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at 10.30 a.m.
New York

SUMMARY RECORD OF THE 28th MEETING

Chairman: Mr. MOLAPO (Lesotho)

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AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (continued)

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The meeting was called to order at 11 a.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, A/SPC/31/8) (continued)

1. Mr. QUARLES VAN UFFORD (Netherlands), speaking on behalf of the nine countries of the European Communities, said that the Nine continued to be concerned about the tense situation which had prevailed during the past year in the territories occupied since 1967. They were concerned, firstly, because of the effects of that situation on the human rights of the inhabitants of the territories and, secondly, because of the importance of conditions in the area for the prospects for peace in the Middle East.
2. The Nine had repeatedly expressed the view that the Fourth Geneva Convention was applicable to the occupied territories and had voted for a number of General Assembly resolutions calling upon Israel to respect and apply its provisions there. They regretted the fact that Israel had not accepted the principle of the applicability of the Fourth Convention to the occupied territories. The Nine had also made clear their opposition to any changes in the physical and demographic character of the occupied territories and, in particular, to the policy of establishing settlements, which was contrary to the obligations imposed by international law. In addition, they had stated their opposition to any attempt to alter the status of Jerusalem.
- 2a. At the same time, the Nine recognized that the Fourth Geneva Convention conferred certain responsibilities upon the occupying Power, and they therefore believed that there were certain measures which an occupying Power could reasonably take in respect of the inhabitants of the territories which it was occupying. They felt that no changes should be made in the Holy Places and that the religious rights of the inhabitants of the territories should be respected. They had noted with satisfaction, in that connexion, Israel's assurances that it would maintain free access to the Holy Places for people of all faiths.
3. Turning to the question of Quneitra, he said that the Nine had already expressed their concern and sympathy at the loss suffered by the people of Syria. They also found it regrettable that, according to the conclusions presented in the Special Committee's report, the destruction of Quneitra had been largely deliberate.
4. With regard to the report of the Special Committee, he wished to recall the reservations which the Nine had expressed in the past concerning its establishment - reservations which had led to their abstention in the vote on resolution 2443 (XXIII). Owing to the conditions under which the Special Committee had been created and the difficulties it had had to face, through no fault of its own, in carrying out its task, the Nine had always felt that, however well-intentioned its members might be, the Special Committee would not have access to sufficient first-hand material to give its report adequate authority.

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(Mr. Quarles van Ufford, Netherlands)

5. In the opinion of the Nine, no fully satisfactory solution of the humanitarian problem in the Middle East could be expected without a comprehensive solution on the basis of the four essential principles for a settlement which had been set out by the Nine in the General Assembly on 18 November 1976. They felt that, in the context of a just and lasting settlement, Israel's territorial occupation, which it had maintained since 1967, should come to an end and that negotiations should be resumed as soon as possible. It was therefore of the utmost importance that the authorities concerned should apply policies in the occupied territories which would not make the achievement of that goal more difficult.

6. Mr. OULD HAYE (Mauritania) paid a tribute to the Special Committee, which, despite Israel's systematic obstruction, had tried to accomplish its mission, the result of which was the report which it had submitted to the Committee.

7. The report contained convincing evidence that Israel was continuing to pursue a planned policy of annexation and colonization in the occupied territories through the adoption of measures based on violence and contempt for human beings, such as the establishment of settlements, the expulsion of populations, the demolition of housing, the expropriation and confiscation of land, the profanation of places of worship, and the suppression of all protests against the occupation. The purpose of all those measures was to alter the historical, religious and demographic character of the occupied territories, as not even the Zionist leaders attempted to conceal.

8. Those facts also demonstrated beyond any doubt that Israel had contempt for the Universal Declaration of Human Rights, the United Nations Charter, the Fourth Geneva Convention and other international instruments. The question that arose was what attitude the international community would adopt. Would it wait until Israel was moved to pity by the plight of the Palestinian people? Judging by the contempt with which Israel treated the resolutions of the Security Council and the General Assembly and by such actions as the systematic destruction of the city of Quneitra, waiting until Israel changed its attitude would mean that the reports on Israeli practices would continue to pile up.

