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President: Mr. Lazar MOJSOV (Yugoslavia).

AGENDA ITEM 30

**Question of Palestine: report of the Committee on the
Exercise of the Inalienable Rights of the Palestinian
People (*continued*)**

1. Mr. GEORGE (India): India is a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the report of that Committee [A/32/35] is now before the General Assembly. We should like to make it clear that the report of the Committee is tentative, since it is really for the Security Council and the General Assembly to adopt appropriate measures for resolving the question of Palestine.

2. I would also draw attention to the fact that the report has been formulated by the Committee with scrupulous regard for the limited mandate given to it by the General Assembly. The Committee has taken into account, as it was bound to do, all relevant resolutions of the General Assembly and the Security Council, especially Security Council resolutions 242 (1967) and 338 (1973). The Committee's recommendations are proof of its pragmatic approach to resolving a complex problem, which has been complicated by repeated applications of force.

3. It is our view that the Committee's report is only a first step in the direction of a peaceful settlement of the Palestine question. The Committee could have done no more than indicate the first step, because the second, third and succeeding steps would have to depend upon the action to be taken by the Security Council and the General Assembly. It is in this sense that we expect the Security Council to examine the report of the Committee with reference to the Council's resolutions 242 (1967) and 338 (1973), as well as the underlying question of the exercise of the inalienable rights of the Palestinian people, and how and when and where those rights should be exercised.

4. The views expressed so far in the Security Council are not complete, because the Council has deferred the question for further consideration to a later date. However, the actual debate in the Security Council until now has

indicated majority support for the inalienable rights of the Palestinian people. But, the rules of procedure of the Security Council are such that majority views have no particular sanctity unless they have the concurrence of the permanent members.

5. I do not propose to dwell on the tragic history of Palestine. I should, however, explain that historically the struggle for the independence of Palestine from British rule was a part of the world-wide movement, which included the Indian national movement for independence. Palestine had been placed under British administration according to a Mandate of the League of Nations. The final disposal of the Mandated Territory of Palestine was brought before the United Nations by the former colonial Power. The consequences of the partition of Palestine by the United Nations still remain with us and are at the root of the conflict in the Middle East. No peace settlement will therefore be viable unless it includes a just solution of the question of Palestine.

6. A famous authority on international law, Hans Kelsen, said the following on the question of Palestine:

"At the moment the Government of the United Kingdom withdrew from Palestine, that territory was in a legal status of statelessness until the new state of Israel was established and recognised by other states. That part of Palestine which is not under the control of the new government legally will be a stateless territory until a recognised government will be established there."¹

7. The first step in the solution of the Palestine question is, therefore, the withdrawal of Israel from areas occupied by it during the conflict of 1967. It is only thereafter that the Palestinian Arab people can freely exercise their national rights. The inalienable rights of the Palestinian people, including their right to self-determination and their right to a nation-State of their own, should be recognized by the Security Council. It goes without saying that it is essential that the Palestine Liberation Organization [PLO] should be invited to participate in any negotiations for a peace settlement in terms of Security Council resolutions 242 (1967) and 338 (1973).

8. The two draft resolutions before the General Assembly [A/32/L.39 and A/32/L.40] have our support. The Committee on the Exercise of the Inalienable Rights of the Palestinian people should clearly continue to function, because the problem is nowhere near a solution. A special unit within the Secretariat is evidently necessary because the Committee does not at present have the proper staff

¹ See Hans Kelsen, *The Law of the United Nations* (London, Stevens & Sons Limited, 1950), p. 653.

allocated to it. Having regard to the political nature of the question and the fact that it is also before the Security Council, the Secretary-General will no doubt establish the special unit in the appropriate department of the Secretariat.

9. Mr. KARIM (Afghanistan): The position of my delegation on the question of Palestine is well known to this Assembly. We share the view expressed that the question of Palestine forms the core of the Middle East problem and that no lasting solution can be envisaged which does not take fully into account the legitimate aspirations of the Palestinian people.

