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SUMMARY RECORD OF THE 37th MEETING

Chairman: Mr. DIALLO (Guinea)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 71: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES: REPORTS OF THE SECRETARY-GENERAL (continued) (A/39/339, A/39/501, A/39/527, A/39/532, A/39/591, A/39/620, A/39/665; A/SPC/39/L.22-29)

1. Mr. CHEN CHARPENTIER (Mexico) said that the Middle East problem presented a particularly complicated challenge because of the need to find a solution that satisfied the legitimate interests of all the parties concerned. To avoid even greater tension in the area, the human rights of the population of the occupied territories must be protected, and compliance with the relevant United Nations resolutions was essential to achieve a comprehensive solution which dealt with the core of the conflict, namely, the question of Palestine.
2. Despite the provisions of the relevant Security Council resolutions, the West Bank and the Gaza Strip continued to be occupied, a situation which was becoming irreversible, and he drew attention, in particular, to Security Council resolution 465 (1980) concerning Israeli practices in the occupied territories. The information contained in the report of the Special Committee (A/39/591) regarding, for example, the continued annexation of territory, expropriation of property and establishment of settlements, showed the extent to which the situation was contrary to the Security Council resolutions.
3. The report also indicated that the relevant provisions of the fourth Geneva Convention were still being disregarded and that respect for the human rights of the civilian population was constantly deteriorating.
4. Mexico attached particular importance to the principle that conquest did not entail any rights, and, accordingly, it could not accept any measure which Israel took with a view to the official or de facto annexation of the occupied territories. The terrorist acts committed against the population of those territories exacerbated tension and were a cause of concern for the international community, since they might represent the first step in a policy of intimidation directed towards removing the inhabitants from those areas. Since the international community's objective was to ensure the rule of law, every infraction of the law must be denounced, otherwise almost any country could become the victim of more powerful neighbours.
5. Mexico had already condemned the illegal measures used by Israel in the occupied Arab territories to change their legal status, geographical nature and demographic composition, as well as all other measures which violated the inalienable rights of the Palestinian people. A just and lasting peace in the Middle East required the fulfilment of the national aspirations of the Palestinian people, under the leadership of the PLO, its sole legitimate representative, together with respect for the sovereignty and territorial integrity of all the States of the area.
6. The negative image of the effectiveness of international organizations stemmed from the fact that problems were not solved expeditiously. However, it was also

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(Mr. Chen Charpentier, Mexico)

important to examine the reasons why conflicts were not solved; in that connection, the importance of compliance with United Nations resolutions was generally overlooked. Accordingly, his delegation appealed to all the parties concerned to comply with the relevant resolutions, particularly with a view to halting the deterioration of the human rights situation in the occupied territories.

7. Mr. MITRA (India) strongly condemned the Israeli authorities' persistent refusal to allow the Special Committee to have access to the necessary areas. That attitude belied the frequent Israeli assertion that Israel had an open society and that there was no oppression of the Palestinian people living in the occupied territories.

8. He reiterated India's support for the cause of the Palestinian people, which dated back to several years before India's independence, and he cited the words of its first Prime Minister in that regard.

9. He also drew attention to the letter of transmittal from the Chairman of the Special Committee, particularly concerning the continuation of the policy of annexation and settlement (A/39/591, pp. 5-6). His delegation viewed that situation with serious concern, and he called upon the international community to heed the Chairman's warning and to take urgent remedial measures.

10. Along the same lines, he read out paragraphs 91 and 92 of the Political Declaration adopted by the Seventh Conference of Heads of State or Government of Non-Aligned Countries (A/38/132-S/15675, pp. 26-27) and stressed that, in his delegation's view, Israel's prolonged military occupation of Palestine and of other Arab territories in itself constituted a fundamental violation of the human rights of the inhabitants. Israel's actions aimed at changing the physical and geographical nature, demographic composition and cultural life of the occupied territories were completely contrary to international law and morality and could only aggravate the situation. The establishment of settlements in the occupied areas violated the United Nations Charter and compounded the crime of aggression and would certainly not serve the cause of peace in the area.

11. India believed that there could be no peace in Western Asia or in the world as a whole, until a just and comprehensive settlement of that problem had been achieved. Such a settlement would entail the total and unconditional withdrawal of Israel from all the Arab territories occupied since 1967, including Jerusalem, the recognition of inalienable rights of the Palestinian Arab people, including the right to establish an independent State in their own homeland, and the right of all the States of the region, including Arab Palestine, to live within secure borders. Moreover, the international community had a duty to put an immediate end to any further abuse of the human rights of the Palestinian people.