8a. Israel's attitude not only constituted defiance of the international community and of universally recognized moral and humanitarian principles but also damaged the prospects for peace in the Middle East. However, those principles and the maintenance of peace were the reason for the existence of the United Nations. The time had therefore come for the United Nations to assume its responsibility and to remember that the first obligation of every Member State was to comply with the Charter of the Organization and that annexation and colonization constituted a flagrant, inadmissible violation of the Charter. The time had come for the international community to show that it was determined to create the necessary conditions for a just and lasting peace in the Middle East, i.e. Israel's evacuation of all the occupied Arab territories and the restoration of the basic rights of the Palestinian people to self-determination and national sovereignty. Until those conditions were met, peace, justice and human rights would be nothing but empty words.

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9. Mr. KARIM (Bangladesh) said that the Special Committee's report made it clear that the fundamental issue was the fact that the occupation of the Arab territories by Israel was continuing nearly a decade after the war. The Fourth Geneva Convention was based on two fundamental concepts. The first of those concepts was that military occupation could have no more than a temporary status; unfortunately, that concept remained an illusion in the present instance. Despite that fact, the Committee had heard some arguments which constituted an apologia for the occupation; that was totally unacceptable. One could not resign oneself to domination by force. It must also be recognized that there was no such thing as a benevolent occupation. It was therefore completely irrelevant to refer to the material benefits supposedly accruing to the people under occupation, for there was no substitute for freedom.

10. Secondly, the Geneva Convention provided that there must be the least possible interference by the occupying Power with the lives and customs of the occupied territory. The report of the Special Committee made it clear that Israel had not respected that principle. The main problem affecting the human rights of the population of the occupied territories had its roots in a policy of the Israeli Government directed towards the annexation of the territories. The official doctrine, which was also supported by the Parliamentary opposition, held that the occupied territories formed part of the natural boundaries of the State of Israel and were therefore not to be regarded as occupied territories; the civilian population of the territories was therefore regarded as being there only on sufferance. That doctrine was completely untenable and had not received even implicit recognition in the General Assembly resolution creating the State of Israel. Its application was obvious and was clearly manifested in a number of measures taken by the Israeli Government. The most serious of those measures was the establishment of settlements as part of a preconceived, systematic plan; he referred in that connexion to chapter IV and annex III of the report. Israel's intentions were obvious, for the Prime Minister of Israel himself had stated that no settlement had been set up in order to be taken down again. It should also be noted that article 49 of the Fourth Geneva Convention dealt with the question of population transfers from occupied territory and that the establishment of settlements was illegal under that article. However, Israel had gone further and had taken measures to discourage the population from remaining in the occupied territories and to prevent the return of those who had fled. Israel was attempting in that way to change the character of the territories and annex them.

11. As his delegation had already stated in the Security Council, those actions by the Israeli Government clearly demonstrated that it sought to wipe out the name of Palestine and to keep expanding its frontiers. That could have ominous consequences for the outlook for peace in the Middle East. His delegation had always believed that the two essential conditions for a just and permanent settlement in the Middle East were full recognition of the national rights of the Palestinian people and the evacuation of all the Arab territories occupied by Israel. Israel's policy was clearly designed to thwart the attainment of those two conditions, and there was no choice but to conclude that Israel was not interested in peace.

(Mr. Karim, Bangladesh)

12. The report enumerated other measures taken by the Government of Israel against the population of the occupied Arab territories which he regarded as inevitable evils of foreign military occupation. The most shocking example of that degrading conduct was the deliberate destruction of the city of Quneitra, which exploded the myth that occupation forces could be benevolent.

13. At the thirtieth session, the General Assembly had expressed concern at the action of the Israeli Government in changing the institutional structure of the Holy Places and had declared all such measures null and void. The status of the Holy Places, foremost among which was the holy city of Jerusalem, was also covered by the Fourth Geneva Convention, which provided that the occupying Power could not alter the status of religious sites. However, Israel was continuing to take measures which were part of a larger plan for Judaizing the whole of Arab Jerusalem within a period of five years. Those measures affected not only the human rights of the population of the occupied Arab territories but also the feelings of the entire Moslem world, which could not tolerate the profanation of those sites.

