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SPECIAL POLITICAL COMMITTEE
26th meeting
held on
Tuesday, 23 November 1976
at 3 p.m.
New York

SUMMARY RECORD OF THE 26th MEETING

Chairman: Mr. MOLAPO (Lesotho)

CONTENTS

AGENDA ITEM 55: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (continued)

ORGANIZATION OF WORK

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 55: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (A/31/218, A/31/235 and Add.1 and 2, A/31/302; A/SPC/31/6) (continued)

1. Mr. OMER (Sudan) thanked members of the Special Committee for their work, which deserved to be commended by the international community. In introducing the report of the Special Committee, the representative of Senegal had said that Israel did not recognize the Committee or co-operate with it, which was hardly surprising since aggressors always tried to camouflage their crimes. Israel's refusal to admit the Special Committee established in pursuance of General Assembly resolution 2443 (XXIII) clearly proved that violations of human rights had been committed. The Special Political Committee had opposed the screening of an Israeli film purporting to show an improvement in the situation of the Arab population in the occupied territories, as it considered that an attempt was being made to distort the facts. Throughout the course of history no one had ever accepted that occupation had any advantages, as it involved violations of human rights and the use of force.

2. In its report (A/31/218), the Special Committee had reached the following conclusion: the problem had its roots in the Israeli Government's policy of annexing the occupied territories, through such measures as the establishment of new settlements in those territories. Israel was also taking stringent and abusive action to suppress any protest against the occupation. Israeli tactics in the occupied territories were contrary to the letter and the spirit of the Fourth Geneva Convention. The Special Committee had pointed out that the essence of Israeli policy was the national homeland theory, propagated by the Government of Israel, according to which the territories occupied since the 1967 war remained within the natural frontiers of the State of Israel. That theory had never been recognized in the United Nations resolutions establishing the State of Israel.

3. In its report the Special Committee had mentioned that the Israeli Government was using defensive arguments to justify the deportations, the forcible transfer of inhabitants, the destruction of homes, etc. But the real reasons for the deterioration in the situation in the occupied Arab territories lay in the policy of annexation and colonization practised by the Israeli Government. As a result of the Israeli occupation of the Arab territories, there had been demonstrations which had led to the adoption of repressive measures by the Israeli authorities. The situation had become explosive, and the Security Council had already been obliged to consider it three times during the current year. On 11 November the Council had unanimously adopted a statement in which it had expressed its grave anxiety and concern over the serious situation in the occupied Arab territories, reaffirmed its call upon the Government of Israel to ensure the safety, welfare and security of the inhabitants, and reaffirmed that the fourth Geneva Convention was applicable to the Arab territories occupied by Israel since 1967. The Council had also considered that all legislative and administrative measures taken by Israel were invalid and recognized that any act of profanation of the Holy Places and religious buildings could seriously endanger international peace and security.

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(Mr. Omer, Sudan)

4. In its resolution 3240 C (XXIX), the General Assembly had requested the Special Committee, with the assistance of experts, to undertake a survey of the destruction of Quneitra. In its report, the Special Committee had stated that for various reasons it was convinced that the destruction could only have been deliberate and systematic and have occurred before the withdrawal of the Israeli troops, so that the Israeli authorities were responsible for the destruction of Quneitra.

5. On the pretext of defending national security, Israel was establishing settlements in the occupied Arab territories. He wondered just what the extent of Israel's ambition and its policy of annexation might be. The Sudan felt that peace and security in the Middle East would be achieved only with the complete withdrawal of the Israeli occupying forces. If Israel wanted peace, it must abandon its expansionist dreams. No occupation had ever lasted for ever, nor had a people ever been resigned to perpetual exile.