12. Mr. FARTAS (Libyan Arab Jamahiriya) pointed out that, according to reports of the Associated Press, a well-informed, objective news agency, four days previously - in other words, during the discussion of the current agenda item - the Israeli occupying authorities had demolished more homes in the Jordan Valley, under the pretext of protecting the safety of the Jewish inhabitants and troops in the

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(Mr. Fartas, Libyan Arab Jamahiriya)

area. The real purpose, however, had been to secure water resources for seven new agricultural settlements. Those demolitions, conducted in defiance of the United Nations and, in cynical disregard for the relevant resolutions and for the human rights of the people concerned, also constituted a serious breach of the fourth Geneva Convention.

13. Although the methods varied, the objective was always the same: to displace the indigenous population, which had been living in the occupied territories for centuries. Moreover, the Zionist settlement scheme, which included vast expanses of other Arab territories, would continue to be implemented in the future. Thus far, hundreds of thousands of Palestinians had been displaced and had been replaced by the last Jewish refugees from Europe. Ironically, a large number of Israeli leaders who had been particularly notorious for their anti-Palestinian attitude had not been born in Palestine at all but had emigrated there from different parts of the world at different points in time.

14. Neither ancient nor modern history provided any precedent for what was happening in Palestine, except the case of the racist régime in South Africa. Both the Zionist entity and South Africa practised terrorism, oppression and exclusiveness based on religion or ethnic purity, and the victims in both cases were the indigenous population. The racist authorities in Palestine and South Africa represented the most heinous racist settler movements in history, and, despite unanimous international condemnation, they continued to enjoy the support of one country, which supplied them with the means for their oppression, aggression and expansionism. That support had been manifested, inter alia, in the recent Security Council debates on southern Lebanon and on the "new Constitution" in South Africa.

15. Mr. BINAH (Israel), speaking on a point of order, asked that the representative of the Libyan Arab Jamahiriya, who had referred to his country as the Zionist entity, should be informed that the name of his country, which was a State Member of the United Nations, was Israel.

16. Mr. FARTAS (Libyan Arab Jamahiriya) pointed out that the General Assembly resolution containing the partition plan for Palestine established certain borders, which had been expanded by the Zionist entity to include all of Palestine and some of the Arab territories. Accordingly, the entity to which he had referred did not correspond to the country which should have existed within those borders.

17. The Zionist supporter which he had mentioned before being interrupted opposed the discussion of Zionist violations of the fourth Geneva Convention and of the atrocities committed by the racist régime of South Africa.

18. He expressed his delegation's appreciation for the report of the Special Committee (A/39/591), which was objective and based on information which had not been refuted even by the Government of the Zionist entity.

19. Mr. BINAH (Israel), speaking on a point of order, asked that the representative of the Libyan Arab Jamahiriya should be reminded of the official name of his country.

20. Mr. FARTAS (Libyan Arab Jamahiriya) said that his delegation shared the Special Committee's concern about the international community's inability to take steps to improve the human rights situation in the occupied territories and agreed that such steps were urgently necessary. The international community must bring more pressure to bear so as to ensure that the Special Committee could discharge its functions in accordance with General Assembly resolution 2443 (XXIII), in other words, to ensure that it had access to the occupied territories and could witness the barbaric terrorist practices of the Zionist entity. However, his delegation did not expect the occupying authorities to allow the Special Committee to do so.

21. The illegal practices applied in the occupied territories affected all forms of life and victimized innocent Palestinian civilians, as a well-known Israeli lawyer, Mrs. Yehudit Karp, had acknowledged. Moreover, the occupying authorities closed universities and Arab schools in order to establish cultural and scientific backwardness among the Arab population and to ensure a source of cheap labour. They changed school curricula and textbooks and deprived the five Arab universities of qualified staff in order to impede the progress of Arab educational institutions and had even opposed the establishment of the University of Jerusalem "Al-Quds" called for in draft resolution A/SPC/39/L.17.

22. Arab prisoners were frequently subjected to solitary confinement and were deprived of sufficient food and health care, as a result of which many of them died in Israeli gaols. Moreover, the occupying authorities failed to provide any information about such prisoners or to report on mysterious disappearances and, in that connection, he drew attention to the 1984 report of Amnesty International.

23. Palestinian citizens were able to publish their works only in East Jerusalem, under strict censorship. Zionist terrorist groups continued to violate houses of worship and to harass worshippers. Clearly, the occupying authorities would persist in such inhumane practices until they had fulfilled their ultimate scheme.

24. Accordingly, the international community must take prompt action in accordance with General Assembly resolution 194 (III) so as to ensure that the Palestinian people could return to their homes, to compel the occupying authorities to respect the fourth Geneva Convention and to enable the Palestinian people to establish their own State on their own soil.

