



General Assembly

Distr.
GENERAL

A/39/532 + Corr.1

1 October 1984

ENGLISH

ORIGINAL: ENGLISH/FRENCH/
SPANISH

Thirty-ninth session
Agenda item 71

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED
TERRITORIES

Report of the Secretary-General

(in pursuance of General Assembly resolution 38/79 F)

1. The present report is submitted in pursuance of General Assembly resolution 38/79 F of 15 December 1983, the operative part of which read as follows:

"The General Assembly,

"...

"1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decision;

"2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;

"3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan Heights are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

"4. Strongly condemns Israel for its attempts and measures to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan Heights and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan Heights;

"5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

"6. Requests the Secretary-General to submit to the General Assembly at its thirty-ninth session a report on the implementation of the present resolution."

2. On 15 March 1984, the Secretary-General addressed to the Permanent Representative of Israel a note verbale in which he referred to his reporting responsibility under the resolution and requested the Permanent Representative to convey to him any information his Government might provide concerning the implementation of its relevant provisions.

3. On 28 August 1984, the Permanent Representative of Israel replied that the position of his Government on the matter dealt with in General Assembly resolution 38/79 F had been set out fully in his letter dated 29 December 1981 which had been included in the Secretary-General's report to the Security Council of 31 December 1981 (S/14821).

4. In the light of paragraph 5 of the resolution, the Secretary-General, on 15 March 1984, also addressed notes verbales to the Permanent Representatives of all other Member States, in which he requested them, in view of his reporting obligation under the resolution, to convey to him any information their Governments might provide concerning the implementation of its relevant provisions. The replies received from Argentina, Bangladesh, Benin, Botswana, Czechoslovakia, Kuwait, Lesotho, Poland, Romania, Sierra Leone and Uganda are reproduced in the annex to the present report. The reply of the German Democratic Republic, which covers both resolutions 38/79 F and 38/180 A to D concerning the situation in the Middle East, is included in the report of the Secretary-General under the latter resolution (A/39/533, annex).

ANNEX

Replies received from Member States

ARGENTINA

[Original: Spanish]

[27 June 1984]

The Argentine Government has, as in previous years, adopted measures to prevent violations of paragraph 5 of General Assembly resolution 38/79 F by national agencies, organizations and/or enterprises.

BANGLADESH

[Original: English]

[21 March 1984]

The Government of Bangladesh continues not to recognize any of the legislative or administrative measures referred in the General Assembly resolution under reference. It may be recalled that this position of the Government of Bangladesh has been affirmed in the statements made on behalf of Bangladesh in various relevant international forums, including the United Nations General Assembly.

BENIN

[Original: French]

[8 June 1984]

1. The People's Republic of Benin participated in framing and adopting General Assembly resolution 38/79 F of 15 December 1983. It therefore continues to support all the steps taken against Israel, the occupying Power, that are contained in the resolution.

2. The People's Republic of Benin is ensuring strict compliance with the resolution. To that end, it has adopted and continues to enforce the following measures:

Benin has had no diplomatic relations with Israel since 1973;

The Beninese Government condemns the Zionist entity and all its practices in the occupied Arab territories, in particular the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;

/...

Like most African countries, Benin maintains no trade or economic relations with the Jewish State.

Benin is always ready to join any effort or any collective action to ensure strict and complete compliance with resolutions 3414 (XXX) of 5 December 1975, 31/61 of 9 December 1976, 32/20 of 25 November 1977 and all subsequent resolutions.

BOTSWANA

[Original: English]

[20 March 1984]

Since Botswana has no dealings, formal or informal, with Israel, there can be no question of any recognition, by the Botswana Government, of any of the legislative and administrative measures imposed by Israel on the occupants of the Syrian Golan Heights and Botswana has condemned the annexation of the Golan Heights by Israel.

CYPRUS

[Original: English]

[13 August 1984]

The Government of the Republic of Cyprus prescribes fully to the letter and spirit of General Assembly resolution 38/79 F of 15 December 1983, and does not recognize any of the legislative or administrative measures and actions taken by Israel that purport to alter the character and legal status of the Syrian Arab Golan Heights. Moreover, the Government of the Republic of Cyprus considers such measures null and void and of no legal effect.

CZECHOSLOVAKIA

[Original: English]

[13 June 1984]

1. The Czechoslovak Socialist Republic resolutely condemns the aggressive policies pursued by the ruling circles of Israel towards the Arab countries, in particular towards the occupied Arab territories where Israel deliberately implements a policy of aggression, territorial expansion and annexation, of terror and genocide. As a result of these policies, which constitute a flagrant violation of all the decisions of the Security Council, appeals of the General Assembly, international public opinion, the Charter of the United Nations and international law, the Middle East remains one of the most dangerous hotbeds of tension threatening international peace and security. The Czechoslovak Socialist Republic

expressed this continuously valid position at various opportunities, including statements by Czechoslovak representatives in the United Nations General Assembly.