14. Israel's criticism of the findings of the Special Committee had no basis whatever when one considered that the occupying Power had failed to co-operate with the Committee in the first place. In other words, Israel had first prevented the Special Committee from obtaining first-hand information and had then criticized it for not doing so. The same applied to the occupying Power's argument that it was not bound by the Fourth Geneva Convention, of which it was a signatory, because it did not accept the latter's applicability. The community of nations must live by a common code of conduct; he would like to know how a State could continue as a useful member of the international community when its course of action was totally at variance with that pursued by the rest of the world.

15. Mr. BELAID (Algeria) said that, since its establishment in 1968, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had spared no effort faithfully to reflect the situation prevailing in those territories. The Special Political Committee had before it the eighth report (A/31/218), an excellent document which included reliable accounts of interviews and testimony. Although Israel had refused to allow it to enter the occupied territories, the Special Committee had been able to contact Israeli citizens and had collected public statements by high-ranking Israeli officials which confirmed Israel's position and its intention to annex those territories. The Special Committee had concluded (A/31/218, para. 322) that the "policy followed by Israel in the occupied territories is the so-called 'nomeland doctrine' enunciated by the Government of Israel and supported by Parliamentary Opposition" and that under that doctrine, "the territories occupied as a result of the June 1967 hostilities form part of the natural boundaries of the State of Israel and are not therefore considered as occupied territories within the meaning of international law". The gravity of the acts committed by Israel in the occupied territories, such as the confiscation of property, the suppression of individual freedoms and the profanation of holy places, showed that its aim was to change the nature of the territories and create a situation and economic and social conditions

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(Mr. Belaid, Algeria)

that would make it impossible for the occupiers of the territories to withdraw. Since Israel's conduct represented a threat to peace in the area, the Security Council had met three times during the past eight months to consider the situation and, at the last of those meetings, held on 11 November 1976, it had adopted a statement expressing its grave anxiety and concern over the present serious situation in the occupied Arab territories (S/PV.1969, p. 26).

16. His delegation was convinced that the Israeli practices reflected Israel's expansionist policy and were a manifestation of its racist philosophy. The Zionist philosophy was based on three main points. First the assumption that God favoured the Jews, a people chosen for their moral qualities, intelligence and ability, attributes which, in turn, were gifts granted by God. That was a dangerous racist doctrine, similar to that propounded by Hitler, but based in the present instance on religious concepts which lent it a divine quality. Secondly, the aggressive and expansionist nature of Israeli policy, whose purpose was to create a homeland for the Jews, accounted for the establishment of permanent settlements with a view to ultimately annexing the occupied territories. That had been confirmed by the statements of high-ranking Israeli officials, including Mrs. Golda Meir who, in 1975, had said that the frontiers were determined by the people living within them and that if the people moved back their frontiers they too would retrogress. Therefore any change in the boundaries would be dangerous. The present Prime Minister had stated that no settlement had been set up in order to be taken down again (A/31/218, para. 29). Mr. Rabin had said on another occasion that efforts would be made in future years to strengthen the settlement policy and that, with the 29 new settlements to be established under a plan that had already been approved, the total number of settlements would amount to over 90. The Minister for Foreign Affairs of Israel had also said, in a press interview, that settlements were not being established in order to be abandoned, and he had gone on to state that settlements needed to be established in key areas from which Israel could not be expelled. No more eloquent proof than those statements could be found to illustrate Israel's annexation plans.

17. The third point in the Zionist philosophy was contempt for spiritual values, disregard for the instruments and standards of conduct adopted by the international community and for the repeated appeals of international organizations. Those three points formed the basis of Zionist philosophy and set the pattern for a strategy which constituted a direct threat to peace and security, not only in the area but in the whole world.