25. Mr. KI (Burkina Faso) said that over the years his delegation had denounced the Israeli policy of occupation and annexation which was blocking the solution of the Middle East question, as well as flagrantly violating the rules and principles of the international community.

26. Since 1967 the Government of Israel had engaged in frenetic expansionism, occupying the West Bank, the Syrian Golan Heights and the Gaza Strip, in violation of the fourth Geneva Convention which denied the occupying Power any right to interfere with the integrity of occupied territories. His delegation rejected the specious theory according to which the occupied territories already belonged to Israel.

(Mr. Ki, Burkina Faso)

27. The Israeli occupation authorities had attempted to change the legal, geographical and demographic status of the occupied territories. They had destroyed villages in order to make room for Jewish settlements, erased traces of Arab history by archeological excavations and substituted Hebrew for Arabic place names. The aim of such activities, which had intensified in the preceding year, was to make the Palestinians and Arabs foreigners in their own country.

28. The human rights situation in the occupied territories had also continued to deteriorate during the period covered by the report. The population of the occupied territories was denied its rights to freedom of expression, association and education, as described in the Special Committee's report.

29. The repression to which the Arab population of the occupied territories was subjected resulted from its stubborn resistance to the colonial yoke. Israel, a State which owed its very existence to the international community, had a duty to obey relevant international conventions, as well as numerous relevant United Nations resolutions. The Jewish people, which itself had suffered from repression at the hands of others, had a special duty in that respect.

30. The seizure of territories by force had never been a valid policy. Colonialism and expansionism were anachronisms, and to deny peoples their right to self-determination was a costly luxury. Israel would gain neither the security it sought nor the peace it claimed to desire by the occupation of another's territory.

31. The only way to a solution to the Middle East crisis would be through recognition of the rights of the Palestinian people and the convening of an international conference, as recommended by the International Conference on the Question of Palestine, with the full participation of the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinian people.

32. His delegation considered that such a solution must comprise, as a minimal requirement, the withdrawal of Israel from all Arab territories occupied since 1967, the attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent State in Palestine and the right of all States in the region to existence within secure and recognized boundaries.

33. In the meantime, the international community should do everything in its power to ensure respect for the basic human rights of the population of the occupied territories. No price could be put on human dignity, which was universal and brooked no discrimination. His Government would continue to oppose all illegal measures taken by Israel against the population of the occupied territories and to fight by their side until justice had been done.

34. Mr. IRUMBA (Uganda) said that the impression given by Israel in 1968 that it would evacuate the occupied territories in the context of a comprehensive Middle East settlement had been proved false by subsequent events, including the annexation of the Golan Heights in 1981 and Jerusalem in 1980. United Nations resolutions condemning those Israeli actions and declaring them null and void had, however, been ignored by Israel.

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(Mr. Irumba, Uganda)

35. Articles 47 and 49 of the fourth Geneva Convention prohibited the annexation of occupied territories and the forcible transfer of their inhabitants. Frequent declarations by the General Assembly to the effect that certain conventions were applicable to the occupied territories had been refuted by Israel on the spurious grounds that those territories were part of Israel. Uganda had consistently held that the relevant conventions were indeed applicable to the occupied Arab territories.

36. The report of the Special Committee (A/39/591) showed that Israel was making a systematic attempt to change the legal status and demographic composition of the occupied territories, with the clear intention of annexing the West Bank and the Gaza Strip.

37. Arguments by Israeli representatives, based on Jewish mythology and selective half truths and denying the existence of the Palestinians as a people, could deceive no one. Following its detachment from the Ottoman Empire in 1917, Palestine had been recognized as an "independent nation" by Article 22 of the Covenant of the League of Nations. Until the creation of the State of Israel in 1948, Palestine had been a State in international law.

38. One of the major objectives of the Israeli invasion of Lebanon had been to destroy the PLO militarily and politically, thus obliterating Palestinian identity. The Palestinians of the West Bank and the Gaza Strip had, however, rejected the "village leagues" imposed on them by Israel and had expressed their faith in the PLO as their sole and authentic representative.

39. The original partition plan from which Israel derived its own existence had required the establishment of a Palestinian State, and Israel's admission to the United Nations had been conditional on its agreement to accept that plan in full. It was ironical that Israel now sought to take advantage of a document with which it was not willing to comply and rejected all proposals aimed at finding a just solution to the Middle East problem.

40. Occupation of neighbouring lands, far from guaranteeing Israel's security, would further imperil it. The Israeli invasion of Lebanon had proved that Palestinian nationalism could not be extinguished by military might.

41. The United Nations must provide the framework for a just and comprehensive peace, including, as a minimum, the withdrawal of Israel from the occupied Arab territories, recognition of the right of refugees to return to their homeland and the exercise by the Palestinians of their right to self-determination.