2. A communiqué adopted during a visit to Czechoslovakia by the Chairman of the PLO Executive Committee, Yasser Arafat, on 19 April 1983, says the following about this problem:

"Both sides sharply condemned the violence and terror perpetrated by Israel in the occupied Palestinian and other territories. Through this policy, which is in contravention of the generally recognized norms of international law, of the Charter and resolutions of the United Nations, Israel is striving to drive out the indigenous population from the Palestinian territory and to prepare its de facto annexation through rapidly advancing colonization and judaization."

3. A statement by the Federal Ministry of Foreign Affairs of 23 December 1981 on the annexation of the Syrian Golan Heights by Israel, as well as a number of materials published in the Czechoslovak press, including Rudé právo, the organ of the Central Committee of the Communist Party of Czechoslovakia, on 6 January 1983, contained a sharp condemnation of the unlawful, unilateral extension of Israeli legislation to the occupied territory of the Syrian Golan Heights.

KUWAIT

[Original: English]

[26 April 1984]

The State of Kuwait, being an Arab member country in the League of Arab States, has strongly supported the aforementioned General Assembly resolution and has, with sisterly and friendly States, participated in exposing the Zionist expansionist measures, projects and plans in the occupied Arab territories and all racist and inhumane practices carried out by Israel against civilian population in these territories. Kuwait has continued to condemn all Israel's practices in the occupied Arab territories and its continued refusal to acknowledge and comply with the resolutions of the General Assembly and the Security Council. Kuwait also condemned Israel's decision forcibly to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights; and it considered this decision was null and void and lacks international legal effect. Kuwait condemned once again the changing of the physical character and demographic composition of the occupied Syrian Golan Heights and all administrative and legislative measures that Israel resorted to. Further, Kuwait has reaffirmed its deploration and its denouncement of all international postures that support the Zionist aggression in this context.

LESOTHO

[Original: English]

[3 April 1984]

Lesotho voted for resolution 38/79 F during its consideration by the General Assembly of the United Nations, and as such has not recognized any of the legislative or administrative measures referred to in paragraph 5 of the resolution.

POLAND

[Original: English]

[25 May 1984]

1. As stated in the reply of the Government of the Polish People's Republic of 16 September 1983, in pursuance of General Assembly resolution 37/88 E (A/38/481), Poland has consistently supported a political and negotiated solution to the problem of the Middle East, pointing out that a comprehensive, just and lasting settlement has to include the withdrawal of the Israeli forces from all the Arab territories occupied since June 1967, the realization of the inalienable right of the Arab people of Palestine to self-determination, including the establishment of its own independent State, and the safeguarding of the sovereignty and security of all the States of the region.

2. Poland's refusal to recognize Israel's decision to apply its laws, jurisdiction and administration to the occupied Syrian Golan Heights has been expressed, inter alia, in the statement by the Ministry of Foreign Affairs of 21 December 1983. This position of principle has been repeated on several occasions in the Security Council (S/PV.2328) and other relevant United Nations forums, including the Commission on Human Rights and the International Conference on the Question of Palestine.

3. In conclusion, the Government of the Polish People's Republic wishes to state that Poland does not recognize any of the Israeli legislative or administrative measures and actions referred to in General Assembly resolution 38/79 F.

ROMANIA

[Original: French]

[5 April 1984]

1. The Permanent Mission of the Socialist Republic of Romania to the United Nations has the honour to reaffirm the steadfast position taken by Romania with regard to the decision of the Israeli Parliament to annex the Golan Heights, a

position also expressed in the statement by the Romanian Press Agency AGERPRES circulated officially as Security Council document S/14796 of 16 December 1981.

2. In keeping with that firm position, which it reiterates yet again, Romania supports and fully respects the provisions of resolution 38/79 F as well as those of previous resolutions regarding the non-recognition of legislative and administrative measures and actions taken by Israel in the occupied Syrian Golan Heights.

SIERRA LEONE

[Original: English]

[2 April 1984]

The Government of Sierra Leone has not accorded recognition to any legislative or administrative measures or actions taken by Israel with regard to the occupied Arab territories.

UGANDA

[Original: English]

[29 June 1984]

As required by paragraph 5 of resolution 38/79 F dated 15 December 1983, Uganda does not recognize any of the legislative and administrative measures and actions referred to in paragraph 3 of the said resolution.
