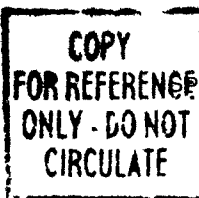


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SPECIAL POLITICAL COMMITTEE
35th meeting
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Tuesday, 20 November 1984
at 10.30 a.m.
New York

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SUMMARY RECORD OF THE 35th MEETING

Chairman: Mr. DIALLO (Guinea)

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The meeting was called to order at 10.55 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, 501, 527, 532, 591, 620 and 665; A/SPC/39/L.22-L.29)

1. Mr. MENDEZ (Cuba) said that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/39/591) showed that the human rights situation in the occupied territories had further deteriorated since the thirty-eighth session of the General Assembly. It was evident from the information provided by the Special Committee and a number of delegations participating in the debate that Israel was increasing its efforts to bring about the final annexation of the occupied Arab territories. The Israeli Government was systematically violating the Charter of the United Nations and the fourth Geneva Convention and was ignoring the relevant United Nations resolutions, particularly Security Council resolutions 471 (1980) and 465 (1980). The policy of the Israeli authorities in the occupied territories was based on the expansion of existing settlements and the establishment of new ones and such brutal practices as the expropriation of land and property, collective punishment, arbitrary deportation, and the closing of schools. The Israeli practices in the occupied Arab territories, however, had only strengthened the resolve of the Palestinian people to continue its just struggle and had further increased international support for its cause.

2. It was obvious that Israel would not dare to defy the international community and repeatedly violate international law without the comprehensive economic, political, diplomatic and military support of the United States. The ministers and heads of delegation of the non-aligned countries had again denounced the support of the United States Government for those Israeli practices and actions and all forms of assistance, particularly the mutual co-operation agreements between the two countries within the framework of their strategic alliance, which threatened regional and international security and confirmed the total bias of the United States in favour of Israel.

3. The human rights violations in the occupied territories would cease only when Israeli occupation was brought to a halt. In that regard, he stressed the urgent need to convene, as soon as possible, an International Peace Conference on the Middle East in accordance with the Geneva Declaration on Palestine, the Programme of Action for the Achievement of Palestinian Rights and General Assembly resolution 38/58 C. All parties concerned, including the Palestine Liberation Organization, which was the sole legitimate representative of the Palestinian people, must participate in that Peace Conference in order to achieve a just and durable peace in the region on the basis of the complete withdrawal of Israeli forces from the occupied territories and the implementation of the inalienable rights of the Palestinian people, including the establishment of its own sovereign and independent State.

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4. Mr. SYED AHMAD SHAHABUDDIN (Malaysia) said that the report of the Special Committee testified to Israel's disregard of the human rights of the population of the territories which it had occupied since 1967, and where it continued to follow a policy of annexation and settlement.

5. Israel's policies of implanting Israeli settlers in the occupied territories, and forcibly evicting and harassing the local population, which was deprived of its basic human rights and freedoms, amply showed Israel's true design: the expansion of its borders.

6. Although Nazi terror tactics had not succeeded in breaking the will of the peoples of Europe, including the Jewish people, the representative of Israel now termed those who were fighting their oppressors "terrorists". The Jewish people more than any other should recognize the right of a people to defend itself.

7. The close affinity between Israel and South Africa was no coincidence. They shared the notion of racial superiority, neither had any qualms about denying the fundamental human rights of others, and both continued to ignore the protests of the international community. Arab workers in the occupied territories were paid less, denied freedom of residence and of movement and enjoyed different degrees of protection under the law, just like the blacks in South Africa.

8. The repugnant and abhorrent practices inflicted by Israel upon the population of the occupied territories would continue as long as Israel remained in occupation there. Opposition to Israel would continue and would inevitably invoke even more repressive measures. The report of the Special Committee should serve as a reminder to the world to carry on with the search for a just solution to the problems of the Middle East.

9. Mr. AL-HASSANI (Kuwait) said that zionism was an irrational doctrine according to which a land actually belonging to people A allegedly belonged to people B, simply because the ancestors of people B had lived in that land 2,000 years ago; it maintained that people B had a right to the land because it had been dispersed for a long time, even if that meant the dispersal of people A. The fundamental tenets of zionism were that Palestine had never been an Arab land and, at the same time, that the only way to make it Jewish was to displace all the Arabs.

