not have the courage to disassociate themselves from this sickening process which is turning this Organization, as a former representative of the United States of America pointed out, into a theatre of the absurd. And let me say at this point how refreshing it was to hear the Foreign Minister of Canada in the general debate [*6th meeting*] take up this theme and implicitly endorse this view.

67. A draft resolution has been presented to this Assembly [*A/32/L.3 and Add.1 and 2*] with a title, believe it or not, nine lines long. This draft resolution already in its title prejudices the issue. It flatly asserts that Israel's measures are "illegal"; that they are "designed to change" fundamental matters in the territories: that they are "in contravention of" the principles of the United Nations Charter, and so forth; and that they are an "obstruction" in the way of peace efforts.

68. Some representatives here may not be aware of the principles of justice which are essential to the system of government to which we in Israel subscribe, namely, that a party is innocent until it is proved guilty. Certainly a large number of the sponsors of the resolution are doubtless unaware of this elementary principle.

69. However, it should be unnecessary to remind those delegations which represent régimes with independent judiciaries of the strange development whereby this Assembly has, in recent years, taken upon itself to be prosecutor, judge and jury all in one.

70. This draft resolution has been submitted with great fanfare by the Foreign Minister of Egypt in a speech to this General Assembly. If ever there was a case of bare-faced hypocrisy, it is this case of an Egyptian complaint about Israel practices in the territories administered by Israel. These territories have a history, and I shall go into it. But they have a very recent history too. From 1948 until 1967 the Gaza Strip was administered by Egypt, and Judaea and Samaria, two of the districts in the West Bank, by Jordan.

71. For 19 years, from 1948 to 1967, Israel was not building settlements; for 19 years Israel was not in the territories at all; for 19 years Egypt and Jordan had it in their power to do everything that they demand of us today.

They did not do it. It is only fitting, therefore, before examining Israel's action in the territories, to cast a brief glance over the record and credentials of our accusers in those same territories.

72. There is a maxim in English law that "he who comes to court must come with clean hands." For 19 years Egypt oppressed the people of Gaza, keeping them virtual prisoners in their refugee camps, submitting them to every form of human disability and denying them the most elemental freedoms and human rights. One of the first decrees of the Egyptian military governor of Gaza was the imposition of a curfew from 9 p.m. to dawn. That curfew lasted for 19 years, and violators were put to death. Highways were closed to all but military traffic after dusk. A strict censorship was imposed. Locally published newspapers were prohibited.

73. For 19 years under the Egyptians no elections were held. The Governor was executive, legislature and judiciary all in one and his decree was final. Gaza residents were not allowed to work in Egypt, and they were denied Egyptian citizenship. In October 1961, Radio Damascus accused Egypt of "exercising tyranny in the Strip", and the Jordanian newspaper *Falastin* described "the disgrace of living under Egyptian domination in the Strip". From Saudi Arabia, Jeddah Radio, on 10 March 1962, broadcast the following condemnation:

"We are aware of the laws which prohibit all Palestinians from working in Egypt with or without pay, a condition which is stamped on the passport of every Arab who enters Cairo. On this occasion we would like to ask Cairo what is this Iron Curtain which Abdul Nasser and his cohorts have lowered around Gaza and the refugees there? The military Governor in Gaza has prohibited any Arab from travelling to Cairo by air without a military permit which is valid for 24 hours. Imagine, Arabs, how Nasser, who claims to be the pioneer of Arab nationalism, treats the Arab people of Gaza, Gaza and its miserable people who starve while the Egyptian Governor of Gaza and his officers and soldiers bask in the wealth of the Strip. These are the very methods which the dictator Hitler used in the countries that he occupied during the world war."

74. That is the country that is now self-righteously condemning Israel for its actions in the administered territories. Egypt has the effrontery to accuse Israel: with what credentials? Look at what is happening in Egypt to the ancient Coptic community there. The discrimination against an ancient Christian group, which numbers in the region of 7 million in Egypt today, is discrimination before the law, discrimination in employment and discrimination in education. Although the Copts number a sixth and more of Egypt's total population, they have been virtually eliminated from all prominent positions in public and official life, in governmental posts, in the diplomatic corps, in the universities, in administration, in the army and in the police. And yet Egypt has the audacity to come to this Assembly and arraign Israel's policies in the territories.

75. Let us go further. The Egyptian draft resolution alleges that Israeli policies in the territories are a special obstruction of efforts aimed at achieving peace in the

Middle East. But what, one might ask, has been Egypt's contribution to peace in the Middle East in the past 30 years?

76. The territorial situation in our region today is a product, a direct product, of three wars of aggression launched by Egypt against Israel: one in 1948, one in 1967 and one in 1973. From 1948 onwards, Egypt systematically violated its international obligations by closing the Suez Canal to vessels destined for Israel, and by blockading the Straits of Tiran, another international waterway. The results of the Six-Day War and the Yom Kippur War of 1973 are well known to you all.

77. On 1 September 1975, two years ago, Egypt signed an interim agreement with Israel calling, *inter alia*, for a reduction in political warfare against Israel. Since that date Egypt has been in the forefront of those waging political warfare against Israel. The recent address of the Foreign Minister of Egypt to this Assembly [10th meeting] and this present debate are yet further examples of the flagrant violation by Egypt of international obligations to which it solemnly subscribed but two years ago.

78. Is this, then, the face of a State which has made its due contribution to peace in the Middle East? This is the face of a State which is shameless in its hypocrisy and which should be the very last to argue that Israel has placed obstacles in the way of peace in the Middle East.

79. The Jordanian record on the West Bank is no better than that of Egypt in Gaza. During 19 years of Jordanian occupation, thousands of West Bank residents were arrested, prominent local leaders were gaoled, political activity was curbed, and the Jordanian army brutally suppressed the riots which broke out every few months, killing and wounding hundreds of West Bank Arabs.

80. Not content to bar Jews completely from the Old City of Jerusalem, from their Holy Places and from the Hebrew University and the Hadassah Hospital, the Jordanian Government embarked on a deliberate campaign of systematic destruction and desecration, laying waste to the Jewish quarter in the Old City of Jerusalem, tearing up 38,000 of the 50,000 tombstones in the ancient Jewish cemetery on the Mount of Olives, plundering and burning hundreds of holy scrolls and books, and leaving 58 synagogues destroyed or converted into stables, hen-houses and public latrines. In 1958 and 1965, Christian clergymen and schools were subjected to a maze of discriminatory legislation passed by the Amman Parliament.

81. As a group of West Bank Arabs told the Beirut daily *Al-Hawadith* on 23 April 1971,

"We have lived a long period under the humiliation of Arab nationalism, and it pains us to say that we had to wait for the Israeli conquest in order to become aware of human relationship with citizens."

82. In contrast to the severe restrictions of Egyptian and Jordanian rule, today there is no curfew in the administered areas. Arab students from the territories are permitted to continue their studies at universities in Cairo, Amman and Damascus, and Israel each year facilitates the pilgrimage to Mecca of thousands of residents of the territories.



