



Chairman: Mr. Cornelius C. CREMIN (Ireland).

AGENDA ITEM 40

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (*concluded*) (A/8389 and Corr.1 and 2 and Add.1, A/8472, A/8478, A/SPC/149, A/SPC/L.235, A/SPC/L.236, A/SPC/L.237)

1. The CHAIRMAN announced that the Committee had before it draft resolution A/SPC/L.235, sponsored by Mali and Mauritania, and the amendments thereto submitted by Nigeria (A/SPC/L.237). The administrative and financial implications of the draft resolution were set out in document A/SPC/L.236. The sponsors of the draft resolution were currently holding consultations with a view to determining whether they could incorporate the proposed amendments. He suggested, as he had requested at the meeting the previous day, that the Committee should first hear the statements concerning the draft resolution, then the explanations of vote before the vote and lastly the explanations of vote after the vote.

2. Mr. CAHANA (Israel) said that draft resolution A/SPC/L.235, whether or not it took account of the amendments proposed in document A/SPC/L.237, was not, as it claimed, "guided by the purposes and principles of the Charter of the United Nations", but dictated by sentiments of undisguised hostility. The preamble recalled Security Council resolution 237 (1967), but was careful not to explain that that resolution applied to the whole area of conflict in the Middle East and therefore covered also the Jewish minorities living in the Arab countries who were held as hostages and subjected to repeated violations of human rights. To ignore such violations was an act of discrimination. The draft resolution also deliberately misrepresented Israeli practices. As he had already had occasion to state, his country applied the provisions of the Geneva Conventions in the occupied territories: a representative of the International Committee of the Red Cross (ICRC), in his testimony on 30 April 1970 before the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories¹ had affirmed that the Convention was, with minimal reservations, being respected by Israel. The General Assembly, which was a political organ, was not competent to intervene in the implementation of the Geneva Convention and the members of the Committee should be careful not to encroach upon a sphere which was not the

responsibility of the Organization of which they were Members. It was extremely dangerous to give a political interpretation to a legal text, as the Arab delegations and their friends were doing in the current instance. Intervention by the General Assembly might also endanger the fruitful co-operation which had been established since June 1967 between Israel and ICRC, as the latter had repeatedly testified. In the occupied territories, the Israeli Government not only respected human rights, but spared no effort to promote the welfare of the population, whereas the Special Committee had done nothing positive regarding those rights: it had, on the contrary, made itself the instrument of all those who endeavoured to foster agitation and hatred in the Middle East.

3. It was difficult therefore to see what reason there could be to commend the Special Committee, as was done in operative paragraph 1 of the draft. In operative paragraph 2, Israel was called upon "to rescind forthwith and to desist from" policies and practices in which it did not indulge: there were in Israel more than 50 foreign embassies which had full latitude to report on the true situation in the occupied territories. Operative subparagraph 2 (a) spoke of annexation, whereas the Minister for Foreign Affairs of Israel had repeatedly stated that Israel had no intention of annexing the territories it occupied. He himself had already explained to the Committee the destruction referred to in subparagraph (c): it was sometimes necessary to destroy a house which was used as a base for the activities of terrorists, who were thus punished in a manner which was certainly much more humane than was the practice in other countries. Such destruction, he repeated, was rare and was in accordance with both the Geneva Conventions and the law which had already been in force in those territories when they had been under the administration of Jordan or Egypt. Similarly, the deportations or expulsions referred to in subparagraph (d) were punishment for illegal activities which endangered the citizens of Israel and, even more frequently, the inhabitants of the occupied territories themselves. It was only proper to expel the terrorists to Jordan since it was from that country that they received arms and instructions. Subparagraph (e) referred to the evacuation and transfer of the population: Israel did not apply such a policy. If the sponsors of the draft resolution were alluding to the recent measures taken in the Gaza camps, those measures, as he had already explained, had been designed to protect the inhabitants from the attacks of the terrorists. As for the question of refugees and displaced persons mentioned in subparagraph (f) it would only be solved within the framework of a general settlement in the Middle East and was outside the mandate of the Special Committee. The latter, in its supplementary report (A/8389/Add.1), had itself admitted that the case of Moayad el Bahsh, on which the representatives of Mali and the Byelorussian Soviet Socialist Republic had dwelt so

¹ See document A/AC.145/RT.36.

much, was nothing but a fabrication which gave rise to doubts concerning the “ill-treatment and torture” alleged in subparagraph (g).

4. Operative paragraphs 3, 4 and 5 dealt with questions which were outside the Special Committee’s mandate and had therefore no place in a resolution on its work. Lastly, there was no need to involve ICRC, as was done in operative paragraph 10: the Special Committee had attempted to get ICRC to go outside the framework of its humanitarian activities: ICRC was not an organ of the United Nations and the General Assembly was not competent to ask it to engage in activities which were not in accordance with its basic instruments. The amendments to operative paragraph 6 emphasized the tendentious character of that attempt. The draft resolution, which distorted the real facts and extended to areas which were outside the Special Committee’s mandate, should be rejected. The Special Committee was using the United Nations wrongly for questionable purposes and its activities should cease forthwith. Both in letter and spirit, the proposed text was even more negative and reflected greater bias than the resolution adopted the previous year. Those delegations which still had some concern for objectivity would realize that the error committed two years earlier should not be repeated. If the prestige of the United Nations was to remain intact and its integrity respected, how could it be permitted for a group of Member States hostile to another Member State to be asked to formulate recommendations as a committee of the United Nations? Was it the aim of the Special Committee to serve the cause of human rights or to give vent to propaganda and deliberate hostility?