6. Mr. DIAKITE (Mali) said that the fact that a sovereign State was occupying by force part of the territory of another sovereign State was incompatible with the principles of the Charter and contrary to the rules of international law. Even in the case of armed conflict, there were international instruments to protect the civilian populations of occupied territories against the abuses of the occupying Power. The best known such instrument was the Fourth Geneva Convention of 1949. The war of aggression declared in June 1967 by Israel against its Arab neighbours had resulted directly in the occupation by force of the territories of Gaza and the Sinai and the Golan Heights. In establishing the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the General Assembly had sought to shoulder its responsibilities towards the civilian victims of that war of aggression. The various reports submitted by the Special Committee since its establishment mentioned the serious violations of human rights by Israel, such as the expulsion of the non-Jewish inhabitants from the occupied Arab territories, the transfer of thousands of persons, the expropriation of property, the demolition of homes, etc. All these inhuman practices were part of a policy which was meticulously prepared and carried out by the Tel Aviv Government with a view to bringing about the annexation of the occupied territories. The time had come for the United Nations to insist that Israel should respect the international commitments it had entered into of its own free will and, in particular that it should apply the provisions of the Fourth Geneva Convention in full.

7. The report of the Special Committee mentioned numerous cases which showed that persons arbitrarily persecuted and detained in the occupied territories were not enjoying the protection afforded them by the Fourth Geneva Convention and applicable humanitarian law. It was clear from the report that, in its blind ferocity, the occupying Power had no compunction about employing the most ignoble and inhuman measures.

8. According to international law, military occupation, which was illegal in all cases, was a temporary situation pending the final settlement that would put an end to hostilities. No delegation could accept the Zionist political philosophy that the Arab territories occupied after the hostilities of June 1967 should be incorporated into the State of Israel to ensure safe and defensible boundaries. In reality, Israel simply wished to annex those territories, which it had been occupying illegally for 10 years.

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(Mr. Diakite, Mali)

9. Israel's persistence in maintaining its policy of occupation of the occupied Arab territories and the continual oppression of the people living there would only promote the escalation of violence in the area and reduce the possibilities of restoring peace there. Israel's refusal to co-operate with the Special Committee was both an act of defiance towards the international community and a serious violation of the Fourth Geneva Convention. The United Nations must induce Israel to respect its decisions on the subject so that the Special Committee could enter the occupied Arab territories and carry out its mission. If necessary, sanctions should be applied if Israel persisted in its refusal. The States which upheld Israel's annexationist policy were becoming increasingly aware of their mistake. The inhuman Israeli practices in the occupied Arab territories had shown them the true intentions of the Tel Aviv Government. In that respect, the unanimous decision taken by the Security Council was significant. In fact, the Council expressly condemned Israel's policy of settlement in the occupied Arab territories. His delegation considered that the Special Political Committee should not consider only the secondary aspects of the question. The Committee could contribute to the over-all United Nations effort to restore genuine peace in the Middle East only by considering the problem as a whole. The serious crisis could be solved only through the restoration of the inalienable national rights of the long-suffering Palestinian people who should be given back their usurped homeland.

10. Mr. HALASZ (Hungary) said that the report of the Special Committee (A/31/218) bore witness to the integrity of its members despite the isolated charges levelled against it by one delegation in a desperate attempt to discredit the evidence gathered by the Committee. He would wish the Committee to carry on its activity if the occupation continued, and he trusted that every Member State would give the Committee all the support necessary and that the Secretariat would continue to give due publicity to the incontestable facts brought to light by the Committee.

11. The report showed beyond all doubt that it was Israel's policy of annexation of the occupied territories which lay at the root of the deteriorating situation. That policy was based on the doctrine that the occupied territories formed part of Israel and were therefore not occupied territories. That doctrine spoke for itself and was, of course, untenable.

12. Israel's measures in applying that annexation policy were well known. They were designed to change the geographical and demographic character of the occupied territories. The violations of human rights and the attempts to wear down the resistance of the population were also an integral part of the course taken by Israel.

13. He was convinced that a just and lasting peace could be achieved only by putting an end to the occupation. But as long as the occupation remained a fact, it was essential that Israel should ensure the welfare and security of the population, implement the Fourth Geneva Convention and refrain from the transfer of populations and the expropriation of property, from changing the legal status of Jerusalem and from committing acts of profanation of the Holy Places.