83. The gross national product in the West Bank and Gaza has risen by an annual average of 18 per cent since 1967; *per capita* income has increased by 80 per cent in the West Bank and by 120 per cent in Gaza; private consumption in both areas has risen by 11 per cent per annum, and unemployment has dropped to almost zero. Indeed, the economic growth rate of the two areas in the Middle East is higher than those of Israel, Egypt, Jordan, Syria, Iraq and Lebanon. The education budget is 10 times larger than it was under the Egyptian and Jordanian administrations, and the health budget has increased twentyfold in the West Bank and thirtyfold in Gaza. And this trend is borne out by the Secretary-General's report to the General Assembly dated 11 October 1977, on agenda item 12. In describing Gaza under Egyptian rule, the Secretary-General's report states:

"Unemployment and underemployment were high. There was no customs union with Egypt and custom rates were much lower than in Egypt. A large entrepôt and smuggling trade developed...". [see A/32/204, para. 198.]

After the 1967 war, "the lucrative smuggling trade with Egypt came to an end... unemployment by 1974-1975 was less than 1 per cent... trade... has grown markedly in current prices..." [*ibid.*, paras. 199, 201-202].

84. The Arabs in the territories administered by Israel enjoy freedom of speech, freedom of press and freedom of movement. They enjoy complete freedom of cultural and religious expression, and indeed the Holy Places, for example, are autonomously administered by each faith. The administered areas are the only places in the entire Arab world in which the Arab population is free to express its opinion against the Government of the country in which it lives.

85. It is against this background of prosperity, co-operation and scrupulous respect for freedoms and human rights that Israel's establishment of settlements must now be considered.

86. The ancient historic and religious rights of the Jewish people in the Holy Land, in which the Jewish people have maintained a constant unbroken presence for thousands of years and which has been consecrated by thousands of years of religious, national, political and historic experience, was confirmed by the League of Nations after the First World War. The re-establishment of a Jewish homeland in Palestine, which included the area that is today the Kingdom of Jordan, Israel, the West Bank and Gaza, was welcomed by, among others, the leaders of the Arab resurgence, who recognized that there was room for one small Jewish State within a total area of 4.5 million square miles, in which the Arab nation realized its sovereignty in 20 Arab States.

87. In 1947 the General Assembly of the United Nations, in an historic act, confirmed to the Jewish people its historic right to be a State of its own in its ancient homeland. The Arab nations rejected the United Nations resolution out of hand. On 15 May 1948, with the conclusion of the British Mandate, seven Arab armies invaded Palestine with the avowed purpose of destroying

the resolution and the State of Israel in its infancy. Those Arab military operations were condemned and were described in the Security Council by the then Soviet representative to the United Nations, Mr. Andrei Gromyko, as being "aimed at the suppression of a national liberation movement".

88. A small Jewish community, outnumbered and outgunned, fought back desperately and successfully, losing 1 per cent of its population in the process, and the State of Israel was established.

89. The Arab armies, including the Transjordanian Legion, invaded the territory of what was Palestine in 1948 in open and flagrant violation of the United Nations Charter. That invasion was, as is common knowledge, carried out with the avowed purpose of destroying the State of Israel. I quote Mr. Tarasenko, of the Ukrainian Soviet Socialist Republic, when he spoke in the Security Council on 27 May 1948, during the Arab invasion:

"... an armed struggle is taking place in Palestine as a result of the unlawful invasion by a number of States of the territory of Palestine, which does not form part of the territory of any of the States whose armed forces have invaded it."<sup>9</sup>

90. Because of the aggressive character of their invasion of Palestine, which was emphasized in the Security Council deliberations conducted during the months of May and June 1948 by the majority of its members, led by the Soviet Union and the United States, the invading States could not acquire rights of sovereignty over the territories they occupied. The United States representative, Senator Warren Austin termed the Jordanian invasion of Judaea and Samaria "the highest type of the international violation of the law".

91. The rights of the invading States in the territories of the former Palestine Mandate occupied by them were therefore at the most the rights of an occupant without any authority unilaterally to annex the occupied territory.

92. Jordan's unilateral "annexation" of Judaea and Samaria in 1950 therefore had no basis or validity in international law. The Jordanian "annexation" never received any international acknowledgement. Only Britain, which at that time was the real power behind Abdullah's Jordan, and Pakistan granted recognition to this Jordanian measure; Britain excluded East Jerusalem from this recognition. Even the members of the League of Arab States threatened Jordan with expulsion from their ranks because of that "annexation".

93. In 1967 Israel was again the victim of aggression when President Nasser with great fanfare moved his armies into Sinai and in an atmosphere of Arab frenzy and hysteria undertook publicly to annihilate Israel. He closed the Straits of Tiran, peremptorily ordered the United Nations forces out of Sinai and Gaza, and gathered around Israel an international Arab army bent on the destruction of our country—as he put it in Arabic, "*El-Kadaa a la Israel*"—the

<sup>9</sup> See *Official Records of the Security Council, Third Year, No. 75, 306th meeting, p. 7.*

total annihilation of our people—men, women and children. If requested, I am prepared to make available the actual recordings of the Arab threats at the time. Our advice to Jordan to keep out of the war, which was transmitted to King Hussein through the good offices of General Odd Bull of the United Nations, was ignored by the King, who launched a military attack on Jerusalem along the Israeli border, indiscriminately bombing, shelling and attacking Israeli towns and villages, including the Holy City of Jerusalem. A Jordanian shell fired from the West Bank town of Qalqilya missed my home in Tel-Aviv on the coast by 25 yards, which fact, among others, explains my distinct reluctance to see hostile forces such as those of the PLO stationed in those same attacking positions.

94. As a result of this unprovoked Arab attack, which took place when we were sitting along the 1967 lines, let me remind you—lines to which representatives accord such a sacrosanct and reassuring quality today—the territories under discussion fell under Israeli control where they are today. We sought no war. We were promised annihilation. A new holocaust was our prospect. We fought back to defend ourselves, our wives, our children, our homes from a grim and unthinkable fate—a fate, I repeat, openly promised us over every Arab medium by every Arab leader in a wave of uncontrolled hysteria which is in itself frightening and horrifying to recall to this day.

95. May I appeal to my Jordanian colleague, Mr. Nuseibeh, not to indulge once again in falsifying history. Do not repeat the exercise—with which we are all too familiar—of rewriting history. Your King has recorded it all frankly and honestly in his memoirs<sup>10</sup>—we have all read them—describing Nasser's betrayal and the duplicity of the Syrians. Please, Mr. Nuseibeh, do not embarrass me by having to prove that you are casting doubts as to the honesty of the account of those events as presented by your own monarch.

96. To return to the legal argument, when the Israel Defense Forces entered Judaea and Samaria in June 1967, in the course of repelling the renewed Jordanian aggression, they ousted from those territories not the armies of the "legitimate sovereign", but illegal invaders who enjoyed, at the most, the rights of an occupant. However, the rights of an occupant are self-terminating upon the conclusion of the occupation, and no rights remain in the hands of the former occupant whatsoever.

