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**GENERAL  
ASSEMBLY**

**THIRTY-EIGHTH SESSION**

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SPECIAL POLITICAL COMMITTEE

45th meeting

held on

Monday, 5 December 1983

at 3 p.m.

New York

UN/SA COLLECTION

**SUMMARY RECORD OF THE 45th MEETING**

Chairman: Mr. RODRIGUEZ MEDINA (Colombia)

later: Mr. STARČEVIĆ (Yugoslavia)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 69: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES  
(continued) (A/SPC/38/L.35, L.36, L.37, L.38, L.39, L.40, L.41, L.42, L.43)

1. The CHAIRMAN drew the attention of Committee members to the draft resolutions on agenda item 69, issued as documents A/SPC/38/L.35, L.36, L.37, L.38, L.39, L.40, L.41 and L.42. He announced that the sponsors of draft resolution A/SPC/38/L.35 had requested that a decision on that text should be deferred. The Committee would, therefore, take a decision on the matter on Wednesday, 7 December.

2. Mr. ALI SHAH (Pakistan) introduced draft resolutions A/SPC/38/L.36 and L.37. He hoped that, as had been the case the preceding year with regard to draft resolutions of similar purport, they would receive wide support.

3. Mr. RAHIM (Bangladesh) introduced draft resolutions A/SPC/38/L.38, L.39, L.40 and L.41. He announced that Mongolia had become a sponsor of draft resolution A/SPC/38/L.38 and L.40. The thrust of those resolutions was well known to members of the Committee, since that question had, the preceding year, been the subject of identical draft resolutions which had, unfortunately, not been implemented. He hoped that the draft resolutions would receive wide support.

4. Mr. WEEDY (Afghanistan) introduced draft resolution A/SPC/38/L.42 and expressed the hope that it would be adopted by a large number of delegations.

5. The CHAIRMAN said that the financial implications of draft resolution A/SPC/38/L.38 were contained in document A/SPC/38/L.43. If he heard no objection, he would take it that the Committee wished to proceed to a vote on draft resolutions A/SPC/38/L.36, L.37, L.38, L.39, L.40, L.41 and L.42.

6. It was so decided.

7. The CHAIRMAN recalled that recorded votes had been requested on all the draft resolutions and that separate votes had been requested on paragraph 1 of draft resolution A/SPC/38/L.36 and on paragraph 6 of draft resolution A/SPC/38/L.38 respectively.

8. A recorded vote was taken on paragraph 1 of draft resolution A/SPC/38/L.36.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan

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Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: None.

9. Draft resolution A/SPC/38/L.36 was adopted by 114 votes to 1.
10. A recorded vote was taken on draft resolution A/SPC/38/L.36 as a whole.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: United States of America.

11. Draft resolution A/SPC/38/L.36 was adopted by 112 votes to 1, with 1 abstention.

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12. A recorded vote was taken on draft resolution A/SPC/38/L.37.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: United States of America.

13. Draft resolution A/SPC/38/L.37 was adopted by 113 votes to 1, with 1 abstention.

14. A recorded vote was taken on paragraph 6 of draft resolution A/SPC/38/L.38.

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Peru, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics,

United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Barbados, Chile, Greece, Lesotho, Liberia, Paraguay, Philippines, Portugal, Spain, Trinidad and Tobago.

15. Paragraph 6 was adopted by 85 votes to 20, with 10 abstentions.

16. A recorded vote was taken on draft resolution A/SPC/38/L.38 as a whole.

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Australia, Austria, Barbados, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Paraguay, Sweden, United Kingdom of Great Britain and Northern Ireland.

17. Draft resolution A/SPC/38/L.38 was adopted as a whole by 93 votes to 2, with 20 abstentions.

18. A recorded vote was taken on draft resolution A/SPC/38/L.39.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: United States of America.

19. Draft resolution A/SPC/38/L.39 was adopted by 115 votes to 1, with 1 abstention.

20. A recorded vote was taken on draft resolution A/SPC/38/L.40.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland,

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Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: United States of America.