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(Mr. Halasz, Hungary)

14. Ever since the General Assembly had recognized the legitimate rights of the Palestinian Arab people to self-determination and to national identity, the population of the West Bank had stated time and again that the PLO was its only legitimate representative. That in itself showed the real failure of the occupation policy pursued by the Zionist ruling circles of Israel. After nearly a decade of oppression, the spirit of resistance was stronger than ever and it demonstrated that there was no alternative to Israel's withdrawal from all the territories occupied in 1967. In that context, he gladly supported the proposals to the effect that the Committee should adopt a resolution condemning the expansionist policy of Israel and its violations of human rights, ordering Israel to refrain from establishing new settlements in the occupied territories and to dismantle all those already implanted, and, above all, compelling Israel to put an end to the illegal occupation of Arab territories.

15. Hungary had always supported the rights of the Palestinian people and was one of the Member States which had taken the initiative to place the question of Palestine on the agenda and had invited the representatives of the PLO to the General Assembly. It had been glad to see that the General Assembly at its two previous sessions had taken steps towards putting an end to the injustices which had afflicted the Palestinian people for more than a quarter century. However, no real progress had been made so far, in that Israel continued to occupy Arab territories. In his opinion, a solution to the conflict could be reached only within the framework of an international conference with the participation of all the parties involved, including the representatives of the PLO. Such a settlement should be based on Israel's withdrawal from all the territories occupied in 1967 and on the recognition of the right of the Palestinian people to self-determination and the right of all States in the region to live in peace and security.

16. Mr. AL-ATIYYAH (Iraq) said that no question was so closely linked to the United Nations as that of Palestine and that there was no people whose fortune was so closely linked to the history of the Organization as that of the people of Palestine. For more than 30 years, the United Nations had been adopting one resolution after another on the matter of Palestine and, although those resolutions had remained without effect, they did testify to the increasing sympathy felt for the legitimate rights of the Palestinian people. The trend in the United Nations resolutions on Palestine reflected a qualitative and quantitative change in the structure of the Organization: in the 1950s, the number of Members of the Organization had been limited and the Organization had been dominated by the western Powers; today, the Organization was truly universal.

17. When at first the matter of Israel had been considered, United Nations resolutions had reflected the opinion of the Western Powers on the matter and had shown the indifference and lack of respect which they felt for the rights of peoples, which was characteristic of colonialism. That had been a grievous error, for which the United Nations itself was responsible and which had been brought about as a result of the hegemony of the Western Powers in the Organization. That error had given rise to the expulsion of a people to replace it with an aggressive entity. Instead of attempting to rectify that error, the United Nations

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(Mr. Al-Atiyyah, Iraq)

had ignored the fate of the Palestinians and, for many years, had studied secondary matters, such as that of the refugees of Palestine. The problem had been dealt with as if only a confrontation between Arabs and Israelis or a controversy between two States were involved. For that reason, the Conciliation Commission, which had been established on the basis of a false principle, had failed.

18. After suffering from indifference for more than 25 years, the Palestine people had been able, by its struggle to mobilize international public opinion and finally the issue had been seen in its true dimensions. The structural change in the United Nations had worked in favour of the Palestinian people. Thus, in resolution 3236 (XXIX), the General Assembly had reaffirmed the inalienable rights of the Palestinian people in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty; that same resolution had also reaffirmed the inalienable right of the Palestinians to return to their homes and property. In resolution 3375 (XXX), the General Assembly had recognized the Palestine Liberation Organization as the legitimate representative of the Palestinian people and in resolution 3376 (XXX) the General Assembly had decided to establish a Committee on the Exercise of the Inalienable Rights of the Palestinian People, which was to report to the General Assembly.

19. He felt that the report of the Special Committee should be studied in the historical context of the Palestinian cause, so as to avoid such errors as the notion that the Palestine problem was limited to the manner in which the occupation forces treated the population. That was exactly what Israel was trying to do when it attempted to show that the manner in which it was treating the population of the occupied territories was comparable to normal treatment in times of occupation and was, therefore, acceptable. In that connexion, it should be asked when had occupation ever been accepted just because the occupiers treated the population well. How long would colonialist theories be accepted?

20. In his view, the report of the Special Committee could be considered as an official document which condemned Israel for continuing to violate the rights of the population of the occupied territories and for persisting in its policy of annexing those territories through the establishment of new colonies. For the purpose of distorting reality, the Israeli occupation authorities made accusations against the Special Committee, whereas they knew perfectly well that the simplest way to have the truth revealed was to allow the Committee to enter the occupied territories; in that connexion, it should be asked why Israel paid no attention to the criticism directed against it and to United Nations resolutions and why was it so arrogant and so bold as to defy the whole world.