97. Since Jordan never was a "legitimate sovereign" in Judaea and Samaria, the provisions of the fourth Geneva Convention—including those of its article 49, which were intended to protect the rights of the "legitimate sovereign"—do not apply in respect of Jordan. Therefore, Israel is not affected by these provisions, and need not consider itself restricted by them. In other words, Israel cannot be considered an "occupying Power" within the meaning of the Convention in any part of the former Palestine Mandate, including Judaea and Samaria. This is the conclusion reached also by Professor Stephen M. Schwebel, currently Deputy Legal Adviser to the United States

Department of State and member of the United Nations International Law Commission, who, in an article published in 1970 in the *American Journal of International Law*, stated:

"... having regard to the consideration that ... Israel [acted] defensively in 1948 and 1967 ... and her Arab neighbours ... [acted] aggressively in 1948 and 1967 ... Israel has better title in the territory of what was Palestine, including the whole of Jerusalem, than do Jordan and Egypt ..."<sup>11</sup>

98. Professor Schwebel further wrote on this subject in the *American Journal of International Law* in 1970 as follows, and I quote this very important extract:

"As a general principle of international law, as that law has been reformed since the League, particularly by the Charter, it is both vital and correct to say that there shall be no weight to conquest, that the acquisition of territory by war is inadmissible. But that principle must be read in particular cases together with other general principles, among them the still more general principle of which it is an application, namely, that no legal right shall spring from a wrong, and the Charter principle that the Members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. So read, the distinctions between aggressive conquest and defensive conquest, between the taking of territory legally held and the taking of territory illegally held, become no less vital and correct than the central principle itself.

"Those distinctions may be summarized as follows: (a) A State acting in lawful exercise of its right of self-defence may seize and occupy foreign territory as long as such seizure and occupation are necessary to its self-defence. (b) As a condition of its withdrawal from such territory, that state may require the institution of security measures reasonably designed to ensure that that territory shall not again be used to mount a threat or use of force against it of such a nature as to justify exercise of self-defence. (c) Where the prior holder of territory has seized that territory unlawfully, the state which subsequently takes that territory in the lawful exercise of self-defence has, against that prior holder, better title.

"The facts of the June 1967, 'Six-Day War' demonstrate that Israel reacted defensively against the threat and use of force against her by her Arab neighbours ... The conclusion to which these facts lead is that the Israeli conquest of Arab and Arab-held territory was defensive rather than aggressive conquest.

"The facts of the 1948 hostilities between the Arab invaders of Palestine and the nascent State of Israel further demonstrate that Egypt's seizure of the Gaza strip, and Jordan's seizure and subsequent annexation of the West Bank and the old city of Jerusalem, were unlawful. ... It follows that the Egyptian occupation of

<sup>10</sup> *Uneasy Lies the Head: the Autobiography of His Majesty King Hussein I of the Hashemite Kingdom of Jordan* (New York, Bernard Geis Associates, 1962).

<sup>11</sup> See Stephen M. Schwebel, "Editorial Comment: What Weight to Conquest?" *American Journal of International Law*, vol. 64, No. 2 (April 1970), p.346.

Gaza, and the Jordanian annexation of the West Bank and Jerusalem, could not vest in Egypt and Jordan lawful, indefinite control, whether as occupying Power or sovereign: *ex injuria jus non oritur*.”<sup>12</sup>

99. The state of the law has been correctly summarized by Elihu Lauterpacht, a distinguished authority on international law, as follows:

“... territorial change cannot properly take place as a result of the *unlawful* use of force. But to omit the word ‘unlawful’ is to change the substantive content of the rule and to turn an important safeguard of legal principle into an aggressor’s charter. For if force can never be used to effect lawful territorial change, then, if territory has once changed hands as a result of the unlawful use of force, the illegitimacy of the position thus established is sterilized by the prohibition upon the use of force to restore the lawful sovereign. This cannot be regarded as reasonable or correct.”<sup>13</sup>

100. A measure of the rather superficial manner in which this entire problem is being approached by the various delegations expressing themselves on this subject can be gauged from the fact that in most of the statements all of the territories are lumped together although their international legal status is entirely different one from the other. The fallacy in this argument was pointed out only a few days ago, on 19 October, by the United States Assistant Secretary of State for the Near East and South Asia, Mr. Alfred L. Atherton, Jr., when he testified on this very issue before the Subcommittees on International Organizations and on Europe and the Middle East of the House Committee on International Relations of the United States Congress. There he drew a clear distinction between the legal status of the Sinai and the Golan on the one hand (Egypt has never made a sovereign claim to the Gaza Strip) and that of the West Bank. He goes on in his testimony:

“In the West Bank and Gaza, however, the situation is different. Both of these territories were part of the British mandate of Palestine. While the legitimate existence of a sovereign Israel in part of Palestine is recognized, the question of sovereignty in the part of Palestine remaining outside of Israel under the 1949 Armistice agreements has not been finally resolved.”

101. Professor Schwebel, now with the United States State Department, has stated that from an international legal point of view, “Israel has better title in the territory of what was Palestine, including the whole of Jerusalem, than do Jordan and Egypt”, while the Assistant Secretary of State for the Near East and South Asia, whose Government had incidentally previously suggested that such settlement was illegal, now admits under Congressional examination that the question of sovereignty in the West Bank and Gaza has not been finally resolved. And yet, mark you, you are asked to vote for a draft resolution which prejudices the issue already in the wording of its title, for it refers to “illegal” Israeli measures before you have heard the case presented by each side, before you have had a chance to

evaluate and analyse them. You have been asked so to vote because it is cynically assumed that you are not interested in the facts, because it is assumed that your mind is made up and you do not wish to be confused with the facts.

102. Israel’s position is that the fourth Geneva Convention is not applicable to the Territories. The fourth Geneva Convention, where it applied—and to our knowledge it has never formally been applied anywhere in the world—is intended for short-term military occupation and is not relevant to the *sui generis* situation in this area. Moreover, even were the laws of belligerent occupancy applicable, these rules, including the 1907 Hague Convention, contain no restriction on the freedom of persons to take up residence in the areas involved. It has been claimed that article 49 of the fourth Geneva Convention is pertinent here.

103. From the over-all reading of article 49 it is evident that the purpose of this article is to protect the local population from deportation and displacement. The sixth paragraph of that article must be read in the light of the general purposes of the article. It thus becomes apparent that the movement of population into the territory under control is prohibited only to the extent that it involves the displacement of the local population.

104. This conclusion finds expression in the leading treaties on international law by Lauterpacht-Oppenheim:

“The Occupying Power must not deport or transfer parts of its own civilian population into the territory occupied by him—a prohibition intended to cover cases of the occupant bringing in its nationals for the purpose of displacing the population of the occupied territory.”<sup>14</sup>

105. Article 49 must be understood against the background of the Second World War. It was aimed in part against such horrors as the barbarous extermination camps in occupied Europe to which Jews and others were taken by the Nazis and in part against the displacement of the local population with a view to making room for the German invaders.

106. Bearing in mind both the provisions of the article and its legislative history it is clear that the situation envisaged by article 49 does not apply to the settlements in question. No Arab inhabitants have been displaced by Jewish settlements or—and I repeat, Ambassador Meguid—by these peaceful villages and townships.

107. There is a further aspect to this question which has been totally overlooked in the very superficial manner in which this problem is being approached by so many delegations, basing themselves as they do on the inevitable *clichés* and code-words without recourse to which no serious international issue can apparently be approached.