21. Draft resolution A/SPC/38/L.40 was adopted by 114 votes to 1, with 1 abstention.

22. A recorded vote was taken on draft resolution A/SPC/38/L.41.

In favour: Afghanistan, Albania, Algeria, Argentina, Austria, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, China, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Australia, Barbados, Belgium, Burma, Canada, Chile, Colombia, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Paraguay, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

23. Draft resolution A/SPC/38/L.41 was adopted by 90 votes to 2, with 24 abstentions.

24. A recorded vote was taken on draft resolution A/SPC/38/L.42.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: United States of America.

25. Draft resolution A/SPC/38/L.42 was adopted by 114 votes to 1, with 1 abstention.

26. Mr. DE GEER (Sweden) speaking in explanation of vote, said that his delegation had voted in favour of draft resolutions A/SPC/38/L.36, L.37, L.39, L.40 and L.42. The Swedish Government was firmly convinced that the Geneva Convention Relative to the Protection of Civilian Persons in Time of War was fully applicable to all the territories held by Israel since 1967. The measures taken by Israel to change the legal status of those territories were illegal and at variance with Security Council resolutions 242 (1967) and 338 (1973), which Israel claimed to accept and support.

27. The annexation of Jerusalem and the Syrian territory of the Golan Heights was a flagrant violation of international law, as was Israel's settlements policy. One of the most constructive actions which Israel could take to improve the prospects of peace would be to dismantle the settlements in the occupied territories.



(Mr. De Geer, Sweden)

28. With regard to the draft resolutions on which his delegation had abstained (A/SPC/38/L.38 and L.41), he stressed his delegation's support for most of their provisions. More specifically, his delegation endorsed the condemnation expressed in paragraph 7 of draft resolution A/SPC/38/L.38 of various Israeli policies and practices but was not convinced that the language used was in all cases fully justified by established facts. Draft resolution A/SPC/38/L.38 went beyond the General Assembly's sphere of competence, and his delegation therefore had not been able to support it. In addition, draft resolution A/SPC/38/L.41, like resolutions adopted in previous years, contained generalizations which were too sweeping for his delegation to support, and it had therefore also abstained in the vote on that draft resolution. Lastly, his delegation's support for draft resolution A/SPC/38/L.40 did not in any way alter his Government's position with respect to resolution ES 9/1 to which reference was made in the preambular part and which his delegation had voted against.

29. Mr. LICHENSTEIN (United States of America) said that his delegation had requested a separate vote on paragraph 1 of draft resolution A/SPC/38/L.36, because it attached great importance to the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The Convention should be applied consistently to all situations of war or military occupation without regard to the nature of the conflict. It thus applied to the territories occupied by Israel since 1967. His delegation had voted for paragraph 1 but had abstained on the draft as a whole, since it was simply a sterile, ritualistic condemnation of Israel. In addition, the United States regarded the phrase "Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem", which appeared in the draft resolution and in later drafts, as merely a demographic and geographical description which was not indicative of sovereignty.

30. With respect to draft resolution A/SPC/38/L.37, the position of the United States Government on the Israeli Government's policy of establishing settlements was well known. It had been stated by President Reagan on 1 September 1982: "The immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed for wider participation in these (peace) talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated." Parallel and positive action by the Arabs would be required if the peace process was to succeed. Since the announcement of President Reagan's peace initiative, no Arab party had given an unequivocal expression of willingness to participate in the negotiating process if Israel were to halt its settlement activity. Draft resolution A/SPC/38/L.37 diverted attention from the fundamental question of whether settlements advanced or hindered the peace process. To persist in arguing about the legality of the settlements policy was to embark on an unproductive debate. His delegation had thus abstained in the vote on the draft resolution.

31. His delegation had voted against draft resolution A/SPC/38/L.38 because of its extremely biased and polemical nature. Such resolutions were not constructive. On the contrary, they created further obstacles to the search for solutions to the

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(Mr. Lichenstein, United States)

issues which they purported to resolve. His delegation objected in particular to the extraordinary expense of the activities of the Special Committee on Israeli Practices. It represented a wasteful diversion of scarce resources at a time when the fiscal integrity of the United Nations system was at risk.