10. Even the children of Jewish settlers, the leaders of tomorrow, were indoctrinated with the nationalistic dogma of the Gush Emunim movement, according to which God had given the land to them alone and there was nothing wrong with making life so hard for the Arabs that they would decide to emigrate. That process of internal indoctrination had been accompanied by an external campaign to negate the existence of the Palestinians.

11. The first phase in that campaign had been the notorious slogan "a land with no people for a people with no land"; a clumsy attempt that had failed as a result of the continued struggle of the Palestinian people.

(Mr. Al-Hassani, Kuwait)

12. The second phase had been the imposition of a blackout on the words "Palestine" and "Palestinians", for over two decades after the creation of Israel. During that period Israeli leaders, apparently convinced by their own propaganda, had started to deny the very existence of the Palestinians. The re-emergence of the Palestinian nationalist movement under the leadership of the Palestine Liberation Organization (PLO), however, had forced the Israeli leaders to change their tactics. It was no longer possible to deny the existence of the Palestinians, so they were described as "terrorists", and their struggle for nationhood as "international terrorism". It was ironical that the same people which had itself used terrorism to usurp another's country should condemn the armed struggle of a people to regain its lawful homeland.

13. Not content with describing the Palestinian people as terrorists, the Zionists had resorted to crude racial abuse. Racism in Israeli society, intensified under the growing influence of fanatical right-wing religious and nationalist parties, had been noted by, among others, former American President Carter, who had described Menachem Begin as looking down on the Palestinians "almost as subhumans".

14. Israeli attempts to deny the existence of the Palestinians and defame them abroad had been accompanied by persistent attempts to destroy symbols of Palestine in the occupied territories. A notorious example cited in the Special Committee's report, was the six-month jail sentence passed on to an artist who had used the colours of the Palestinian flag in his paintings. An equivalent sentence had been given to an Israeli for firing at and wounding an Arab.

15. Given the Zionists' belief that Palestine had never been an Arab land, it was only natural that they should steal one piece of Arab land after another and establish Jewish settlements there. Similarly, their belief that the Arabs had no entitlement to the land gave the Zionists the right to displace them all.

16. The atrocities committed by the Israeli occupiers against the Palestinians in the occupied territories formed an integral part of their whole campaign to make life impossible for the Arabs and to drive them out, leaving room for more Jews.

17. Every illegal atrocity and repressive measure taken by the Israeli occupying authorities sprang from the original illegal Zionist claim that the land of Palestine was in fact Eretz Yisrael and that the Palestinian people should leave or be evicted by force or by gradual annexation of their lands.

18. His delegation wondered what the reasons could have been which made a people change from persecuted to persecutor within two decades. It considered that appeasement of the Zionist persecutors of the Palestinian people should be condemned, in the same way as victims of Nazi persecution in the 1930s had demanded condemnation of appeasement of their persecutors.

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19. Mrs. BENNANI (Morocco) said that for 37 years the Palestinian people had been deprived of its fundamental rights, especially its inalienable right to self-determination, by a State which stubbornly refused not only to recognize a Palestinian entity but to admit even the existence of a problem at all. That was in spite of innumerable United Nations resolutions reaffirming the right of the Palestinian people to self-determination and to the establishment of an independent State in its homeland.

20. The rights of the Arab population of the occupied territories were constantly being violated by the occupying Power, which refused to implement the fourth Geneva Convention of 1949 and persisted in its annexation of Arab territories, the establishment of new settlements and systematic campaigns of repression against the population.

21. The report of the Special Committee showed a clear deterioration in the situation in the occupied territories. Each wave of Israeli repression led to resistance which in turn produced a further wave of even more violent repression. The report also drew attention to the existence of many well-organized settler terrorist groups which were terrorizing the civilian population in the occupied territories.

22. Israel's persistent policies of annexation, colonization and repression not only harmed the Palestinian people but removed any chance of a peaceful political solution to the problem. The Government of Morocco condemned the policies and practices of Israel in the occupied territories which were in violation of international law.