21. He felt that the answer to that phenomenon lay in the history of the Zionist entity. Zionism had risen towards the end of the previous century as a solution to the Jewish question. The movement had been influenced by political and intellectual ideas which had prevailed in Europe at that time, namely colonialism and national fanaticism. At the same time, an anti-liberal and anti-semitic feeling had risen in Europe, which had become the weapon of the European Christian

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(Mr. Al-Atiyyah, Iraq)

bourgeoisie. The Jews had thus become the scapegoat. Later, however, the Jewish bourgeoisie had tried to defend itself, using the same means as the European bourgeoisie: it had begun to expand on the anti-semitic theories and had thereby come to feel that Jews were a race apart. The sole difference between that attitude and anti-semitism lay in the Zionist concept of a chosen people and the superiority of the race. Instead of trying to free itself, the Jewish bourgeoisie had attempted to consecrate the racist ideas of which it had been the victim and now the scapegoat was the Palestinian people.

22. There was no reason for Palestine to be the territory in which a Jewish homeland would be established. That had come about as the result of the Zionist alliance with Great Britain in the beginning of the century. Zionism had thus been able to establish an entity in Palestine and at the expense of the Palestinian people. Later, it had allied itself with the United States which had replaced Great Britain in the vanguard of colonialism. Everything showed very clearly that the conduct of Israel reflected the two essential characteristics of zionism: racism and expansionist designs, on the one hand, and an alliance with the forces of imperialism, on the other.

23. In that connexion, he referred to the Declaration of the International Symposium on Zionism, held in Baghdad in November 1976, which could be found in document A/31/339, and stated again that, in order truly to remedy the damage which had been done to the Palestinian people and restore peace in the region, so that all the people of the region could live in peace, it was necessary to fight against zionism and its imperialist allies in the Middle East. Any other course was doomed to failure.

24. Mr. BENNOUNA (Morocco) pointed out that the Special Committee was the United Nations body responsible for the investigation of Israeli practices in the occupied territories and for establishing the facts and was the Organization's prime witness of the situation in those territories. The Special Political Committee should, therefore, not be accused of partiality or of adopting a less than dispassionate position in refusing to allow the Israeli film to be shown, since Israel had refused to co-operate with the Special Committee and had attempted to undermine the effectiveness of the United Nations by ignoring its resolutions.

25. The Special Committee report (A/31/218) dealt with only a very small part of the heinous practices committed by the Israeli occupation authorities and was only a pale reflection of the urgent situation in the territories. On the other hand, all the arguments raised by Israel to justify its position and behaviour were based on its own interests and had nothing to do with reality.

26. The report showed that Israel continued to establish settlements and was not bringing its behaviour into alignment with the rules of international law or the interests of the population of the occupied zone. The facts showed that Jewish extremism, in establishing itself by force in some areas of the territory, was only obstructing efforts aimed at achieving a peaceful settlement and that the official Israeli authorities supported those extremist groups. Furthermore, in their eagerness to transform the political, demographic and geographic characteristics of the occupied territories, Israel revealed its true intentions,

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(Mr. Bennouna, Morocco)

namely to perpetuate its occupation of the territories. The Zionists had implemented that policy in Palestine even before the occupation, as was shown, inter alia, by an article published in The Washington Post in October 1976 which said that the spokesman of Zionism maintained that the best way to obtain their objectives was through faits accomplis, in particular by establishing settlements even before the adoption of the relevant political measures. His country strongly condemned the settlement policy, which should be terminated immediately, since it destroyed all efforts aimed at peace. He felt, furthermore, that all peace-loving countries, including those friendly to Israel, should adopt a strong position on the matter, since that was the only way to achieve peace in the Middle East. On the other hand, besides the compensation which could be claimed from Israel for the damage it had caused, it should be remembered that there were certain things for which no compensation could exist, such as the loss of dignity and psychological and moral damage.