32. His delegation had abstained on draft resolution A/SPC/38/L.39, because it omitted any reference to factors contributing to the deportation of the mayors of Hebron and Halhul and the Sharia judge of Hebron. The deportation of those notables was, however, contrary to the provisions of the fourth Geneva Convention and they should be allowed to return home.

33. With regard to draft resolution A/SPC/38/L.40, the position of the United States Government on the question of the Golan Heights was well known and constant. The Golan Heights were occupied territory and Israel, as the occupying Power, should fulfil its obligations to the civilian population. The United States had voted in favour of Security Council resolution 497 (1981), which declared that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Golan Heights was null and void and without international legal effect. Yet the draft resolution went beyond the Council resolution, which was the authoritative United Nations action on the issue. Accordingly his delegation had abstained during the vote.

34. The United States had also abstained in the vote on draft resolution A/SPC/38/L.41 because of its sweeping condemnatory language. But his delegation wished to make it clear that there were aspects of Israeli policy towards academic institutions in the occupied territories which were open to criticism. The United States Government had made its views known to the occupation authorities and had sought to resolve the disputes caused by that policy.

35. With regard to draft resolution A/SPC/38/L.42, his delegation had abstained in the vote since the wording implied, without offering any evidence, that the Israeli authorities were not making any effort to apprehend and prosecute the would-be assassins of the mayors of Nablus, Ramallah and El Bireh. His delegation could not support a resolution which maligned the Israeli legal process. The United States expressed once again its sympathy for the victims of those crimes. It condemned those responsible and trusted that they would be brought to justice. Such acts of violence and hatred were unjustifiable and undermined the prospects for peace.

36. Prolonged military occupation of another's land corrupted both the occupier and the occupied, particularly in the case of societies which were consecrated to the maintenance of democratic institutions. For the corruption to end, the occupation had to end. For that to come about, there had to be a negotiated peace, based on Security Council resolutions 242 (1967) and 338 (1973), within the framework of the Camp David accords and the peace proposals outlined by President Reagan a year earlier. Israel's security interests and the legitimate needs of the Palestinians would thus be reconciled. The United States invited all parties to the conflict to join it in advancing the peace process.

37. Mr. AAMOSLECHNER (Austria) said that his delegation had voted in favour of six of the seven draft resolutions submitted under agenda item 69. His delegation approved of the general tenor of draft resolution A/SPC/38/L.38, but had been obliged to abstain owing to certain unacceptable phrases.

38. Mr. ELHOFARI (Libyan Arab Jamahiriya) said that his delegation had voted in favour of the various draft resolutions, but had reservations on all direct or indirect motions which might legitimize the Israeli occupation of Arab territories or lead to the recognition of Israel.

39. Mr. MADAR (Somalia) said that his delegation would have voted in favour of draft resolutions A/SPC/38/L.36 and L.37 had it been present during the vote.

40. Mr. HAMMAD (United Arab Emirates), speaking in exercise of the right of reply, said that the criticisms made by an earlier speaker, when explaining his vote on draft resolution A/SPC/38/L.42, to the effect that the resolution impugned the Israeli legal process was an attack on the sponsors of the draft resolution and all those who had supported it. In that connection he read out extracts from an article by Uri Avneri, an Israeli and a former member of the Knesset, a translation of which had appeared in the newspaper Al Fajr of Sunday, 1 May 1983. In it the author discussed the reasons why the commission of inquiry appointed by Begin after the assassination attempts on the mayors of Nablus, Ramallah and El Bireh had neither arrested nor prosecuted those responsible although the Israeli security services knew who had committed the crimes. There were various reasons. Firstly, the Israeli authorities had given orders to the effect that the identity of the criminals should not be revealed, and the security services had not been empowered to pursue their investigations since such acts were fundamental to the settlements policy. In addition it was clear that the military authorities were involved in the affair, since terrorist cells could not act in the occupied territories without the consent and authorization of the authorities.