23. The Minister for Foreign Affairs of Morocco had drawn the attention of the General Assembly at its thirty-ninth session to the Arab Peace Plan adopted at the Twelfth Arab Summit Conference held at Fez, confirming the legitimate rights of the Palestinian people and guaranteeing peace and security to the States of the region. The Middle East problem could, he had pointed out, be solved by a synthesis of the Arab Peace Plan and the plan put forward by President Reagan.

24. Any solution to that problem must respect the inalienable right of the Palestinian people to self-determination under the leadership of the PLO, its sole legitimate representative. There could be no durable peace in the region until Israel recognized the inalienable rights of the Palestinian people and respected the sovereignty and territorial integrity of neighbouring States. It was now more important than ever that Israel should accept the principle of withdrawal from all occupied territories and show a genuine desire to live in peace with all its neighbours.

25. Mr. FARRELL (Ireland), speaking on behalf of the 10 States members of the European Community, said that the Ten attached the greatest importance to all matters affecting the rights of the population of the Arab territories occupied by Israel since 1967. Continued unrest and tension there was inhibiting progress towards a peaceful settlement in the Middle East.

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(Mr. Farrell, Ireland)

26. The Ten had consistently called for a negotiated solution to the problems of the area in a just, comprehensive and lasting settlement. The Venice Declaration of 1980 had clearly set out the position of the Ten, which had most recently been outlined by the Prime Minister of Ireland, speaking on behalf of the Ten, during the general debate in the plenary General Assembly.

27. The Ten believed that a settlement of the Arab-Israeli conflict must, in addition to the fundamental principles set forth in Security Council resolutions 242 (1967) and 338 (1973), also take into account the right to existence and security of all States in the area, including Israel, and the right of the Palestinian people to self-determination.

28. The Ten had repeatedly said that a negotiated settlement required the participation of the Palestine Liberation Organization. The Ten considered that, in accordance with Security Council resolutions 242 (1967) and 338 (1973), and the principles of non-use of force and the inadmissibility of the acquisition of territory by force, Israel must put an end to the territorial occupation which it had maintained since the conflict of 1967. Mutual recognition of the existence and rights of the parties to the conflict would also be necessary for any process of negotiation.

29. The provisions of the Hague Convention No. IV of 1907 and the fourth Geneva Convention of 1949 were applicable to the Arab territories occupied by Israel since 1967. Israeli settlements in those areas as well as any change in their status and demographic structure were illegal under international law.

30. The increase in the number of settlements and the expansion of those already existing was a matter of special concern to the Ten. That process had inevitably led to friction with the local inhabitants, and there had been disturbing reports of organized groups of settlers victimizing the local population. The Ten called once more upon Israel to end that damaging and illegal policy, continuation of which undermined the possibility of negotiations leading to a comprehensive peace settlement.

31. The Ten expressed their strong concern at many arbitrary acts carried out by the Israeli occupying authorities. A military occupation, being a temporary situation, conferred upon the occupying Power no rights to annex territory or extend its administration into the occupied area. In that context, the Ten were concerned by Israel's policy of imposing its civil administration on the occupied Arab territories, contrary to international law.

32. Conscious of the status of Jerusalem as a Holy City for three religions, the Ten rejected as invalid any unilateral measure aimed at the alteration of the status of the City. Access to the Holy Places must be guaranteed now and in any future agreement on Jerusalem.

33. The Ten deplored Israel's decision to extend its administration to the Golan Heights, a decision which they considered contrary to international law and invalid.

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(Mr. Farrell, Ireland)

34. The Ten noted that the report of the Special Committee did not present a complete picture, owing to non-co-operation by the Government of Israel, but recognized the Special Committee's effort to provide as full and objective data as possible. They would take into account the views expressed by Israel and other delegations on the issue.

35. The Ten noted with concern the conclusion of the Special Committee that the situation in the occupied territories had continued to deteriorate and wished to underline the importance which they attached to respect for human rights, in the occupied Arab territories and elsewhere, and to the need to achieve a just and comprehensive peace settlement.