42. Uganda supported the convening of an international conference on the Middle East, as called for by the International Conference on the Question of Palestine, in which the Soviet Union, the United States and all parties concerned including the PLO, as the sole and authentic representative of the Palestinian people, would participate on an equal footing.

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43. Mr. NISAR ALI KHAN (Pakistan) said that the report of the Special Committee showed that Israel was continuing its arbitrary and repressive policies against the population of the occupied territories. Those policies took the form of restrictions on the inhabitants' right to freedom of education, expression and movement and the mistreatment of thousands of detainees imprisoned for political or security offences. The Israeli occupation forces had resorted to the most ruthless measures, including collective punishments, demolition of houses, confiscation of property, censorship, the closing down of schools and arrests without trial.

44. In spite of protests from the international community, Israel continued with its expansionist and inhuman policies in complete disregard of the human rights of the population of the occupied territories and the standards of international law and morality. It was ironical that the Israelis, who had themselves been subjected to atrocities during the Second World War, should now want to perpetrate the same excesses on others. Israel must realize that its use of force and blatant violation of human rights, far from bringing security to Israel, would only lead to further violence and instability in the area.

45. All Member States, particularly those responsible for the creation of Israel, had a duty to prevail upon Israel to grant the Palestinian people its national and human rights. Constructive efforts should also be made to right the wrongs done to the people of Palestine.

46. Pakistan had consistently supported the Palestinian cause and had condemned policies of aggression and expansion throughout the world. It called upon Israel to withdraw from all occupied territories, including Jerusalem, and to desist from provocative actions.

47. His Government believed that peace in the Middle East would come only through an Israeli withdrawal from all Arab territories and the return of the Palestinians to their homeland, in exercise of their inalienable right to self-determination and statehood. Pakistan was willing to participate in any collective effort aimed at forcing Israel to comply with General Assembly resolutions.

48. The Palestinian people, bullied and massacred from within and without, had emerged the stronger from each ordeal. The will and strength of a people imbued with a spirit of sacrifice in a just cause could never be crushed. The sooner Israel realized that, the better it would be for Israel and for world peace.

49. Mr. BARROMI (Israel), speaking in exercise of the right of reply, expressed regret that the representative of the Libyan Arab Jamahiriya had denied the right of Israelis to their ancient land and had described Jews as usurpers in Israel. Israel had voted in the United Nations for the independence of Libya and, in 1950, Israel's vote had tipped the balance against the Bevin-Sforza plan, which would have imposed an interim period of United Nations trusteeship on Libya. His objection was not to the Libyan people but to their régime, the nature of which was shown by the use for torture of the Libyan People's Bureau in Bonn and the murder of a British policewoman from the Bureau in London. The recent foiled attempt by Libya to murder a former Libyan Prime Minister, Mr. Hamid Bakkush, had revealed

(Mr. Barromi, Israel)

further Libyan plans to assassinate world figures, as well as Libyan implication in the assassination of Indian Prime Minister Indira Gandhi. The New York Times of the previous day had carried a leading article on that topic.

50. The CHAIRMAN reminded the representative of Israel that paragraph 8 of annex VI to the rules of procedure provided that delegations should exercise their right of reply at the end of the day whenever two meetings had been scheduled for that day and whenever such meetings were devoted to the consideration of the same item. He asked the representative of Israel to postpone his exercise of the right of reply to the afternoon.

51. Mr. BARROMI (Israel) said he would obey the Chairman's ruling, but understood that in some cases the right of reply had been exercised at a morning session.

52. Mr. FARTAS (Libyan Arab Jamahiriya), speaking in exercise of the right of reply, pointed out that, not for the first or the last time, an attempt to divert attention from items under consideration had come from the representative of the Zionist entity.

53. The CHAIRMAN requested the representative of the Libyan Arab Jamahiriya to postpone his exercise of the right of reply to the afternoon.

54. Mr. CHAMMAS (Lebanon) agreed with the Chairman's remarks on the application of paragraph 8 of annex VI to the rules of procedure. Since the representative of Israel had spoken for some time, however, he hoped that the record would not reflect the Israeli representative's statement and that the sound recording of it might be erased. He suggested that, as the Committee was master of its procedure, the Chairman might rule that the time remaining that morning should be used for points of order and rights of reply, which might at least be something on which members could agree with the representative of Israel.

55. The CHAIRMAN said that he had noted the remarks made by the representative of Lebanon. Those who wished to speak would have ample time to do so at the afternoon meeting.

56. Mr. BARROMI (Israel) said that he understood the Chairman's ruling to have been that the record of what he had said should stand, and that he would not, therefore, have to repeat in the afternoon what he had said that morning.

The meeting rose at 12.05 p.m.