41. The failure of the inquiry was not unusual. A long list of unpunished crimes committed by settlers could be compiled - destruction of houses, massacres of inhabitants of Arab villages, young Palestinians in the West Bank wounded or killed by settlers, bombs thrown at the mosque in Hebron, etc. All those incidents reported not by the sponsors of the draft resolution but by a former member of the Knesset, impugned Israel's legal system.

42. Mr. LEVIN (Israel), speaking on a point of order, said that the general debate on the item under consideration had been closed, and that it was inappropriate to reopen it. Statements should thus be limited to explanations of vote.

43. The CHAIRMAN said that, while he recognized the merits of the Israeli representative's remarks, some explanations of vote had engendered replies, and he had deemed it prudent to allow those representatives who so desired to speak. He appealed to members of the Committee to avoid further disputation.

44. Mr. HAMMAD (United Arab Emirates), speaking on a point of order, said that he had followed the workings of the Committee and the General Assembly for 20 years and that representatives had always had the opportunity of exercising their right of reply after explanations of vote.

AGENDA ITEM 75: ISRAEL'S DECISION TO BUILD A CANAL LINKING THE MEDITERRANEAN SEA TO THE DEAD SEA: REPORT OF THE SECRETARY-GENERAL (A/38/502 and Add.1)

45. Mr. ABOUCHAER (Syrian Arab Republic), speaking on a point of order before the opening of the general debate on agenda item 75, said that the Committee had before it document A/38/502/Add.1, which contained information emanating from Israeli sources regarding a project that had itself been condemned by the General Assembly as a violation of international law. The document had been prepared by two companies, one Israeli and the other American, outside the framework of the United Nations and without any mandate either from the Secretary-General or from the General Assembly, contrary to the pertinent General Assembly resolutions, especially resolution 37/122, which in paragraph 4 strongly urged national, international and multinational corporations not to assist in preparations for and execution of that project.

46. He asked the representative of the Secretary-General why the Secretary-General had decided to issue the document as an addendum to his report, thus giving the impression that he approved its contents and conferring upon it a legitimacy equal to that of the report by experts appointed by him, instead of according it its rightful status, as a national document committing only the party submitting it.

47. His delegation found it surprising that, on the one hand, the Israeli authorities had, on various pretexts, refused to authorize a visit to the site by a United Nations team of experts, as reported in paragraphs 8, 9 and 10 of the report of the Secretary-General, the value of which was thus considerably diminished; and that, on the other hand, in the letter addressed by the Permanent Representative of Israel to the Secretary-General transmitting the document contained in the addendum, no request had been made to have it circulated as a United Nations document or in any other form.

48. His delegation objected strongly to the issuance of the Israeli document as a part of the report of the Secretary-General submitted under General Assembly resolution 37/122 and requested that it should be withdrawn. It wished to register its astonishment at the way in which the matter had been handled, which seemed to betray an intention to cover up the refusal of the Israeli authorities to authorize the visit by a team of experts and co-operate with them, as well as an attempt to legitimize a study which was not legitimate and which openly sought to justify a project condemned on several occasions by the General Assembly. That constituted a dangerous precedent that should immediately be set right, and the Secretary-General should initiate an inquiry as to who had been responsible.

49. Mr. LIU (Representative of the Secretary-General) assured the representative of the Syrian Arab Republic that he had taken careful note of his observations and would not fail to transmit them to the Secretary-General. In the meantime, he would like briefly to review the principles followed by the Secretary-General in preparing his reports to the General Assembly and in issuing documents. When the Secretary-General was requested by the General Assembly to prepare a report on a question under a resolution, he and his collaborators had to obtain from the party

(Mr. Liu)

concerned all available information relating to the provisions of the resolution in question and, except for strictly confidential matters communicated solely for the purposes of information, the information so obtained was included in his report to the General Assembly. However, the fact that such information was included in his report in no way implied that the Secretary-General had taken a stand in favour of the positions of one or the other of the parties concerned. He proceeded as he did in the conviction that the General Assembly must be able to have at its disposal all available information in order to be in a position to review the questions before it in full possession of the facts.