18. The question of Israeli practices considered by the Special Political Committee was the logical outcome of an even greater tragedy, the tragedy of the expulsion and uprooting of a people from their homeland. The efforts to disperse and exterminate that people constituted a crime without parallel in contemporary history. Since the Second World War the international community had tried to compensate the Jews for the sufferings they had undergone in Nazi Germany, possibly in an attempt

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(Mr. Belaid, Algeria)

to expiate its guilt for having allowed the Nazi crimes to be committed. But there could be no expiation by means of another crime, even more monstrous in view of its magnitude and gravity.

19. Israel was defying the international community and flouting the decisions of the United Nations, encouraged by some of its friends, who were bolstering its strength and helping it in its action against the Palestinian people. He wondered how long Israel would continue to behave with the same arrogance, and how long the international community would allow it to continue to violate the principles on which the United Nations was based. The courageous struggle of the Palestinian people under the leadership of the PLO was part of the legitimate struggle of the peoples of the world for freedom and independence. The Palestinian people had the right to their land and their independence. That was a fact that no one could deny, except those who were prepared to trample on the principles enshrined in the United Nations Charter.

20. Mr. WALINKONDE (Zambia) said that the report of the Special Committee revealed an extremely unfortunate state of affairs, clearly indicating that Israel was still committing violations of human rights in the Arab territories which it occupied illegally.

21. His delegation's consistent stand on that issue was that the Middle East conflict centred around the political status of the Palestinian people. The inalienable rights of the Palestinian people to self-determination and national sovereignty must be respected. Like any other people, the Palestinians had the right to that destiny which all Member States had a duty to bring about.

22. The fact that the Special Committee, although the Israeli authorities were doing everything to make its work difficult, had prepared such a full report, suggested that the situation in the occupied territories must be worse than what was actually described in the report. The report contained irrefutable facts which indicated that not only had Israel violated United Nations resolutions regarding the occupied territories but that it also intended to annex those territories, as was shown by Israel's establishment of some 64 settlements and the transfer of Israeli population to those settlements.

23. It was now eight years since the Special Political Committee had first been seized of the question of Israeli practices in the occupied territories. If Israel really felt that it had nothing to hide from the international community, as it claimed, it should demonstrate that by co-operating with the Special Committee instead of resorting to propaganda tactics, such as the showing of a film in the Committee. As long as Israel continued to be unco-operative, his delegation would continue to hold the view that Israel did not wish the Middle East problem to be solved peacefully and on the basis of justice.

24. The Israeli authorities had not allowed the Arabs who had left the territories during the 1967 hostilities to return to their homelands and, in addition, was continuing to expel all Palestinian leaders from those areas. The report also confirmed that the Government of Israel was continuing to make statements affirming

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(Mr. Walinkonde, Zambia)

government policy on annexation and settlement. Those statements made repeated reference to the "basic right" of Israeli citizens to settle anywhere in the occupied territories, and all indications pointed to the fact that such settlements would not be abandoned. It would be noted, for example, that as of June 1976, the Israeli authorities had prided themselves on the establishment of 64 settlements since 1967. Whatever method they used to acquire those lands for development purposes, his delegation condemned the move as a violation of the rights of the indigenous Arab people, who had not voluntarily called upon Israel to develop those lands. Such developments did not contribute to a settlement of the Middle East problems, and therefore could only aggravate the situation which the international community had been trying to rectify for the past eight years.

25. His delegation did not consider as valid the reasons advanced by Israel to justify its refusal to co-operate with the Special Committee. It considered that the establishment by the General Assembly of a Special Committee, whatever countries it was composed of, constituted the best choice by the United Nations. Israel's refusal to co-operate with the Committee could only mean that it was bent on keeping the international community in ignorance of the atrocities perpetrated by it against the Palestinian people in the occupied lands. His delegation deplored and condemned that attitude and requested Israel to co-operate with the international community with a view to achieving a peaceful settlement of the over-all Middle East problem.