27. Although Israeli practices in the occupied territories since 1948 and 1967 had evoked the indignation of the whole world, Jews in the Arab countries had always enjoyed every protection, and it was regrettable, therefore, that many Jews, victims of international Zionism, were persuaded to abandon the societies which had been their traditional environment. Israel had referred to the Jewish refugees in Arab countries; however, in the Arab countries there were no Jewish refugees but rather Jewish citizens who enjoyed all rights, now as always for centuries, even before the establishment of Israel and even before Israel had taken upon itself the defence of the rights of those people. Owing to the tolerance inherent in the Muslim faith, Jews in Arab countries had never been persecuted as they had been in Europe, and in Arab countries there were, even today, many Jews who occupied important posts commensurate with their competence. However, those Jews from Arab countries whom the Zionists had persuaded to abandon their countries and emigrate to the "promised land" had discovered, once they arrived, that Jews coming from Arab countries were treated as second-class citizens. European Jews had imported the European colonialist theory of racial superiority and treated the African Jews as beings of an inferior race. However, the repressive Israeli acts in Arab territories would never be able to undermine the tolerant attitude of the Arab countries towards their Jewish citizens and their leaders were always ready to welcome back the Jews who had emigrated to Israel.

28. The Special Committee's report described Israel's expansionist policy, the profanation of Holy Places, the violations of human rights and the establishment of settlements, all of which showed that the Zionists were motivated by deep hatred. They thought that by establishing a Jewish State they could take their revenge for all that they had had to suffer elsewhere, and they were applying in the occupied territories practices similar to those to which the Jews in Europe had been subjected. They were thus behaving like colonialists at a time when colonialism had practically disappeared from the whole world.

29. The Israeli policy of Judaizing Jerusalem had aroused the world's indignation and was proof of the fanaticism of the Zionists, but the profanation of the Holy

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(Mr. Bennouna, Morocco)

Places, such as the Al-Ibrahimi Mosque could not undermine the morale of Islam. The Security Council had met on 11 November 1976 to deal with the question and had unanimously approved a statement in which, inter alia, it recognized that any act of profanation of the Holy Places could seriously endanger international peace and security.

30. He referred in particular to the criminal acts committed by the occupying authorities after the 1967 war against the historic Moroccan quarter of Jerusalem, whose destruction he condemned. He pointed out that two priceless mosques had also been destroyed, as well as hundreds of homes of Moroccan pilgrims in the city, whose property had been confiscated. Morocco condemned all Israeli practices which constituted a violation of natural law and of the Holy Places and reserved the right to demand compensation for the expropriation of property which it had owned before the occupation.

31. If Israel genuinely desired peace in the Middle East it must recognize the rights of the Palestinian people and withdraw from the occupied territories. If it continued to practise terrorism and to perpetrate arbitrary acts, such as the confiscation of land and property, it would only weaken its position, since the entire world, including some Jews speaking in a personal capacity, had deplored Israel's conduct and inhuman practices.

32. The report on Quneitra prepared by Mr. Edward Gruner, annexed to document A/31/218, required no comment. He had visited Quneitra in person and was deeply disturbed at what he had seen there and wished that the entire international community could witness the criminal manner in which the Israelis had destroyed the city. Morocco urged all peace-loving countries to compel Israel to put an end to the inhuman practices described in the report and seen in the film which had been shown to the Committee. Such practices, which had been universally condemned, were a flagrant violation of the Fourth Geneva Convention of 1949, and, if they continued they would serve to increase tension in the Middle East, to the detriment of the cause of peace, and could bring about a generally explosive situation there with unforeseeable consequences.

33. Mr. FADHLI (Democratic Yemen) said that at the current session of the General Assembly the Special Political Committee and other committees had once again considered the Israeli practices against the Arab or Palestinian populations of the occupied territories, again with the same result, namely, condemnation of Zionist aggression and occupation. Nevertheless, Israel continued to occupy the territories and to destroy villages and towns on the pretext of safeguarding national security, although what it really wanted was to destroy the Arab heritage and to assert the legitimacy of Israeli occupation. Israel was continuing to establish settlements, driving out the Palestinian population and replacing it with Jewish immigrants.