50. Mr. ELHOFARI (Libyan Arab Jamahiriya) said that his delegation fully shared the concern expressed by the Syrian Arab Republic regarding the contested document. The explanations given by the representative of the Secretary-General were not convincing, because the Secretary-General received a great deal of information on various agenda items that he did not necessarily publish. Furthermore, when the Secretary-General had asked the opinion of one Arab delegation before issuing the document, he had been told that its issuance in the present form would not be acceptable.

51. Delegations were fully entitled to request the Secretary-General to publish documents or information under a given agenda item, but that did not apply in the case in question. Pending further information on the matter, his delegation supported the motion proposed by the Syrian delegation to have the document withdrawn.

52. Mr. BURAYZAT (Jordan) underscored the extreme significance of the question raised by the Syrian delegation and said that his delegation too was astonished by the official status accorded to a study prepared by two private companies for the Israeli authorities and submitted to the Secretary-General in a most inappropriate manner. The team of experts appointed to assist the Secretary-General in the preparation of his report had been refused access by the Israeli authorities to the site of the project in the occupied territories on the pretext that no new developments justified their presence. Nevertheless, a few weeks earlier, information of a propaganda nature had been sent to the Secretary-General and issued under the same symbol as his report. When Jordan had been consulted on the matter, it had clearly indicated that such information might be circulated but should not be incorporated in the report of the Secretary-General.

53. Moreover, at the previous session, the Committee had asked the Secretary-General to circulate a report addressed to him at the time by the Israeli Government, containing specific information on the canal construction project. That report, however, had not been issued in any document. His delegation was extremely concerned about the procedure followed in connection with the agenda item under discussion, since not only might it be misinterpreted but it might also establish a dangerous precedent. It therefore joined the Syrian delegation in requesting that document A/38/502/Add.1 should not be part of the report of the Secretary-General.

54. The CHAIRMAN asked the Secretariat to take note of the comments just made and to prepare a response to the concerns expressed.

55. Mr. BURAYZAT (Jordan) pointed out that the Syrian delegation had not asked that note be taken of its concerns but that a decision be taken on document A/38/502/Add.1 and had been supported in its request by the delegations of the Libyan Arab Jamahiriya and Jordan.

56. The CHAIRMAN said that the Secretariat should be given an opportunity to provide detailed explanations on the question that had been raised, in order to allow the Committee to take a decision based on a full knowledge of the facts, should misgivings persist.

57. Mr. BURAYZAT (Jordan) said that he was ready, in a spirit of co-operation, to accept the suggestion of the Chairman but only on the clear understanding that, as the explanations provided by the representative of the Secretary-General had not been sufficient to allow a decision to be taken before the opening of the general debate and that, until such a decision was taken, the document must be considered as having no official status.

58. Mr. LEVIN (Israel), speaking on a point of order, observed that the representative of Jordan was putting the cart before the horse. Clarifications had been requested, and a decision would be taken only if it was deemed necessary. In addition, the representative of Jordan had stated - and the Chairman had apparently not contradicted him - that the document submitted by Israel had no status, which was absolutely not the case for the moment.

59. The CHAIRMAN said that he had suggested leaving the problem posed by the document in abeyance until the Secretariat was able to give detailed explanations on the matter, so that the Committee might be in a position to take a decision. That did not mean that the document was automatically set aside but that it was simply suspended, pending explanations from the Secretariat. There were precedents for such a course and it would not be wise for the Committee to take a hasty decision that might establish a serious precedent with regard to United Nations documentation and the future relations of General Assembly Committees with the Secretariat. Meanwhile, in order to save time, the Chairman suggested that the general debate should be opened.

60. Mr. BURAYZAT (Jordan) said that, in order to assist the Chairman and avoid complicating matters further, his delegation was prepared to accept the postponement of the decision until the Secretariat had had time to furnish explanations.