108. For centuries Jews have owned land in Judaea, Samaria and Gaza, and have of course lived there. They lived on these lands during the period of the Ottoman

<sup>12</sup> *Ibid.*, pp. 345-346.

<sup>13</sup> Elihu Lauterpacht, *Jerusalem and the Holy Places*, Pamphlet No. 19 (London, Anglo-Israel Association, 1968), p. 52.

<sup>14</sup> See L. Oppenheim, *International Law: A Treatise*, 7th ed., H. Lauterpacht, ed., vol. II, *Disputes, War and Neutrality* (London, Longmans, Green and Co., 1952), p. 452.

Empire and the British Mandate. They were driven out by Jordanian and Egyptian aggression, which was not recognized by the Arab international community, let alone by the general international community. If you subscribed to the notion that for a Jew to settle on land which he owns, wherever it may be, has no legal validity for the simple reason that he is a Jew—and that is the obvious implication—then what in fact you are doing is subscribing to the hateful Nazi Nürberg Laws, many of which apply today in the racist legal codes obtaining in Arab countries. Take for instance the Jordanian citizenship law No. 6 of 4 February 1954, which granted Jordanian nationality to residents of Judaea and Samaria, which had been illegally annexed to Jordan. Article 3 of this law states, “Any man will be a Jordanian subject . . . (3) if he is not Jewish . . .”. This in addition to a comparatively recent law which notes that sale of land to a Jew is punishable by death.

109. Now certain members of this Organization have the unbelievable effrontery, in this year of 1977, to suggest that a Jew, by virtue of his being a Jew and for no other reason, cannot settle on land which he and his family own and have owned for tens and perhaps hundreds of years. There are settlements on Jewish-owned land in the Hebron Hills, in the Gaza Strip, in the Jordan Valley, by the Dead Sea. What this hastily devised and maladroit draft resolution is suggesting is that I am forbidden to settle on land of a village in the Hebron Hills, Masuoth Yitchak, which bears my late father's name and which is Jewish owned, for one reason and one reason only, because I happen to be a member of the Jewish people. That is what you are being asked to vote for.

110. This is the vicious anti-Semitic, Nazi philosophy behind these laws and behind this draft resolution. This is the trap into which gullible Western delegations are being lured by this seemingly legalistically worded, innocent-looking draft resolution. It is mind-boggling, but what representatives of the European Community, which arose out of the ashes of post-Nazi Germany, not to mention others, are being asked to vote for is an extension of the Nürberg Laws by specifying that a Jew cannot settle on land which he owns because he is a Jew. It is as simple and as sinister as that.

111. It has been claimed that the settlements are being established at the expense of expropriated Arab lands. This is untrue. The overwhelming majority of settlements has been set up on Government and public land which have been barren rock-strewn hillsides and deserts for centuries. In the very few instances where private land was involved, it was acquired for public purposes in accordance with Jordanian law, which applies in Judaea and Samaria, and against full compensation. Similar laws providing for the acquisition of land for public purposes exist in Israel and, I am sure, in most other countries.

112. In all cases of such land acquisition, any owner who feels aggrieved, or feels that the compensation was not sufficient, has the right of access to the Supreme Court sitting as the High Court of Justice. This Court can and does issue writs against the Government or the military authorities whenever it feels that any person, including residents of the territories, has a legitimate grievance. Indeed, in a number of instances, the Court has found against the authorities, and given redress to the plaintiffs.

113. Let us look once more at this ill-conceived draft resolution. Again, it has a veiled allusion to what it calls conveniently “demographic changes”. This is a new code word in the United Nations lexicon reflecting Arab racist anti-Jewish policy which is in danger of being adopted by gullible spokesmen of many countries whose philosophy is far removed from such racism and racist philosophy.

114. What it means is that it is wrong for Jews, because they are Jews, to live among and with Arabs. If 50,000 Arabs have returned to the territories since 1967 under the family reunion scheme and if the total population of the territories has increased by 17.4 per cent in the last 10 years, that is not considered a “demographic change”. If the Arab population of Israel has grown from 150,000 in 1949 to 550,000 today, that is not considered a “demographic change”. But if a total of approximately 6,000 Jews—as opposed, mark you, to 50,000 Arabs who entered the territories at the same time—settle in Judaea, Samaria, Sinai, Gaza and Golan—6,000 Jews in an area populated by a million and a quarter Arabs—this Assembly is convened as a matter of urgency to face this threat of what is now called a “demographic change”. If approximately 2,500 Jews settle in an area populated by three quarters of a million Arabs in Judaea and Samaria—remember that is what all this excitement and fuss is about, 2,500 Jews among over 700,000 Arabs—and not one life is lost thereby or one person dispossessed, the General Assembly has time to ignore all the tragedies besetting this world in order to express its concern about what it calls “demographic changes”. What utter perverted racist nonsense! And the tragedy is that one hears it echoed not by those countries from whom one expects to hear such philosophies, but from countries whose basic philosophy is opposed to such an anti-Semitic racist approach. Over half a million Arabs live in Israel in a predominantly Jewish population side by side with their Jewish neighbours. By what great concept of human rights is it wrong for a few thousand Jews to live in a predominantly Arab population? The purpose behind this draft resolution is prompted by the Arabs' desire to pursue their racist philosophy, which calls for the exclusion of all non-Arab elements from the Middle East, the Christians from the Lebanon, the Assyrians and the Kurds from Iraq, the Jews from the Arab world, the Jews from Israel, the Christians from southern Sudan, the Copts from Egypt and so on, a philosophy which was summed up by the leader of the PLO with its Nazi covenant calling for the destruction of a nation, Yasser Arafat when he said, “There will be no presence in the region but the Arab presence.”

115. The Assembly is being asked to endorse the Nazi racist philosophy of creating an area that is *Judenrein*, that is free of Jews. It is sad to see nations which suffered from the Nazi yoke and oppression contemplating support for the resurrection of this hated anti-Semitic thesis which brought a holocaust and tragedy to this world.

116. We, on the contrary, believe that our fruitful coexistence with half a million Arabs in Israel and a million and a quarter Arabs in the territories has created a bridge to the Arab world. By living together with this Arab population we have established a daily dialogue between us and a major element of the Palestinian Arabs. We have brought about a greater degree of mutual understanding than has ever been achieved before, and have developed daily



grass-roots Arab-Jewish co-operation in all fields of human endeavour, medicine, agriculture, commerce, politics and science.

117. We have created the foundations from which to advance further towards the solution of the Palestine Arab problem on a basis of growing understanding. And this we shall achieve if the process of negotiation and dialogue in the Middle East is encouraged and not obstructed by this Assembly. We shall not achieve it if the sinister philosophy which permeates the proposed draft resolution and which will undoubtedly be the theme of much of this debate is allowed to be the prevalent idiom in the Middle East today.

118. We believe that the only effective way of bridging the gap existing between Jew and Arab in the Middle East is by the peoples living together, maintaining a continuous dialogue and learning to live side by side. Only then can a bridge to peace be established. It will certainly not be built by a slavish pandering to the basic racist and anti-Semitic philosophy behind resolutions which call for the establishment in this age of areas which are *Judenrein*—free of Jews—of areas from which individuals are to be excluded only and solely because they are Jews.