10. As we all know, 30 years ago Palestine was partitioned by a resolution of the United Nations and its people were rendered homeless and their country was occupied by alien people. In view of this obvious fact the United Nations bears a heavy responsibility to the people of Palestine.

11. Four wars have taken place in the Middle East since the establishment of Israel in Palestine and the displacement of the people of Palestine from their fatherland. The occupation of Arab land by Israel in the 1967 war and attempts by Israel through the establishment of illegal settlements to change the character, status and demography of the occupied territories have placed additional impediments in the way of a just and lasting peace in the Middle East. Israel's policy since its illegal establishment has been one of territorial expansion, and so it remains.

12. The fundamental issue with respect to this problem remains the failure of the international community to address the vital task of restoring the national and legitimate rights of the Palestinian people, including the establishment of a Palestinian State. The restoration of the inalienable rights of the people of Palestine, as is well known, has been reiterated in many United Nations relevant resolutions. In this regard we wish to refer to resolution 3236 (XXIX). Israel's defiance of that resolution and other relevant resolutions of the United Nations is, in fact, totally inadmissible and has been condemned by the world community.

13. My delegation supports the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People [A/32/35, annex I] which have been drawn up with a view to contributing to the establishment of an enduring peace and settlement in the Middle East. We are hopeful that these recommendations, which have been adopted by the General Assembly, will be endorsed by the Security Council.

14. I avail myself of this opportunity to extend our appreciation to the Chairman of the Committee, Mr. Fall of Senegal, for the admirable manner in which he has conducted the proceedings of the Committee.

15. The importance of dealing with the Palestinian question is now recognized by all except Israel. In this context, my delegation welcomes the joint statement of 1 October 1977 by the United States of America and the Union of Soviet Socialist Republics, in which the resolution of the question, including the ensuring of the inalienable rights of the people of Palestine, has been enunciated as an

essential condition for a comprehensive settlement of the Middle East question.

16. The General Assembly recently adopted an important resolution concerning the situation in the Middle East [resolution 32/20]. The General Assembly, by that decision, requested the early convening of the Geneva Conference with the participation of all parties involved in the Middle East conflict, including the PLO, the sole legitimate representative of the Palestinian people.

17. My delegation is of the view that any future negotiations for a just and durable peace in the Middle East must include the complete withdrawal of Israel from all the occupied territories and the restoration of the inalienable rights of the Palestinian people, including their right to self-determination, national independence and the creation of a Palestinian State.

18. In conclusion, I would state that my delegation is of the view that the Government of Israel should demonstrate a high degree of co-operation in the implementation of the decisions of the General Assembly so that it would be possible to achieve a just and durable peace in the Middle East. My delegation is confident that the General Assembly will fulfil its responsibilities by taking the necessary measures during its present session to reaffirm the inalienable rights of the people of Palestine.

19. Mrs. IDER (Mongolia) (*interpretation from Russian*): The General Assembly is discussing a pressing international problem, namely, the question of Palestine, which requires an urgent solution. This issue, as members know, has been on the agenda of our Organization in one form or another for almost 30 years.

20. Significant progress in the efforts made by the international community designed to achieve a just solution of the Palestine problem was shown in the results of the discussion of this question at the twenty-ninth session of the General Assembly. At that session the question of Palestine was examined in its political aspects, and historically important resolutions were adopted, namely, resolutions 3236 (XXIX) and 3237 (XXIX), which reaffirmed the inalienable national rights of the Arab people of Palestine, including their right to self-determination, national independence and sovereignty. The recognition of the PLO as the sole legitimate representative of the Palestinian people was enshrined in international law, and it was accorded observer status at the United Nations.

21. Unfortunately, however, since the adoption of those resolutions no progress has been made in implementing the generally recognized inalienable rights of the Palestine people and no measures have been taken to fulfil the provisions of those resolutions. The Palestinian people continue to remain disunited and scattered throughout many countries. More than a million Palestinians live under Israeli occupation.