61. Mr. HAMMAD (United Arab Emirates), speaking on a point of order, said that the statement by the representative of Israel had raised new difficulties. If he had refrained from taking the floor, the decision could have been postponed until the following meeting. However, by stating that the document retained its official status until the decision was taken, he had raised a legal question. It was impossible to decide immediately that the document was inadmissible, but neither

(Mr. Hammad, United Arab Emirates)

would it be fair to allow it to keep the same status as the report of the Secretary-General. Therefore, until the representative of the Secretary-General had provided an explanation and the Committee had adopted a decision, the document should be considered on a provisional basis only.

62. The CHAIRMAN recalled that he had stated that the general debate was to be opened while the question of the document was being settled. He repeated his appeal to all Committee members not to take a hasty decision, if only out of courtesy to the Secretariat, and not create a dangerous precedent for the future. He therefore again suggested that the discussion of the question should be suspended and the general debate opened so that the Committee would not lose any of the precious time allotted to it.

63. Mr. Starcević (Yugoslavia) took the Chair.

64. Mr. HAMADNEH (Jordan) said that his delegation had carefully studied the report contained in document A/38/502 and wished to express its appreciation to the team of experts for the high quality of that document, which set forth the legal aspects and the adverse effects of the implementation of Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea. However, his delegation opposed the issuance under agenda item 75 of document A/38/502/Add.1, submitted by Israel. Although it was true that in its resolution 37/122 the General Assembly requested the Secretary-General to forward the findings of the team of experts to it, it certainly did not ask him to include in his report replies from States. Moreover, the annex in question was neither more nor less than a propaganda document which omitted a number of basic facts, such as those contained, inter alia, in the official report which Israel had submitted to the Secretary-General on 11 May 1982. That report, which had been prepared by the Israeli Mediterranean-Dead Sea Company Ltd., revealed the true objective of the Israeli project, and, at the thirty-seventh session, the Committee had decided by consensus to circulate it, but that had not yet been done.

65. Israel's true objective was to impose its expansionist and aggressive policy on the region, in defiance of international law and of, the Charter and the resolutions of the United Nations, of which it was, nevertheless, a Member. The Israeli Minister for Energy, Itzhak Modai, who headed the governmental committee responsible for the project's execution, had unequivocally declared that Israel was not concerned about international law or the damage which the project might cause to Jordan and the occupied Arab territories. The project was part of the "water war" with the States of the region that Israel had started in the 1950s. David Ben Gurion himself, commenting on the Israeli conspiracy to divert the water of the Jordan, had said that "We have completed the war of independence and created the State of Israel; we are now starting a water war, and the Arabs must understand this". Through that war, Israel sought to control all the water sources in the region, and, by 1964, it had succeeded in diverting the waters of the Jordan and taking over the water sources of the West Bank to place them in the service of Israeli colonization of the occupied territories. The canal project was, so to speak, the most recent phase of that war. It constituted yet another violation of

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(Mr. Hamadneh, Jordan)

the international rules governing the rights and duties of States, and specifically of the principle expressed by the Roman maxim sic utere tua ut alienum non laedas, which meant that one must use one's own property so as to do no injury to another. It must not be forgotten that Jordan was a riparian State of the Dead Sea and would be seriously harmed by the project. Moreover, the project violated the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. As occupying Power, Israel had no right to build a canal which would cut through the Gaza sector, raise the level of the Jordan waters and flood vast areas of the West Bank.

66. The implementation of the Israeli decision to build the canal would seriously jeopardize Jordan's rights and vital interests. First of all, the raising of the level of the Dead Sea would lead to serious flooding of vast stretches of agricultural land, numerous tourist installations, a major road skirting the eastern edge of the Dead Sea, important archaeological sites dating back to over 600 years B.C. and potash production installations which had cost over \$500 million and which contributed almost 25 per cent of Jordan's export earnings. Furthermore, by emptying nearly 1.5 million cubic metres of Mediterranean Sea water into the Dead Sea every year, the canal would do additional severe damage. First, it would lead to a change in the chemical composition and density of the Dead Sea waters, which would adversely affect the Jordanian potash production industry. The mixing of Mediterranean waters, which contained numerous sulphates, with those of the Dead Sea, which were rich in calcium, could lead to gypsum formation and thus radically alter the composition of the Dead Sea waters. Secondly, the project would affect the Dead Sea's flora and fauna, particularly certain micro-organisms, as even the report submitted by Israel (A/38/502/Add.1) acknowledged. The canal would also have extremely adverse effects on the environment, as the Executive Director of the United Nations Environment Programme had indicated in his report to the United Nations contained in document UNEP/GC.11/3/Add.4. Jordan particularly feared the effects of the introduction into the Dead Sea of water from the conduit used for cooling of nuclear power stations and the impacts of the discharge through the canal of water used in the processing of oil shales which might be exploited in the Negev.