36. Mr. BARROMI (Israel) * said that the debate on the agenda item under consideration had focused on a number of semantic and pseudo-historical points. There was no reason why Judaization was per se bad and Arabization per se good. The Arabs had invaded the Middle East in the middle of the seventh century and in A.D. 640 had occupied the Holy Land, where Jews had already been living for almost two millenia. Those inhabitants who had not embraced Islam had lost their lands and had been subjected to special taxes and segregation. Geographical names had also been changed.

37. No Israeli would deny that there had been an Arab period in the history of Palestine. On the contrary, most research on the history, economy and sociology of the Arab population in Palestine was currently being conducted in Israeli universities. In that regard, he categorically rejected the distorted interpretation of the history of Israel put forward by the representative of Kuwait.

38. Arabization had meant the occupation of foreign countries, the violent disruption of religious and cultural life and the imposition of a harsh system of oppression on the conquered peoples.

39. The attempts to change geographical names were part of a campaign aimed at introducing misconceptions and falsehoods into the language and documentation of the United Nations in order to influence moral perceptions and political thinking. The term "Palestine", for example, was not the original name of the land of the Bible and was not even an Arabic word. It referred to the Philistines, a seafaring tribe of Greek ancestry, with no kinship to the Arabs, who had seized the coastal strip of Israel and had lived there up to the tenth century B.C. That land had first been called Canaan, then Israel or Judea. The name Israel had first appeared on a historical monument at the beginning of the thirteenth century B.C.

40. After the Arab invasion, that land had been ruled from distant Arab capitals. Under Turkish rule, it had been part of the province of Damascus. It had had no political, administrative or cultural life of its own and had been a sparsely

* A full transcription of this statement will be issued as document A/SPC/39/PV.35.

(Mr. Barromi, Israel)

inhabited, backward area. The name Palestine had been introduced by the British after the First World War as an administrative term for the whole country. Soon afterwards, the League of Nations had entrusted the United Kingdom with the Mandate for Palestine for the specific purpose of reconstructing a national home for the Jewish people. At that time, Palestine had been a forlorn Turkish province without any local Arab entity. The Mandate of the League of Nations had recognized the historical connection of the Jewish people with Palestine and the grounds for reconstituting their national home in that country.

41. Under the Mandate, Transjordan, which had later become the Kingdom of Jordan, had been set up as a separate district in the eastern region of Palestine. An Arab State and a Jewish State, therefore, had been set up at more or less the same time on the soil of the historical Jewish homeland. The term West Bank had no historical or geographical validity. It had gained currency when Jordan had annexed the Arab areas which it had occupied in 1948. Israel had reintroduced the historical terms "Judea" and "Samaria", which had been used during the British Mandate and were found in relevant United Nations texts and resolutions.

42. The task of the Special Committee was particularly difficult in view of the range and complexity of the questions involved. Furthermore, the mandate of the Special Committee prevented it from conducting its work in an objective manner and examining the plight of Jews in Arab countries. That made any co-operation on the part of Israel impossible. Unfortunately, the Special Committee had based its report to a great extent on negative jurisprudence and unreliable press reports. The Special Committee had evidently failed to interpret properly the vigorous and, at times, strident nature of the Israeli press, which was characteristic of a democratic society. Freedom of the press in Israel obviously applied to Arabic newspapers and periodicals, some of which were clearly sympathetic to the PLO. Paragraph 286 of the report, for example, referred to a statement published in the Arab daily Al Fajr that prisoners were used as subjects of medical experiments. The Special Committee could not honestly consider that charge to be based on fact. It could have checked the veracity of that statement with the International Committee of the Red Cross, which periodically published reports on conditions in Israeli prisons. Furthermore, such a charge was particularly implausible in view of the fact that numerous Arabs came to Israel from all Arab countries in order to receive medical treatment.