119. It has been alleged in this draft resolution and in public statements that the establishment of settlements is an obstacle to peace. Let me just say this: the statement that Israeli settlement among a million and a quarter Arabs is an obstacle to peace is a lie. To say that is to engage in a cynical falsification of history.

120. For 19 years from 1948 to 1967 we were not establishing settlements in Judaea, Samaria, Gaza, Sinai and the Golan, because we were not there. There was no such "obstacle" from 1948 to 1967. Did the Arab States talk about peace, or negotiate peace? Not only were we not in the territories, but Jordan and Egypt were there. We did not establish settlements and bring agricultural progress to these areas. No indeed did Egypt and Jordan establish settlements. They let those territories languish in disease and poverty—30 per cent unemployment, indescribable conditions in impoverished refugee camps, and so forth. They were in control of the West Bank and Gaza, but they did not permit the establishment of a Palestinian State because then as now they did not want one—Jordan saw itself to be the Palestinian State, which in all honesty it is. They formed the PLO in 1964. Why? They were in control of the West Bank and Gaza and could have established a PLC-controlled Palestinian State. Because the issue is not and never was the settlements in Judaea and Samaria or Gaza. The issue was and is Jewish settlement in our country. The issue is not Kaddum or Etzion or Regavim or Yamit or Ramat Magshimim; the issue is Tel Aviv or Haifa, as the representative of the PLO stated quite clearly in this building, the issue has been and is every settlement we have ever established wherever it may be, whether in the Galilee, in the Negev, in the Gilboa, in the Sharon, in Judaea, in Samaria and in the coastal plan. Compared to the main issue facing us, this subject is comparatively irrelevant and is designed solely to divert attention from the main issue, namely, negotiations for peace.

121. I cannot refrain from interjecting a comment here apropos of the Egyptian Ambassador's remarks about

Yamit. Ambassador Meguid's description of the area is unbelievable. He talks of villages, farms, cemeteries that were destroyed in that area. This would be comic if it were not so serious because representatives do not know to what area he is referring. Yamit was established in an empty, windswept stretch of sand dunes and desert where no building or permanent settlement has ever existed in recorded history. I repeat: to assert that the settlements constitute an obstacle to peace is a falsehood and a deliberate attempt to avoid the principal issue.

122. There is no connexion between the progress towards a Middle East peace agreement and the establishment of settlement issue is simply a device to cover up for the Arab States' stubborn refusal to negotiate with Israel, whose destruction may of them seek. The recent course of events in the Middle East proves that the settlements have in no way hindered progress towards agreements. The disengagement agreements with Egypt and Syria were reached without the settlements being mentioned even once. The present issues delaying the reconvening of the Geneva Peace Conference on the Middle East are not related to the settlements. They concern such questions as that of Palestinian Arab representation, the number of delegations, and so forth. These problems would have to be discussed even if there was not a single Jewish settlement in the Israel-administered territory. The settlements are merely a tool of Arab propaganda. As observed by Professor Fred Gottheil of the University of Illinois, at the House of Representatives hearings, on 12 September 1977, "Jewish settlements are an issue because the existence of the State of Israel is an issue."

123. We owe no apology to anybody for our statehood and national sovereignty, which are hallowed by 4,000 years of a continuous, unbroken, national religious, political and social experience such as no nation has ever known. It has been consecrated by one of the greatest experiences in history as recorded in the Book of Books, the Bible. Long before most of the nations represented in this hall existed or even dreamed of statehood, a great Jewish civilization, which has benefited mankind as a whole and which gave rise to two other great religions, Christianity and Islam, was flourishing in the cities and villages of Judaea and Samaria. While wild herds roamed on the sites of what are today the great capital cities of the world, the prophets of Israel were proclaiming to mankind throughout Judaea and Samaria in their immortal words the great principles of humanity for the first time. When many of the great civilizations of today were but primitive societies, the judges of Israel were dispensing justice in Jerusalem on the basis of one of the most advanced and enlightened codes of law in history.

124. The story of the Bible is one continuous story of the historical experience of the Jewish people in its ancient homeland in areas which are associated instinctively by any schoolchild with our people. Hebron is the burial place of the Jewish Patriarchs to this day. From there King David ruled until he moved his capital to Jerusalem.

125. According to the Nürnberg-decree-type proposition behind this draft resolution, Isaiah, the prophet of peace, whose immortal words are carved on a wall outside this United Nations building, would not be permitted if he



returned, to live in Judaea and Samaria where he once stood and preached, because in the view of the sponsors of this draft resolution his presence would constitute a danger to the demographic composition of the territories.

126. In these territories, Jewish history began 4,000 years ago and has continued uninterrupted. The Kingdom of Israel was centred upon the hills of Judaea and Samaria. The biblical name of Samaria is Shomron, and it was the capital of the ancient kingdom of Israel.

127. The Bible is not just something one teaches in Sunday school. The Bible is a record of the living experience of a people which has continued in an unbroken chain of history of greatness, of tragedy, of unparalleled human contribution, of struggle for existence against overwhelming odds and always of triumph and advance. Do representatives really believe that after all that we as a people have experienced, we will be intimidated by a racist, discriminatory resolution in the tradition of the Nürenberg Laws?

128. That this is not a political issue has been made crystal-clear by our Foreign Minister in this Assembly hall but two weeks ago. I repeat what he said:

“... the settlements will not decide the final borders between Israel and its neighbours. The borders will be decided upon in negotiations between Israel and its neighbours. The settlements are by no means an obstacle to peace because, if they were, we should have had peace years ago.” [27th meeting, para. 202.]

129. What characterizes this debate, as indeed all the debates in the United Nations on our issues, is the one-sided approach of so many delegations. All resolutions demand something of Israel. The other side is never asked to desist from hostile acts or to abstain from political warfare; it is never encouraged, never once in the General Assembly, to move towards negotiations between the parties.

130. Many of the settlements under discussion were established within the framework of the security requirements of our country as seen by our Government.

131. It is conveniently forgotten that the Arab States maintain that a state of war exists with Israel. Indeed, only a few weeks ago, Foreign Minister Fahmy of Egypt announced to the press in Washington that for the first time Egypt was prepared to accept Israel as a Middle Eastern country and to live in peace in this area. Here is an official admission of Egypt's attitude to Israel over the last 30 years, based on a complete refusal to make peace with Israel. Nevertheless when we take steps, as we have done over the past 30 years, to ensure our security, they are deplored. Why? As long as our neighbours maintain that a state of war exists, are we not entitled to take all reasonable measures to protect our population?

132. It is the duty of our Government, a duty which is clearly recognized in international law, to do what it sees fit to protect its inhabitants. We certainly cannot be expected to pretend that time stands still and to ignore our security requirements while the world waits until this or that Arab leader deigns to open negotiations instead of sending his representative here to engage in name-calling and abuse.

133. In this connexion, I should add that other political and juridical questions also exist. For example, there have never been recognized political borders between Israel and its Arab neighbours. Since the wars of 1967 and 1973, special agreements have been in force until the achievement of a “just and lasting peace” as required by Security Council resolutions 242 (1967) and 338 (1973), a peace intended, *inter alia*, to establish secure and recognized borders.