22. In this connexion, our delegation considers it necessary to emphasize that the main responsibility for this situation is to be borne by Israel, which, ignoring the many decisions taken by the United Nations and the demands of the world community, obstinately continues, with the

support of its patrons, to sabotage the implementation of United Nations resolutions on the Palestine question and on the settlement of the Middle East problem as a whole. The policies of the ruling circles of Israel, consisting in the obstinate refusal to recognize the legitimate rights of the Arab people of Palestine enshrined in United Nations resolutions and to recognize their legitimate representative, the PLO, and in pursuing a policy of annexation in the occupied Arab territories, are serious obstacles on the way to a just and comprehensive settlement of the Middle East question and a solution of the Palestine issue, which in fact is the key part of such a settlement.

23. In the light of what I have said, our delegation considers that the United Nations should do its utmost in order to promote the achievement of a just solution of the Palestine problem in keeping with the aspirations of the Palestine people, the principles of the Charter and the resolutions adopted by the Organization.

24. The position of the Mongolian People's Republic on the Palestine question and related issues has been put forward several times in discussions in the General Assembly and other United Nations bodies. The consistent position of principle of Mongolia on the Palestine question in particular, and on the Middle East problem as a whole, was reaffirmed in the statement made by the Foreign Minister of the Mongolian People's Republic in the general debate in the General Assembly on 30 September this year [15th meeting]. We consider, and at this time we should like to re-emphasize, that the necessary conditions for achieving a just and lasting settlement of the Middle East crisis is the unconditional withdrawal of Israeli forces from all Arab territories occupied in 1967, the implementation of the inalienable right of the Arab people of Palestine to self-determination, including their right to establish their own State, and the guaranteeing of an independent existence for all States of the region.

25. We consider that an examination of all aspects of a Middle East settlement and the taking of appropriate decisions on a mutually acceptable basis should be carried out within the framework of the Geneva Peace Conference on the Middle East, with the participation of all parties directly concerned, including representatives of the PLO, which should enjoy equal rights with other participants at the Conference.

26. In conclusion, our delegation would like to pay a tribute to the work done by the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

27. Mr. PAWLAK (Poland): For three decades now the question of Palestine has captured the attention of the international community. However, the passage of time has not helped us to resolve this difficult problem, but has made it even more complicated. The longer Israel refuses to recognize the legitimate rights of the Arab people of Palestine, the greater is its responsibility for prolonging the Middle East crisis. Because at the heart of that crisis lies the Palestinian problem

28. The Polish delegation has studied attentively the important report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People [A/32/35] and

all other documents on the question of Palestine. The Committee's report deserves special attention for its precise and clear description of the Palestinian people's rights to self-determination and to national sovereignty. It contributes decisively to the understanding of the continued disaster of the Palestinian people and to the Arab-Israeli conflict as a whole.

29. The facts concerning the Palestinian question are well known. They have been fully presented once again in the well-documented statements of many Arab and other delegations in the course of our present debate.

30. We believe that in the Middle East a comprehensive and lasting solution can be achieved only on the basis of Security Council resolutions 242 (1967) and 338 (1973), as well as other decisions of the Council and of the General Assembly. Other efforts, even of the most spectacular value, will be futile as long as they are not aimed at solving the fundamental questions: that is, the withdrawal by Israel from all Arab territories occupied since 1967 and the recognition of the inalienable rights of the Arab people of Palestine. It is this people which is still deprived of fundamental rights of self-determination and its own statehood. There can be no solution to the Middle East problem without full implementation of the legitimate aspirations of the Arab people of Palestine represented by the PLO.

31. Since the Palestine problem is fundamentally of a political nature and should not be seen in its humanitarian dimension alone as the mere problem of the refugees—as some would like to see it—my delegation wishes to concentrate on its political considerations and implications.