43. Although his delegation did not take exception to the consideration of serious newspaper articles which were critical of government policies, it did, however, object to the tendentious technique of selecting unfavourable articles. There was not a single article, for example, on improved living conditions and increased economic activity in certain areas. Paragraphs 33 and 34 of the report referred to cultural deprivation and the lack of books. When Israel had taken over the administration of the territories, it had found a large amount of anti-Israeli and anti-Semitic literature. A commission had recommended that a number of UNRWA school textbooks should not be used in view of their anti-Semitic content. Saudi Arabia was currently the largest publisher of anti-Semitic literature in the Middle East. Nazi and the neo-Nazi writings were widespread in the Arab world. The PLO had recently produced a number of anti-Semitic works. The Special Committee could not expect the Israeli Government to allow the dissemination of such offensive material, which was prohibited under the Convention on the Elimination of All Forms

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(Mr. Barromi, Israel)

of Racial Discrimination. The lack of such publications could in no way be considered cultural deprivation. In point of fact, cultural activity in Judea, Samaria and Gaza had reached a level unknown in the past. In 1967 there had been no universities in those areas. Today there were four universities and a number of institutions of higher learning with a total enrolment of 14,000 students.

44. In that connection, he drew attention to a study on academic freedom under Israeli occupation, published in October 1984 by the World University Service of the United Kingdom and the International Commission of Jurists. While his delegation could not endorse many of the legal assessments contained in the study, for example, the contention that the Arab universities should "reflect the widespread desire for statehood". The study gave a full account of the establishment and growth of universities and other institutions under the Israeli administration. Israel believed that universities must not become political organizations, but the Israeli authorities had always tolerated political activism to the extent consistent with public order.

45. In addition, the study on academic freedom stressed that the censorship of foreign books was within Israel's rights under international law and referred to the opinions of outstanding authorities in that regard. As the study also indicated, derogations from the provisions of human rights instruments were admissible in cases where, for example, a teacher was trying to inculcate anti-Semitic theories or to engage in political incitement.

46. Admission to the Arab universities in Judea and Samaria was regulated by Jordanian law and, in Gaza, was administered by Egypt, a procedure which the study also described. Clearly, an institution such as Bir Zeit University, which had the highest academic standards, a staff composed of many foreign teachers and a very large library, could not be included under the head of cultural deprivation.

47. The apparent scepticism in paragraph 152 of the Special Committee's report (A/39/591) seemed unfair in connection with the effectiveness of the Israeli Supreme Court, which played an active role in ensuring justice for all. For example, in the case of Sallah Baranseh v. O.C. Central Command, the Supreme Court had clearly stated that orders of police supervision and restriction of residents under Regulation 110 of the Israeli Defense Regulations could not be a substitute for criminal proceedings and were justified only to prevent acts which would endanger public safety and the defence of the State. The admissibility of those orders was thoroughly scrutinized in every case. The creation of the Karp Commission (see A/39/591, annex III) was proof of his Government's concern about the standards of police investigation and, since the publication of the Commission's report improvements had already been made. Despite its shortcomings, the judicial process in Israel was open to all, and judicial procedures were scrupulously respected in every case.

48. It should be remembered that most of the security problems the Israeli administration faced originated not from the territories but from political agitation planned and financed from abroad. The action of terrorist organizations continued even in prisons, as was reflected in the case mentioned in paragraph 302 of the Special Committee's report. Moreover, paragraphs 84 and 85 revealed the extent of terrorist activities, although, for unknown reasons, there was no mention

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of the outrage perpetrated on 2 April 1984 in a central intersection of downtown Jerusalem, when three terrorists had opened fire, killing one person and wounding 47. It was against that background that the fairness and restraint of the Israeli administration should be evaluated.

49. Referring to paragraphs 155 to 176 of the report, he stressed that the rule of law was equally and strictly applied in the case of offences committed by Jews. His Government would safeguard the life and rights of all inhabitants and would not tolerate illegal activities against any particular sector of the population. For example, a suspect was already facing trial in connection with an attack on 28 October against a bus carrying Arab workers, which had left one dead and 10 wounded, and a draft law against racial incitement would soon be submitted to the Knesset.

50. Referring to paragraphs 177 to 243 of the report, where it was claimed that the rights to freedom of movement, education and expression were being unduly curtailed, he pointed out that the civilian population of Judea, Samaria and Gaza enjoyed rights which went beyond the provisions of the fourth Geneva Convention. Indeed, even in the trying circumstances currently created by terrorism, the quality of life was steadily improving in the territories.