67. In order to justify implementation of the project, Israel cited a number of economic motives but failed to express its objectives. First of all, it intended to use the waters for the cooling of nuclear plants, although it had refused to sign the Treaty on the Non-Proliferation of Nuclear Weapons and prevented observers from the International Atomic Energy Agency, and even its closest friends, from visiting its existing nuclear installations. Secondly, the project would enable it to complete its diversion of the Jordan waters to the north of Lake Tiberias so as to use them for its policy of colonizing the Jordan Valley. Israel itself had reported on that project to the United Nations Conference on New and Renewable Sources of Energy, held at Nairobi from 10 to 12 August 1981. Thirdly, through the project, Israel sought to compromise Jordan's interests and the economic and technological development of the States of the region. Lastly, at the political level, the project betrayed Israel's true intentions, which were to keep under its control the territories which it had occupied since 1967, in violation of the 1949 Geneva Conventions and the rules of international law governing the rights of the occupying Power.

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(Mr. Hamadneh, Jordan)

68. Israel was no longer at the preparatory stage, for the Government had taken the decision to build the canal in August 1980 and had even laid the first stone on 28 May 1982. As for the project's financing, a number of initiatives had already been taken, in particular at a congress held at Jerusalem in January 1983. Jordan therefore strongly urged the Committee to continue to condemn the Israeli project and requested it to take strong action to prevent Israel from continuing to implement the project, which was hostile to Jordan and the Palestinian people. It requested that the question should be included in the agenda of the General Assembly at its thirty-ninth session and asked the Secretary-General to keep the subject under consideration and to report on the matter to the General Assembly at its next session. He called on all States and international organizations not to co-operate, directly or indirectly, in the preparation, financing or execution of the project.

69. Mr. ABOUCHAER (Syrian Arab Republic) said that the Committee was once again considering a question directly related to the violation of the Palestinian Arab people's rights by Israel in the territories the latter had been illegally occupying since the aggression of June 1967. His delegation was gravely concerned, in that connection, about the Israeli project which violated the rules of international law, particularly the principle of non-acquisition of territory by force, as well as international conventions and United Nations resolutions affirming the Palestinian Arab people's right to sovereignty over its natural resources. The project was liable, moreover, to cause irreparable harm to the rights and interests of the Jordanian and Palestinian peoples.

70. As could be seen from the Secretary-General's report (A/38/502), the Israeli Government had refused to receive the group of experts established by the United Nations pursuant to General Assembly resolution 37/122, so that the group had been unable to obtain objective, first-hand information about the project. The refusal could be interpreted only as an attempt on the part of the Israeli authorities to disguise their actions, which violated international law, particularly, the fourth Hague Convention of 1907. It also testified to Israel's disdain of the United Nations and its resolutions. What Israel wanted to conceal was the fact that work on building the canal had already begun. On 27 January 1983 it had been announced on Israeli radio that Israel's Minister of Energy had laid the first stone of a hydroelectric power station which would be powered by the canal. That fact had been confirmed in a report by the company, J. Barry Cooke, Inc. (A/38/502/Add.1, annex II), particularly in subparagraphs 2A, 2B and 2C of the report, "General comments and conclusions" and in paragraph 5, "Closing comments". It was stated in the latter that "the project has been developed to a satisfactory feasibility stage and is approaching a level of outline design". The fact that work had begun was confirmed also in a report by the Israeli company Mediterranean-Dead Sea Co., Ltd., which showed that a provisional timetable of work had been established and that work would begin on the date planned.