134. This Assembly, I regret, has fallen into a trap set by the Arab States and others who wish to turn a given situation politically against Israel.

135. At a time like this, the Assembly is dealing with a side issue. If the Arab States felt at any time unhappy about the settlements, what prevented them from entering into negotiations at any stage with us on this and other issues?

136. Did they really have to wait 30 years before using their automatic majority to pre-empt the time of this Assembly to discuss a side issue? When I call it a side issue, I am describing it in the words of none other than President El-Sadat on 4 August 1977 in an interview for a television programme of the American Broadcasting Company, when he said about the settlements: “Well, in my opinion, this is a side issue”. Or let me quote United States Assistant Secretary of State Atherton before a meeting of subcommittees of the House of Representatives in Washington but a few days ago. He said: “The relationship between the settlements and the principle of self-determination cannot be discussed in isolation, because the settlements are but a single factor involved in negotiating peace.”

137. The settlements are a side issue and certainly not an obstacle to peace. The obstacle to peace, I repeat, is the Arab refusal to recognize the Jewish people's right to sovereignty in its ancient homeland. The obstacle to peace is an implacable Arab refusal to recognize Israel, to negotiate with Israel, to make peace with Israel. The obstacle to peace is the refusal of the Arab countries to sit down at the negotiating table with Israel. The obstacle to peace is reflected in the immature and puerile behaviour of the Arab delegations in rising to leave the hall when our Foreign Minister rose to speak because they were afraid to listen to the other side.

138. The obstacle to peace lies in the failure of world leadership and opinion to insist that both sides sit down and negotiate face to face. The obstacle to peace lies in the encouragement given to Arab intransigence because of reasons of expediency. The obstacle to peace is evident daily for members to sit and listen to in the halls of the United Nations. It is a basic Arab attitude and until that attitude is changed there cannot be, I regret, any real and meaningful advance towards peace. These are the obstacles to peace and any attempt to point a finger at Israel's actions and to characterize them as obstacles to peace is untrue and baseless and is nothing but a grave misinterpretation of events in the Middle East.

139. Finally, I should like to say that these problems and others are not problems which can be treated lightly by my people. It is not generally realized how complex this issue

is, and what its significance is for the Jewish people as a whole. What may be just another statement in Moscow, or some subtle political move in Washington, or an expedient acquiescence in Western Europe, or merely going along with the majority in some other part of the world can be a matter of life and death for us. For many countries, in dealing with this issue, an erroneous move, a miscalculation, can at worst be a political error or blunder. For us it can be the difference between existence and destruction.

140. We are frequently accused of having a holocaust complex. The holocaust is not a complex. It is a very awesome and realistic experience of our generation. When the same Nazi philosophy calling for the destruction of our people is the basic philosophy of an organization such as the PLO, which is given observer status in this Organization, then what are we to say? Who can challenge us in a world in which mass slaughter of nations such as in Lebanon and in Iraq, a major invasion of an independent country such as in Ethiopia, and other horrifying developments throughout the world and similar catastrophes do not even merit the attention of this Assembly? Who can challenge us therefore if we feel that this world is still capable of cynically ignoring the massacre and destruction of nations? Who can challenge us if our security, in our eyes, takes precedence over other nations' political expediency?

141. All of the problems raised here could be solved by negotiation. The issues dividing us can be resolved only when we sit down face to face to negotiate. The Arab States' refusal to negotiate with us face to face is an expression of their refusal to recognize our right to exist. Nothing can be wished away by words and redundant debates. The Arab States will not be able to change the legal status, the geographical nature and the demographic composition of the territories by pushing through yet another resolution, much as they would like to. They will only be able to obtain changes by fulfilling Security Council resolution 242 (1967) and negotiating secure and recognized boundaries with Israel. What purpose is there in all these resolutions? They will not advance peace in our area by one iota.

142. Let me quote the representatives of the two major Powers in this world. On 29 March 1954, Deputy Foreign Minister Andrei Vyshinsky of the Soviet Union said as follows in the Security Council:

"You can submit whatever resolutions you like. But life does not call for resolutions; it calls for decisions which can promote the settlement of important international questions which are still outstanding.

"What is the proper method for this? The method is that of direct negotiation between the interested parties. On one side we have the representative of Israel and on the other the representative of Egypt; they are sitting opposite one another. Let them sit down together at one table and try to settle the questions which the Security Council cannot settle now. I am deeply convinced that they can find a better solution. That is why certain representatives and States show a stubborn disinclination to permit direct negotiations between the interested

parties and are trying to interfere in and, unfortunately, to hinder those negotiations."<sup>15</sup>

143. Last year in explaining a vote in the Special Political Committee, Ambassador Sherer of the United States said:

"United Nations deliberations are not a game. The United States, for its part, would approach debates on the Middle East with one principle criterion in mind: will the debate or resolution in question help to advance the cause of peace in the area?"<sup>16</sup>

Does this draft resolution meet this standard?

144. Let me conclude by reiterating the words of a very distinguished former Secretary-General of this Organization, Mr. Dag Hammarskjöld, who said: "You can condemn a State or you can negotiate with it, but you cannot do both".

145. It is for this Assembly to decide for the path of negotiation. It can do so by rejecting this and similarly inspired draft resolutions.

146. Mr. NUSEIBEH (Jordan): Mr. President, I would not play into the hands of the representative of Israel by trying to reply to his blatant distortions and diversionary tactics. I will have a few passing remarks later on, if time permits.

147. For the time being, I shall concentrate on the point before the Assembly, which is why it is that the establishment of Israeli settlements is an impediment to the achievement of peace in the Middle East.

148. A historical perspective can mean many things to many people. To some, it may be anachronistic, nostalgic and even irrelevant. To others, it is inspirational, a continuum of the ongoing life process, in which the past sustains the present and acts as a catalyst for the future. It is, therefore, imperative that discerning statesmen must have an awareness of history because history is the accumulated record of contemporary consciousness and future behaviour and motivation.

149. What I have just stated might sound banal, and, in our hurried world, somewhat wasteful in regard to the topic which is before the Assembly for debate and judgement, namely, the avalanche of Israeli colonization, sequestration and settlement in the occupied lands, which is reaching, if it has not already reached, alarming proportions both quantitatively and qualitatively.

150. Since my initial awareness, I, for one, as a reader of Zionist publications and platforms universally propagated, no doubt, to the unknowing nations of the world, have been subjected to a systematic, relentless and assiduous bombardment of outright fallacies which the truth compels us to rectify.

151. I shall select a few of the more blatant of those fallacies pertaining to our present debate and leave the verdict to your judgement.

<sup>15</sup> See *Official Records of the Security Council, Ninth Year*, 664th meeting, paras. 95-96.

<sup>16</sup> See *Official Records of the General Assembly, Thirty-first Session, Special Political Committee*, 31st meeting, para. 43, and *Ibid.*, *Special Political Committee, Sessional Fascicle*, corrigendum.