32. There is no need to underline that the problem of Palestine is a consequence of the over-all Israeli policies based on the military occupation of the territories seized as a result of aggression and of attempts aimed at consolidating that aggression. It is a fact that the arbitrary measures and illegal steps taken by the Israeli authorities in the occupied Arab territories continue. Despite the numerous resolutions of the Security Council and the General Assembly, Israel continues its deliberate policy calculated to change the demographic structure of the occupied territories, to depopulate them of their Arab inhabitants, through eradication of all forms of Arab presence, including the demolition of Arab houses, and to establish Israeli settlements there.

33. At the end of last month the General Assembly acted, following a week-long debate, by adopting resolution 32/5 of 28 October 1977 on recent illegal Israeli measures in the occupied Arab territories designed to change the legal status, geographical nature and demographic composition of those lands.

34. Those Israeli actions—the annexation and confiscation of Arab land and the expulsion of Arab people in order to create *lebensraum* for new Jewish immigrants—have been a flagrant violation of the basic principles governing the protection of civilian populations in armed conflicts which have been laid down in the relevant General Assembly resolutions and in the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

35. The question of Palestine concerns the Palestinian people as a whole, wherever they live. It is a problem of a people who should be enabled to exercise its legitimate rights and be involved in any endeavour which directly concerns its fate.

36. My delegation believes that the problem of Palestine should be solved in accordance with the relevant United Nations resolutions. I should like to recall here General Assembly resolutions 3236 (XXIX) of 22 November 1974, 3375 (XXX) of 10 November 1975, and 31/20 of 24 November 1976, which recognized that the people of Palestine are entitled to equal rights with other peoples and to self-determination in accordance with the United Nations Charter, and declared that full respect for the rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East. The participation of the recognized representatives of the Palestinian people is essential in any efforts and deliberations aimed at achieving a just and lasting peace in that region. The PLO is a universally recognized representative of the Palestinian people which should be involved in all efforts, negotiations and conferences on the Middle East, on an equal footing with all other parties.

37. It is also self-evident that the solution of the problem of Palestine cannot be reached without a political settlement in the Middle East. In this connexion my delegation stresses that any attempts at making a settlement of the Arab-Israeli conflict must include the realization of the rights of the Palestinian people. The Middle East conflict should be solved by taking into account its entire complexity; and such a solution requires the withdrawal of Israel from all occupied territories, the realization of the inalienable rights of the Arab people of Palestine, and the safeguarding of the right of all States of that region to independent existence and security.

38. The United Nations has been trying to solve the problem of the Palestinian people for 30 years. The failure to solve it is due only to one factor, namely, the persistent defiance and totally negative attitude of Israel towards the implementation of the relevant decisions of the United

Nations, and the continuous disregard by Israel of the will expressed by the Arabs and the international community.

39. My delegation shares the opinion of many delegations that we should undertake urgent and concrete steps towards the implementation of the relevant resolutions of the Security Council and the General Assembly. We strongly believe that, unless the rights of the Arab people of Palestine are fully restored and unless the legitimate aspirations of these people are met, there will be no stability in the Middle East.

40. The best way of bringing about a settlement of this kind would be by the prompt resumption of the Geneva Peace Conference on the Middle East, with the participation of all the parties concerned in the Middle East conflict, including the PLO, which is universally recognized as representing the authentic voice of the Palestinian people.

41. My delegation strongly believes, therefore, that the joint Soviet-American statement on the Middle East of 1 October this year is of great importance and well serves the cause of the early reconvening of the Geneva Conference.

42. The Polish delegation has stated many times its consistent position concerning and support for a political settlement of the Middle East crisis. The best means of achieving this is through the Peace Conference, with the participation of all the interested parties, including the PLO, on an equal footing.

43. May I conclude by expressing the firm belief of my delegation that the withdrawal by Israel from all the Arab territories occupied since 1967 and the restoration and exercise of the inalienable rights of the Palestinian people to return to their homes and to achieve self-determination will not only contribute to the well-being of the Arab people of Palestine but will also be beneficial to all the peoples of that region and to the world as a whole.

The meeting rose at 11.45 a.m.