71. His delegation had carefully studied the report by the group of experts established pursuant to paragraph 5 of General Assembly resolution 37/122, and paid tribute to the group for its efforts in compiling information on the project in

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(Mr. Abouchaer, Syrian Arab Republic)

order to prepare the document concerned. His delegation agreed with the view stated in chapter II of the report, concerning the legal dimensions of the implementation of the project - in particular, the points stressed in paragraphs 4, 5 and 6 concerning a belligerent occupier's rights in the occupied territory.

72. His country also endorsed the views expressed concerning the damaging effects the project would have on potash production and on the infrastructure, leisure and health facilities and archaeological sites.

73. It had some reservations, however, about certain parts of the report, such as the reference to the demographic and, above all, political implications of the project. In particular, it could not associate itself with the comments in paragraph 54 to the effect that "the optimum use of the resources of the Dead Sea is likely to be attained only with a broadening of perspective ..." and "a broader approach would make possible a much higher level of use and the net gains of each co-riparian would be much greater than is likely to result from the present approach". What the group of experts had failed to mention was that one of the banks was in fact the West Bank and that, for the "net gains" mentioned in the report to be realized, Israel would have to end its occupation. His country thus felt bound to draw attention to the political and military hazards for the Arab States, first and foremost Jordan, and for the rights of the Palestinian Arab people in its lands, which the project would involve.

74. Firstly, the real purpose of the project was to further the progressive and ultimate annexation of the West Bank to the Zionist entity, in accordance with the policy of fait accompli pursued by Israel since its creation. That policy had been defined by Weizman during the hostilities waged between Israeli and Arab forces in 1948 (cf. Weizman, Trial and Error, London, 1949, p. 419). Secondly, construction of a canal in the occupied Gaza Strip revealed the Zionist entity's intention actually to annex the territory, dispossess its inhabitants and divide them from the rest of the Arab population of the occupied territories. Moreover, construction of the canal would help Israel to build a large number of nuclear plants, thus enabling it to produce nuclear weapons and use them to serve its future policy of expansion and aggression. The project would also enable Israel to provide cooling for the nuclear reactors already existing in the Negev. In that regard it should be recalled that, as confirmed by The New York Times of 2 August 1983, continued control of the Negev had been one of the main factors behind the murder by Jewish gangs - controlled by the terrorist Shamir, Israel's current Prime Minister - of Count Bernadotte, who had envisaged the reincorporation of that region in the Arab part of Palestine (A/643 of 6 September 1948 and S/1018, paras. 4-9). Moreover, construction of the canal would put the Gaza Strip at the service of the occupying authorities' economic interests and war effort, utterly contrary to articles 52 and 53 of the Hague Rules (cf. International Economic Law of Belligerent Occupation, Washington, 1942, p. 36). The project also clearly violated the right of peoples to self-determination and the principle of the sovereignty of peoples over their territory and natural resources. In addition, the construction of the canal, by creating a further fait accompli, could simply aggravate the already explosive situation prevailing in the Middle East and make the attainment of peace in the region impossible.

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(Mr. Abouchaer, Syrian Arab Republic)

75. In drawing up the project, Israel showed that it had no interest in establishing a just peace and was concerned only with subduing the Palestinian and Arab peoples by military force and the strategic superiority which unlimited United States help gave it. But the fact that the Arab States had again appealed to the United Nations showed their concern for legality and their trust in the international community, which continued to give them due support.

76. His delegation again urged the international community to display the most strenuous opposition to Israel's policy of aggression and violation of international law, and it voiced its conviction that the Security Council should denounce and condemn Israel without delay by imposing mandatory sanctions pursuant to the Charter. His delegation urged all peace-loving peoples and countries and all public and private financial institutions to have no part, direct or indirect, in preparing or carrying out the project, which would open the way to the usurping of Palestinian territory. The Syrian Arab Republic would view the failure by any country to heed its appeal as an act hostile to the rights of the Arab nation and an encouragement of the Israeli aggressor's policy of usurping those rights, which the peoples and nations of the world had recognized.

The meeting rose at 6 p.m.