152. First, the world was subjected by the Zionist movement to the contention, in the one-sided boxing of those early years, that here is a country—meaning Palestine—without a people, and a people—namely, the Jewish people—without a country. To the uninformed, the natural reaction would be: give that empty country to those without a country even though, as you all know, the Jewish people had a hundred countries to which they belonged as honoured and prosperous citizens. I am referring to an era which long preceded the Nazi holocaust.

153. The truth is that the country allegedly without a people had, more than half a century ago, 800,000 indigenous inhabitants from time immemorial. The close to 1 million inhabitants may not impress you very much; but when you remember what the population of the world was half a century ago, even in the industrialized world, let alone the pre-industrial, largely rural world, a world without the benefit of modern preventive medical techniques in which millions of people used to die, you will agree with me, no doubt, that the relatively tiny territory of Palestine was not a land without a people. It had its indigenous people in ample numbers, and these people had their pride and happiness and all the good things that their hallowed soil could produce.

154. Secondly, there was the imputation that the Zionist movement, through still on the periphery of settlement and possessed of but a marginal presence in Mandated Palestine, was telling the world that it had achieved the miracle of making deserts bloom, and that the land had been transformed into the promised rose garden. Many in the world listened with euphoric admiration, and their reaction—naturally enough—was that if one people could make deserts bloom, then the country should be wrested from those undeserving Palestinians and handed over to the Israeli giants.

155. I have decided not to develop my own refutation of this fallacy, not to have recourse to my own perception, eyes, ears and life experience, as that might be vulnerable to the charge of prejudice. Upon reflection, I thought that the best answer should come from the horse's mouth.

156. I therefore recommend to representatives that they read a highly objective book by a scholar of distinction who is himself an Israeli and, I presume, a Zionist. The book is entitled *Palestine in the 18th Century* and the author is Professor Amnon Cohen of Hebrew University.<sup>17</sup> He describes Palestine in the year 1700 onwards. His sources were basically the Istanbul Archives of the Topkapi Palace, selected documents, local sources in the records of the Shari'a courts and of the European Powers having commercial dealings with Palestine a mere two and a half centuries ago.

157. Many might be astonished to learn from that book that the so-called desert without a people and without roses—as Zionist indoctrination was prone to assert—was not a desert at all, that it had one of the most industrious people in the world and that it was one of the largest producers, among many other things, of cotton, for the purchase of which three of the top industrializing countries

of the period—Britain, France and Holland—vied. The archives of those three countries will no doubt verify this fact.

158. What will further stun representatives is that one province of Palestine alone, namely, Galilee, was so prosperous that it could afford to raise a standing army of 15,000 from among its people and was even able to contribute generously to the Ottoman Empire, of which it was a part.

159. Without being boastful or ungenerous to one of history's greatest generals and statesmen, even less to one of the mightiest Powers of that era—friendly France—it was the Palestinians of Galilee, under the titular leadership of the Sultan's governor ai-Jazzar, who defeated Napoleon when he tried to storm and occupy Acre, the capital of that province.

160. The truth is that Palestine, though small in size, has the diversity of a continent like the United States—nilly regions with plentiful precipitation, plains and valleys with almost equally bountiful rainfall, and a desert called the Negev. The well-endowed areas have always been green and expertly utilized by remarkably hard-working and experienced farmers. During the First World War the forests were so dense that the central Powers, lacking adequate supplies of coal and petroleum, unfortunately made heavy inroads into those dense forests to fuel their trains.

161. As for the desert of Palestine in the Negev, it is still and will continue to remain largely a desert at the mercy of climatic changes beyond human control—except, of course, for the building of the Daimoona atomic centre. The notable exception is the area of Beersheba, where, as a result of a serious violation of international law, the Israelis in 1963 diverted one of the important tributaries of the River Jordan, the God-made watershed of natural Syria, to the Negev area and managed to water the Beersheba area into an irrigated cultivable zone.

162. I would not degrade myself and delude representatives by claiming that the Israelis have not made significant advances in agriculture, particularly in the field of research. But I strongly and vehemently resent distortions of the truth made to serve political designs and ambitions which have been incessantly directed against the Palestinians.

163. Thirdly, among the Zionist fallacies which must be rectified if only to serve the truth is the Israeli allegation that the Palestinians do not exist and have never existed as a people. Let us have a closer look at history—at the writings of Toynbee, Dame Kathleen Mary Kenyon, author and famous British archaeologist, and other archaeologists, and, indeed, at the Old Testament itself—to see what they have to say. If the Israelis mean that the Palestinians never engaged in empire building or colonizing peoples, then that is to their credit and not to their discredit. If the Palestinians have been parts of larger conglomerations—and very important parts indeed—it is because their sights were invariably universalistic and unitary and not self-centred. Nobody claims that New Jersey is not a state or a people without entitlement simply because it is a part of a greater and more glorious union.

<sup>17</sup> Jerusalem, Magnes Press, Hebrew University, 1973.

164. Fourthly, Mr. Begin's Government has come out openly in declarations that there are no such things as occupied territories. They are called "liberated territories", with the obvious corollary that the legitimate inhabitants were strangers in their own homeland—visitors, temporary residents, perhaps tourists.

165. When the Israelis audaciously talk about liberated territories, the question arises: liberated from whom? From their indigenous and rightful inhabitants for 10,000 years? The ruins of Jericho which have so far been uncovered go back 8,000 years. Call the Palestinians what you will, Canaanites, Philistines, Jebusites—the founders of Jerusalem, to which the Israelis as individuals and groups infiltrated—Nabateans, Syrians, Semitic Jews, Arabs and what have you, but can anybody doubt that they—as an amalgam—have always been, since writing and inscriptions were invented, the rightful inhabitants of the territory of Palestine? I would go even further and assert a historical fact that never in recorded history until 1948 did the Palestinian inhabitants ever leave or were ever forced to leave their cherished land.

166. Even during the short duration of Israeli hegemony, some 3,000 years ago, judging by Israeli records themselves, there was never a monolithic Israeli presence in the West Bank, which they now claim as their exclusive ancestral land. The land of milk and honey, as they euphorically described it when they conquered it, was in their own historical scrips known as the land of Canaan and they coexisted with the Canaanites, even after seizing the reins of power. As for the remaining three quarters of the country which became Israel in 1949, the ancient Palestinian inhabitants, though ruthlessly maligned as they are today, did not yield any territory to the Israelis and frustrated all their attempts at further expansion.

167. And yet today Mr. Begin and his aides are openly and passionately declaring that the Palestinians do not exist and are strangers in their ancestral lands. We know where Mr. Begin came from, and we know that not before 1942 had he even set foot in the country. Having read Arthur Koestler's book, *The Thirteenth Tribe*,<sup>18</sup> we know what his ethnic origin is. He is evidently not a Semite, as the rest of us are in the region.

168. It is perhaps not customary to dig deep into historical records. But, unfortunately, this is the only argument, the only focus—*ad absurdum*, as it must seem to representatives—upon which Israel is at present claiming and practising annexation of the occupied territories, in violation of international law, the fourth Geneva Convention of 1949 and the United Nations Charter and relevant resolutions, thereby obstructing all efforts at achieving a just and lasting peace in the Middle East. How can the will, the whim, the obsession of one individual or a handful of individuals, no matter how intoxicated with their present ephemeral prowess, torpedo the entire fabric upon which an orderly and viable international order is founded? Surely, the reply to this distressing question must be the collective responsibility of us all, and Jordan is certain that such a reply will not be wanting.