34. The Special Committee's report noted Israel's determination to establish settlements and to eliminate all opposition to its colonization policy. No Zionist leader had ever questioned the legitimacy of land expropriation, and the action taken by the occupying authorities showed that Israel was continuing its policy of expansion and colonization. The rebellion of the population of the occupied

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(Mr. Fadhli, Democratic Yemen)

territories showed that the destruction had really occurred, and that rebellion was its way of opposing the Israeli occupation, which could not have lasted without the political, economic and military assistance of the imperialist countries. That assistance had enabled the State of Israel to ignore United Nations resolutions. Even in the Security Council an imperialist State had used the veto to oppose resolutions against the Zionists. In spite of everything, however, the Zionist State was becoming increasingly isolated, since the other countries recognized the rights of the Palestinian population.

35. Recently, a report had been published in Israel warning that the Arab population had increased and calling for measures to ensure that the Arab population constituted a minority. The members of the Committee had seen a film on Quneitra which showed the activities of the Zionist occupying forces. The town had been completely destroyed, and if Israel had allowed the Special Committee to enter the occupied territories, it would have found other villages in the same situation. Inhuman policies similar to those applied by the Nazis, of whose inhuman treatment the Israelis complained, were being carried out in the occupied territories. There had recently been talk of persons suspected of collaborating with the Nazis, and suggestions that they should be brought to trial; but the persons who had committed murders in the occupied Arab territories should not be overlooked, and they included Israeli authorities.

36. Mr. EHSASSI (Iran) said for the past seven years the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had been presenting the Special Political Committee with carefully prepared reports which had been a source of deep concern and profound frustration. That current report was no exception, since it presented a gloomy picture of the situation in the occupied territories and showed that there had been no change in the policies and attitudes of the occupying Power towards those territories and their population. The report also mentioned the same atmosphere of revolt and unrest, which was the direct result of those policies. That situation of unrest continued to prevail among the population of the occupied territories and also continued to provoke repressive measures on the part of the occupying authorities. In previous reports the Special Committee had provided ample information concerning the measures taken by the occupying Power to punish those who initiated or participated in acts of protest against the state of occupation. The current report confirmed the persistence of the same pattern of harsh repression, which was a flagrant violation of international humanitarian law. However deplorable those conditions might be, they were no more than symptoms of a far greater ill: the state of occupation itself. Therefore the only really effective way of securing the human rights of the people of the occupied territories was to end the state of occupation.

37. That had always been the view of his Government, which maintained that no action designed to consolidate and perpetuate the state of occupation could be acceptable or have any legal validity. It therefore viewed those actions of the occupying Power aimed at changing the demographic and cultural map of the region

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(Mr. Ehsassi, Iran)

with deep concern, and pointed to the dangers inherent in those acts. It was also a matter of concern that there had not been any change in the policies of the occupying Power in that respect. Those policies had generated a strong reaction on the part of the indigenous people.

38. In that connexion, it was necessary to mention the case of Jerusalem. All were aware of the importance of Jerusalem to the Islamic world, and the actions taken by the occupying Power to alter its demographic and cultural aspects were therefore very serious, as the United Nations had continually pointed out to the occupying Power.

39. Annex III of the current report of the Special Committee contained a study concerning the city of Quneitra. The Special Political Committee had also seen a film showing what had happened there. In view of all that, one could only express utter abhorrence of the actions which had caused such destruction and register sympathy for the people who had suffered as a result of them.

40. The people of the occupied territories could not fully enjoy the rights to which they were entitled until the state of occupation was ended. It was therefore to be hoped that the time would soon come when all the people of the region would live in peace.

41. Mr. AL-SHAKAR (Bahrain) said that the Special Committee's report (A/31/218) revealed the inhuman treatment which the occupying authorities were inflicting on the inhabitants of the occupied territories. It was clear from the report that the persistence of the occupation constituted a flagrant violation of the principles of the United Nations and of the norms of international law, which prohibited the annexation of territories by force. Furthermore, the occupying authorities were disregarding the most elementary principles of humanitarian law, and Israel was even refusing to assume its responsibilities under the Fourth Geneva Convention and continuing to establish settlements and exploit the wealth of the territories.