26. As a Member of the United Nations Israel should respect the decisions of the Organization. The international community had overwhelmingly condemned Israeli practices in the occupied Arab territories, as had been demonstrated by various resolutions of the General Assembly and the Security Council. That should serve as a warning - and, indeed, an eye-opener - to Israel that unless it changed its expansionist policies, there would be no peace in the Middle East. Peace in the Middle East would continue to be elusive until Israel withdrew from all Arab land occupied since 1967 and until the inalienable rights of the Palestinian people were restored.

27. Furthermore, his delegation wished to associate itself with the recommendation of the Chairman of the Special Committee, who had called upon the United Nations to take steps to end Israel's illegal occupation of Arab lands.

28. Lastly, Israel's increasing co-operation with the South African racist régime was a matter of serious concern to Zambia. That friendship could only mean that Israel saw merits in the apartheid régime which was so blatantly and arrogantly violating human rights. His delegation therefore strongly condemned those ties and called upon Israel to reconsider its policy in that regard.

29. Mr. GHAFLOORZAI (Afghanistan) said that the eighth report of the Special Committee (A/31/218), prepared in very difficult circumstances owing to the negative attitude of the Israeli Government, revealed Israel's flagrant violation of the human rights of the population of the occupied Arab territories. Despite the numerous United Nations resolutions calling on Israel to respect and comply with the

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(Mr. Ghafoorzai, Afghanistan)

Geneva Conventions and other applicable international instruments, there had been no change in the attitude of the Israeli authorities, who were pursuing their policy of annexation and settlement while the condition of the civilian population under Israeli military occupation continued to deteriorate. Israel had changed the geographical aspect of the territories in violation of the provisions of the Fourth Geneva Convention; that was shown by the map in annex II to the report showing the Israeli settlements established since 1967. Such illegal practices on the part of the occupying Power demonstrated Israel's defiance of the provisions of the Fourth Geneva Convention and was contrary to other legal instruments, such as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. His country was firmly opposed to the continued occupation of the Arab territories by force and to Israel's policies of annexation, and condemned the violation of fundamental human rights. That attitude was based on its unshakable faith in the principles of the Charter, particularly the principle that the occupation of territory by force was inadmissible, and on its adherence to the provisions of the Universal Declaration of Human Rights and other valid international instruments. The Israeli practices in the occupied territories and the violation of human rights were aimed primarily at perpetuating the Israeli occupation of those territories, and Afghanistan had always condemned such attempts.

30. The report described the efforts of the Special Committee to investigate the treatment of detainees and the judicial apparatus used in the occupied territories. In particular, the Special Committee had felt that the application of the emergency laws in military courts was in violation of the Fourth Geneva Convention, which was another manifestation of the negative attitude of Israel to the human rights of the population of the territories.

31. The arguments adduced by the Israeli Government in defence of its policies in the occupied territories were neither convincing nor acceptable, since there was no justification for the perpetuation of the occupation or for the application of military emergency laws by the occupying Power for the treatment of the civilian population. Laws enacted under the occupation régime could not constitute a legal basis for determination of guilt, since resistance to occupation could not be considered an offence and the liberation of occupied territories was a sacred duty of the people of those territories.

32. Another aspect highlighted by the report of the Special Committee was the investigation of the destruction of Quneitra. It was regrettable to note that, according to the report submitted to the Committee, 97 per cent of the destruction had been deliberate. It had also been reported that the damage caused to the town of Quneitra by the Israeli forces amounted to more than 460 million Syrian pounds, and Israel should compensate Syria for that unwarranted damage. The continued exploitation of the natural resources of the occupied territories was an additional abuse committed by Israel in lands which did not belong to it. His delegation supported the conclusions of the Special Committee contained in part VI of its report.