51. Document A/39/403, annex I, which contained the ILO report on the situation of workers in the occupied Arab territories, provided valuable factual information. As was reflected in paragraph 19, the unemployment rate of 1.5 per cent in January-September 1983 was much lower than the average of 7 per cent in Israel. He also drew attention to the special voluntary sickness insurance scheme described in paragraph 37 and to the growth of vocational training, reflected in paragraph 27, as well as to the data concerning the increase in the value of agriculture and the growth of agricultural production.

52. The WHO report contained in document A/39/403, annex II, was equally illuminating. In particular, he drew attention to paragraph 2.2.1 concerning a project for the restructuring of hospitals and paragraph 2.2.2 regarding the activities for increasing health manpower. In addition, maternal and child health care had increased, as indicated in section 3.2 and paragraph 3.3.2. Commendable efforts had also been made to promote environmental health, as described in section 3.4. The improvements mentioned in connection with the drinking water supply contrasted sharply with the claims of water shortages referred to in paragraph 38 of the Special Committee's report. In fact, domestic water consumption in Judea and Samaria had increased fourfold from 1966 to 1980, and the area under irrigation in the territories had been expanded by 160 per cent in the first decade of Israeli administration.

53. Annex III (A/39/403, pp. 48-71) contained a report by the Director-General of UNESCO, who had not published the report of the mission which had visited the territories but had recapitulated, according to his judgement, the main points of its conclusions. While the UNESCO figures registered an increase of only 4.8 per cent in pre-university school enrolment from 1967 to 1981, Israeli records contained statistics attesting to an 85 per cent increase.

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(Mr. Barromi, Israel)

54. Referring to the question of the establishment of Jewish villages, he pointed out that the 23,000 Jews who currently lived in Judea, Samaria and Gaza, alongside 1,250,000 Arabs, used almost exclusively lands which had not been cultivated before and which were generally State domain. Contrary to the assertion that 40 per cent of the land in the West Bank was available for Israeli use (see A/39/591, paras. 272-283), less than 5 per cent of the total State domain had been allotted for both current and future Jewish villages.

55. Villages and urban quarters were established for many different reasons, including deep emotional and religious reasons. He asked why Jews should be excluded from the city of Hebron, where the tomb of Abraham was reputed to be located. Since the United Nations had adopted a declaration against religious intolerance, it should not find fault with the opening of that site to all visitors in 1967, thereby ending 1,266 years of religious discrimination.

56. The Jewish villages also served as outposts along the border and in other sensitive areas in Judea, Samaria and Gaza and had proved effective as a warning network for preventing the infiltration of terrorists. Obviously, Israel was entitled to provide for the defence of the areas under its control, and his Government had repeatedly stated that those villages would not be an obstacle to peace.

57. He wondered whether, in seizing a portion of the United Nations budget and administration in order to spread anti-Israeli propaganda, the Arab States really hoped to deny Israel its rightful position in the community of nations and to legitimize the terrorist activities of the PLO. A group of radical Arab States had consistently promoted terrorism throughout the world, as was shown by the gruesome details contained in the 1983 and 1984 reports of Amnesty International. While the representatives of those countries had been the most vocal in the current debate, human dignity was constantly being violated in those same countries.

58. Such unrelenting political warfare against Israel was not in the real interests either of the Arab peoples as a whole or of the Palestinians. Nevertheless, the Arab leaders had rejected all the political plans submitted to them since 1923, many of which had been in their favour. Instead, they had opted for mob violence, bloodshed and military aggression, and every Arab attack had made the chances of peace recede.

59. On the other hand, the Jewish authorities had, since the early years, earnestly sought to establish contacts with the Arab leadership and to avoid confrontation, but every offer of a political agreement had been rejected. However, thanks to the 1979 Israeli-Egyptian peace treaty, the crumbling of the rejection front, the current PLO disarray and the world-wide revulsion against terrorism, the time was now ripe for a change in overall Israeli-Arab relations.

The meeting rose at 1 p.m.