42. Israel remained indifferent to the resolutions adopted by the United Nations and was pursuing its policy of annexation and expansion. That had led to increased resistance on the part of the inhabitants of the occupied territories. What was most alarming, however, was the persistence of the occupation authorities in changing the geographical, demographic and cultural character of the territories, in violation of Security Council resolutions, as was proved by the wholly unacceptable expropriation of Arab property in Jerusalem. The occupation authorities, by encouraging Jewish fanatics to profane the Holy Places, were continuing to provoke a reaction on the part of the population, which was rising up in protest against the measures taken by the occupation authorities, which constituted an affront to and a violation of international law.

43. He therefore asked the international community to take effective action to put an end to the violations of human rights committed by Israel and its disregard of the religious feelings of Moslems and Christians.

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(Mr. Al-Shakar, Bahrain)

44. The testimony and evidence gathered by the Special Committee demonstrated that all the allegations of Israel to the effect that prisoners received normal treatment were false. Among the many citizens of the occupied territories who had given testimony was the Jewish lawyer, Mrs. Felicia Langer, to whose courage and integrity his delegation paid a tribute. The occupation authorities were undoubtedly pursuing a policy of oppression and had adopted terrorist measures against those who refused to accept the occupation, promulgating unjust laws providing for the arrest of persons who opposed them, including the profanation of Holy Places. The international community should demand that the occupation authorities release persons imprisoned merely because they were opposed to the occupation and permit those who had emigrated to return.

45. The statements to the effect that Arabs in the occupied territories enjoyed well-being and prosperity were quite baseless and were merely an attempt to distract international opinion from the just struggle of the Arab people. One needed only to cite the curfews, the imprisonments, the deportations and other arbitrary measures applied during the current year. It was gratifying to note that, even in the midst of terror, tortures and oppressive measures, resistance was growing, the struggle was becoming fiercer and international reaction was intensifying, as was proved by the fact that between January and November of the current year the Security Council had met several times to consider the prevailing explosive situation. The rebellion and revolts were more than a passing phenomenon: they reflected the fact that the Palestinian people was prepared to make any sacrifice to oppose the occupation.

46. One of the annexes to the report of the Special Committee (A/31/218) was the report of Mr. Edward Gruner, which clearly demonstrated that much of the destruction of Quneitra had been deliberate and had occurred prior to Israel's withdrawal. That fact testified to a hate and fanaticism whose only parallel was to be found in the actions of the Nazis, who had destroyed entire cities.

47. His delegation was gratified by the statement approved by the Security Council on 11 November 1976 (S/PV.1969), in which it had expressed its anxiety and concern over the serious situation in the occupied Arab territories, and reaffirmed that the Fourth Geneva Convention was applicable to the Arab territories occupied by Israel since 1967, had called upon Israel to rescind all measures which tended to change the legal status of Jerusalem, and had recognized that any act of profanation of the Holy Places, religious buildings and sites might seriously endanger international peace and security.

48. It was obvious that the root of the problem lay in the occupation, and his delegation accordingly vigorously condemned it, just as it condemned Israeli practices in the occupied territories; it endorsed the opinion and conclusions of the Special Committee in its report, namely, that the ending of the occupation was the only way of ensuring the restoration of justice and peace in the region. He accordingly urged the international community to adopt effective measures to end the domination and to refrain from recognizing in any way the changes made in the character of the occupied territories.

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49. Mr. HAMMAD (United Arab Emirates) affirmed his full confidence in the members of the Special Committee and his rejection of any manoeuvre aimed at questioning that Committee's impartiality. His delegation was surprised by the attitude of those who had doubts about the constitutionality of the Ad Hoc Committee but were making no practical suggestions. They confined themselves to speaking of the need for Israel to respect the Fourth Geneva Convention, but they overlooked the content of that Convention. The behaviour of those States was causing the Geneva Convention to become a dead letter, and to disguise the real situation and allow Israel to continue violating the Convention. All of that demonstrated that the States in question had no intention of adopting effective measures to end the occupation of Arab territories.

50. The aim of international humanitarian law, such as the Fourth Geneva Convention, was to protect civilians in occupied territories in three respects: (1) physical persons; (2) material resources; and (3) institutions. It had been clearly proved in the report that Israel was violating that law in all three respects and that it was definitely not fulfilling its commitments to the international community. Israel's aim was to clear the inhabitants out of the occupied territories in order to annex those territories.