169. Successive Israeli Governments at breathtaking pace—a pace which has been accelerated by the present Government—have devoured, confiscated and despoiled very substantial portions of the already shrunken land (a mere one fifth of Mandated Palestine) which the United Nations, as the voice and conscience of mankind, had earmarked as a homeland for the displaced and refugee Palestinian citizens. While the Israelis are dragging their feet in finding a viable solution, they are running at full speed in their policy of colonization and annexation. What would be left of a homeland if close to three and a half million Palestinians continued to have the "rug pulled out from under their feet"? Not even an abominable bantustan in the South African style. This is indeed a matter of great urgency and a most serious impediment to all efforts for peace. It is an issue of life and death to our people under occupation, to their offspring and to their fellow Palestinians, at present so widely dispersed.

170. Regular and accurate reports are in the files of my delegation concerning Israeli confiscations, colonization and future plans in the pipeline. If I were to present them, I would not only take up the precious time of the Assembly; it would make it more difficult to distinguish the trees from the forest. But there are two observations which I feel I should make. First, when representatives read reports that a number of settlements have been established and the settlements are generally put in the range of 100 to 120 and they continue to mushroom, representatives should realize that the numbers are extremely deceptive, because they do not take into account the most massive colonization of all, namely, that of Jerusalem. Adding the city of Jerusalem to the magnitude of the colonization is also deceptive, because most people still think that Jerusalem is a specific delineated area with relatively constant and well-known boundaries. To gauge the real dimensions of the massive colonization we should be alerted to an extremely important fact, namely, that the Israelis, following the concept of the ever-expanding universe, are also forever expanding the boundaries of Jerusalem to the north, south, east and west, reaching in the north as far as Ramallah, in the south to Bethlehem, in the east, although not yet formally announced, to Khan el-Ahmar, where a large industrial town has been constructed, and to the west *ad infinitum*.

171. What this means in terms of settlements is that the heartland of the West Bank has been and continues to be devoured. The cultivable plains of the Jordan Valley have already been largely colonized. What, then, is left? The region of Nablus in the north, and its turn in Israeli colonization has begun in earnest in places like Kafir Qaddum, Sebastya and many others, whether in settlements or disguised temporarily as military encampments.

172. As for the region of Hebron in the south, the situation is much worse, with Kiryat Arba, like Orwell's "Big Brother", encircling the hills surrounding the city, to say nothing about the settlements leading to it and those in the area.

173. In short, if there is to be a peaceful solution, the question that should haunt us all is, where are the Palestinian returnees to settle, even the returnees or displaced persons from the West Bank and Gaza at present in Jordan, who number a quarter of a million souls? What

<sup>18</sup> New York, Random House, 1976.



is most striking, and I think meaningful and purposeful, is that during the decade of occupation the Israelis did very little indeed to settle the vast empty spaces in the four fifths of Palestine which they already had in 1948. Worse still, many built-up areas are vacant and unoccupied because there are not enough people to import for settlement there, while the Palestine refugees continue to languish in the squalor of encampments, deprived of their homes and of their sense of belonging.

174. It is no exaggeration to say that if a Palestinian were to visit his ancestral homeland in Palestine, he would find less difficulty in recognizing Jaffa or Acre, purely Arab cities that he was forced to leave in 1947 to 1948, than Jerusalem and the heartland of the West Bank, which were occupied in 1967.

175. Does that not clearly mean that the 1948 acquisitions have been taken for granted and need no more than the usual development which every country carries out over a period of 25 years, whereas for the West Bank and Gaza, which had been newly acquired and were subject to relinquishment under United Nations resolutions, a new fait accompli had to be presented with all speed? That is Israel's exclusive political attitude to the over-all problem, and when we claim that it is a serious impediment to peace, we are indulging in a massive understatement.

176. Of course we, like the General Assembly, regard such highway robbery as illegal, null and void. It should be abolished. The debate today is to reiterate that this is mandatory if we are serious, as we certainly are, in striving to achieve a viable and living peace.

177. I have not touched upon the very serious colonizations and settlements in the Sinai and the Golan Heights, in the knowledge that my colleagues, the representatives of Egypt and Syria, will do so far more ably. I have therefore confined my remarks to the occupied Palestinian lands on the West Bank and the Gaza Strip where, literally and without exaggeration, the offspring of the three and a half million Palestinians confront their parents with agonizing and at present unanswerable questions: "What is our future? Where is our homeland? What is our identity? Where shall we make our future careers and homes?"

178. The Arab countries and the Palestinians have committed themselves to the pursuit of a just, equitable and lasting peace. Peace, to be meaningful and lasting, must be sought within this context. Peace outside this framework of equity and justice is not peace but the creation of a situation with which one cannot live, and therefore its undoing will be awaited. It is not real peace, and we should not be taking it complacently, since we are living in an unprecedentedly perilous age, the more so as years go by.

179. The road to peace is not through atomic stockpiling, but through living and letting live. If the Israelis opt for a

holocaust, it will not afflict us and Israel alone but the world at large. A hole in a ship, no matter where or how, will inevitably lead to the sinking of the ship in its entirety. I am sure this is the last thing that anyone in this hall, or outside it, would want to happen.

180. I was somewhat surprised that the representative of Israel had exposed himself to the possibility of a forthcoming reprimand from his Government for calling the occupied territories "administered", because officially his Government calls them the "liberated" territories.

181. He has spent quite some time talking about Jordan. I must congratulate him on the fact that the shell that fell near the Qalqilya area did not hit his house, but I should like to inform him at the same time that my own house was totally demolished; it was fired at point-blank from a distance of no more than 200 metres.

182. The representative of Israel has tried to tell this Assembly that the Arabs have been evading all efforts for peace during the past three decades and that there were no Israeli settlements between 1948 and 1967. I want to remind him of my reply to the Foreign Minister of Israel [28th meeting] when I mentioned the effort which both the Arab countries and the Palestinians made in 1949, during which a protocol for a final and lasting peace was signed, that is, the Lausanne protocol.<sup>19</sup> However, if he means by peace that the refugees should abandon their inalienable right to repatriation to their homeland or compensation, if he means by peace that they should forego both their lives and their country then, as I said earlier, that is not peace at all.

183. Ambassador Herzog mentioned Jordan's role in the West Bank. I would not wish to waste the Assembly's time by recalling what I said in my reply to General Dayan on the question. The Jordan army was occupying the most strategic areas of Palestine during the Second World War, helping the allied cause. It was on 15 May, when the British High Commissioner left the country, that the last Jordanian soldier left the territories of Palestine. The only contingent from the Jordan army which returned to Jerusalem and the West Bank did so on the morning of 18 May at the urgent pleading of the citizens of Jerusalem to save them, since they had exhausted all their ammunition, from genocide that would, as I said in that reply, have dwarfed the genocide of Deir Yassin, which was masterminded by none other than Mr. Begin himself.

*The meeting rose at 1.40 p.m.*

<sup>19</sup> See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, vol. II, document A/927, annexes A and B.*