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33. Mr. PETROPOULOS (Greece) said that the practices of the Israeli authorities in the occupied territories disregarded the standards established by the Fourth Geneva Convention and were aimed at creating in the occupied territories a permanent state of affairs leading to Israel's ultimate objective: the annexation of those territories. The policy of settlement followed in that case by the occupying authorities violated internationally established rules on the matter, and as such could not and should not produce any permanent legal results. That policy, which affected the human rights of the inhabitants of those territories in a number of ways, was aimed at changing the demographic composition of the affected areas and preventing the people from returning to their homeland. Military occupation should not be allowed to develop into a means of gradually absorbing the occupied territories. The international community could not afford to have its rules challenged by acts of force; its inaction in the specific case under consideration would encourage potential aggressors to launch attacks and actual aggressors to solidify their position following the Israeli model. Since the submission of its first report, the Special Committee had urged the General Assembly to assume its responsibilities and bring the state of occupation to an end. His delegation joined the Special Committee in calling for an end to the occupation of the Arab territories, since that was the only way to restore human rights there.

34. Mrs. UNAYDIN (Turkey) noted with concern that the situation in the occupied Arab territories had deteriorated. The Security Council had met three times during the current year to consider the situation in the Middle East, had expressed its grave anxiety and concern over the current situation in those territories and had deplored the unilateral measures taken there by Israel, stressing that such measures constituted an obstacle to peace.

35. According to the report of the Special Committee, the policy of annexation and settlement still continued and the number of Israeli settlements currently amounted to 61. The report also referred to mass arrests, maltreatment of civilian detainees, expulsion of the inhabitants of occupied territories, demolition of houses and buildings and radical changes in the physical religious and historical character and demographic composition of several areas since 1967. All those developments had intensified the protests and demonstrations of the civilian population, culminating in the bloody events of April 1976. Those developments justified the Special Committee's conclusion that Israeli policy was of a permanent nature, contrary to the concept of a temporary de facto situation which was the basis of the Fourth Geneva Convention. Her Government had consistently declared its strong opposition to the acquisition of Arab territories by force and to the unilateral measures taken by Israel in the occupied territories. It had also expressed its opposition to the changing of the status of Jerusalem and other sacred places. In keeping with that attitude, her Government had supported all the resolutions adopted by the United Nations and other international organizations on that question.

36. The recent developments in the occupied Arab territories showed how explosive the Middle East situation could become unless a just and durable solution was found as soon as possible. Her delegation considered that the two indispensable

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(Mrs. Unaydin, Turkey)

requisites for establishing the desired peace in the Middle East would be the withdrawal of Israeli forces from the Arab territories occupied in 1967 and the realization of the inalienable rights of the Palestinian people, including their right to a State of their own. Her delegation supported all endeavours in that regard, including the resumption of the Geneva Conference with the participation of the Palestinians. It was high time for the international community to assume the responsibilities incumbent upon it and to put an end once and for all to the sufferings of millions of people, which had already lasted for more than a quarter of a century.

37. Mr. IPSARIDES (Cyprus) said that the Middle East problem was becoming increasingly explosive as the plight of the Arab refugees deteriorated and the occupation of their territories continued. The military occupation of those territories, which was completely contrary to the principles of the Charter and United Nations resolutions, had culminated in a policy of annexation and the establishment of settlements at the expense of the indigenous Arab population, which had been expelled from the area. His Government had on many occasions made its position on that matter abundantly clear: it was opposed to any policy of annexation through the demographic dismemberment of a country carried out by the occupying Power and its military forces.

38. The report of the Special Committee showed that in the occupied Arab territories the basic human rights of the population were being infringed in the most flagrant way. Those violations were not only contrary to international legal instruments such as the 1949 Geneva Convention, but also constituted an affront to human dignity. His delegation considered that the root of the problem lay in the continued military presence of the occupying Power, which brought with it the corollary violations mentioned in the report of the Special Committee. The international community was duty-bound to resist the continued military occupation of any territory, the changing of its character and the alteration of its demographic composition and institutional structure, wherever they might occur. His delegation wished to express its anxiety about what was happening in the occupied Arab territories and its full support for those suffering as a result of those practices; it fully supported any effective measures that might be taken to put an end to that occupation.

39. His delegation confidently hoped that the United Nations would express the feelings of the world community and take the just and necessary stand regarding the problem under consideration, according to its principles and conscience.

40. The CHAIRMAN urged delegations wishing to submit draft resolutions on the item under consideration to do so as soon as possible.

The meeting rose at 12.30 p.m.