51. Israel's statements to the effect that defence regulations imposed by the British Government had become part of the Jordanian law applicable in Israel since 1967 had been denied by the Jordanian Government, which had declared that those regulations had been abrogated prior to 1967. In fact, what should be applied on the West Bank was the relevant part of the Fourth Geneva Convention.

52. In the statement he had made on 10 November 1976, the representative of Israel had said that the Fourth Geneva Convention was not applicable to the occupied Arab territories. That statement comprised three points: (1) the denial that the Convention was applicable to the occupied Arab territories; (2) the statement that some competent authorities had been informed of the reasons for its inapplicability; and (3) the existence of reasons justifying its non-application. As to the first point, the delegation of the United Arab Emirates had had the opportunity at the last session to make a detailed analysis of the provisions of the Convention which proved the fallacy of the Israeli assertion. Under article 1 of the Convention, Israel had undertaken to respect the Convention, and as a party to the Convention, under article 2, Israel was under the obligation to apply it to all cases of war and occupation. The two articles were very clear and recourse could be had to the generally recognized principles of interpretation of treaties to provide an accurate and complete idea of the applicability of the Convention. In its statement at the twenty-ninth session of the General Assembly, the delegation of the United Arab Emirates had invoked the four basic principles of interpretation, namely, the principles of interpretation by simple and natural means, by the context, by the preparatory work and by the principal aim. The only conclusion that could be reached from an examination of the Convention in the light of those internationally accepted principles of interpretation was that Israel was bound by the Convention and therefore must apply it in the occupied territories.

(Mr. Hammad, United Arab Emirates)

53. Israel could have recourse only to two methods to avoid applying the Convention partially or totally. The first would be to make a reservation with regard to the applicability of some of its provisions or of the whole text with respect to another State or States. But that reservation could only be made when the Convention was being signed, ratified or accepted or adhered to, and Israel had not done so and could not do so now. The second method would be to denounce the Convention, which it had not done either. He challenged the representative of Israel to refute the arguments he had given to show that Israel was bound to apply the Convention in the occupied Arab territories.

54. The second point in the statement made by the representative of Israel had been that some competent authorities had already been informed of the reasons why the Geneva Convention was not applicable. In that case, neither the United Nations nor any of its organs were competent authorities, since otherwise they would have been informed. It might be asked who those competent authorities were, and he challenged Israel to inform the Committee who they were.

55. The third point in the statement of the representative of Israel had been that there were reasons justifying the non-applicability of the Convention. The members of the Special Political Committee obviously did not know what those reasons were, because Israel had never communicated them to it, perhaps because he looked down on the United Nations. The representatives of Israel were always speaking of enlightened public opinion; the delegation of the United Arab Emirates therefore requested the representative of Israel to explain those reasons for the enlightenment of the Special Political Committee.

56. The real reason was that Israel considered the occupied territories to be liberated territories which were its by right; and in that connexion the delegation of the United Arab Emirates wished to quote two resolutions adopted by the twenty-eighth Zionist Congress, held in Jerusalem in 1972, in which it was stated that Israel had liberated Jerusalem and the land of its ancestors. Also in 1972, the Israeli Parliament had adopted a resolution affirming that the historic right of the Jewish people to the land of Israel was beyond any doubt.

57. He once more challenged the representative of Israel to deny that that was the reason why Israel was refusing to apply the Fourth Geneva Convention to the occupied territories. In his opinion, the Special Political Committee would be interested to hear Israel's reply. If the representatives of Israel decided to answer the questions that he had asked, that would be enlightening for the members of the Special Political Committee. If they remained silent, he hoped that the Committee would interpret that silence to mean that Israel accepted his allegations.

ORGANIZATION OF WORK

58. The CHAIRMAN informed the Committee that he had received a request that the Committee should continue with its examination of agenda item 121 at its meetings on Wednesday 24 and Friday 26 November 1976 and should then resume its examination of item 55. If there was no objection, he would take it that the Committee agreed to accede to that request.

59. It was so decided.

The meeting rose at 6.10 p.m.