5. For all those reasons, his delegation could only oppose the draft resolution and he asked that it be rejected.

6. Mr. SAYEGH (Kuwait) said that there were four essential elements in a draft resolution, the inclusion or omission of which made it acceptable or unacceptable. He was pleased to note that draft resolution A/SPC/L.235 satisfied those four criteria.

7. The first element concerned actions affecting the human rights of the inhabitants of the occupied territories committed by the occupying authorities, actions which were repeated with such regularity as to make one believe that they were part of a deliberate plan. It was strange that the representative of Israel should deny that his Government resorted to such practices when the Israeli press reported examples every day and members of the Israeli Government, eminent politicians and the occupation authorities themselves admitted that practices and policies affecting human rights, such as the international community could not tolerate, were being applied in the occupied territories.

8. The second element concerned the effects of such practices and policies not only on the lives of human beings but also on the integrity of the law and the international order, and on the commitments made by Member States which were signatories to international conventions. The efforts made since the beginning of the century to humanize war and its consequences had culminated, after the two world wars, in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12

August 1949.² Twenty years after its adoption by almost all States, that Convention had been tested for the first time on the occasion of Israel’s occupation of the Arab territories. Israel, which was a signatory to the Convention, had not hesitated to defy the wishes of the international community expressed in that text. Its defiance had taken three main forms: first, the refusal to recognize that the Geneva Convention applied to the occupied territories, which had been noted by the Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights. Secondly, Israel had violated certain provisions of the Convention, by committing acts which article 147 described as “grave breaches”: torture or inhuman treatment, unlawful deportation or transfer, destruction and appropriation of property and other such acts. Those breaches had been declared to be “war crimes” by the General Assembly in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity [*resolution 2391 (XXIII)*]. In its resolution 10 (XXVI), the Commission on Human Rights had stated that it considered those war crimes as “an affront to humanity in addition to being crimes”. Thirdly, Israel had rejected any inquiry designed to determine whether it was respecting the principles of the Universal Declaration of Human Rights and the provisions of international legal instruments such as the Geneva Convention. To justify itself, Israel had spoken of the illegal establishment and the membership of the Special Committee, forgetting that it had refused to receive the representative of the Secretary-General, as it had been requested to do in a resolution adopted unanimously by the Security Council, even before it had known the identity of the representative. Those fallacious excuses could not conceal the fact that Israel was actually opposed to the principle of international supervision, of which the Special Committee was merely the embodiment.

9. The third element consisted of reaffirming the integrity of the international instruments adopted by States. In the third paragraph of the Preamble to the Charter, the peoples of the United Nations undertook “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”. He read out Article 2, paragraph 2, of the Charter and said that the Organization itself, and not only the Member States, should act in accordance with the principles proclaimed therein. Lastly, article 1 of the Geneva Convention specified that the Contracting Parties undertook to respect and to ensure respect for the Convention in all circumstances. States which were parties to the Convention and Members of the United Nations were, in that dual capacity, duty-bound to see that no State could evade its international commitments.

10. The fourth element was the expression of the gratitude of the members of the Committee to the Special Committee, which had spared no effort to perform the task entrusted to it by the General Assembly, in conditions which Israel had managed to make extremely difficult. Those difficulties which had been placed in its way and the criticisms to which it had been subjected should not discourage the Special Committee: the same attacks, from the same State, had also been made against the General

² United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

Assembly, the Security Council, the Commission on Human Rights, the Committee on the Elimination of Racial Discrimination, the Secretary-General, his special envoy and the Chief of Staff of the United Nations Truce Supervision Organization in Palestine. The Special Committee was thus in good company.

11. His delegation strongly supported draft resolution A/SPC/L.235: a vote in its favour would be a vote not only for respect for the human rights of the populations of occupied territories but also for the integrity of the entire international order.

12. Mr. STARČEVIĆ (Yugoslavia) said that his country's stand with regard to the Middle East crisis and in particular the Israeli practices affecting the human rights of the population of the occupied territories was well known. It had been stated at the 2006th plenary meeting of the General Assembly by the representative of Yugoslavia. Yugoslavia had always rejected the policy of force in relations among States and supported the peaceful solution of crises. It honoured the right of all States to independence, sovereignty, territorial integrity and free development. It had never questioned the right of Israel to existence but had never supported its policy of expansion to the detriment of the Arab countries. In accordance with that policy, Yugoslavia was extending assistance to the victims of aggression in their struggle to liberate their territories and safeguard their territorial integrity. There could be no lasting solution to the Middle East problem without respect for the inalienable rights of the people of Palestine.

13. His delegation also wished to pay a tribute to the Chairman of the Special Committee and it was glad that a Yugoslav national was a member of that Committee, whose task it was to safeguard the rights of those who were suffering in that part of the world. By refusing to co-operate with the Special Committee and trying to slander its activities, Israel had once again shown its indifference towards United Nations efforts to protect and promote human rights. It was to be hoped that the Special Committee would be able to continue its efforts, as requested by the General Assembly. The Yugoslav delegation fully supported draft resolution A/SPC/L.235, with any amendments which might be introduced in order to take into account the suggestions of the Nigerian delegation.

14. Mr. EDREMODA (Nigeria) announced that most of the amendments proposed by Nigeria in document A/SPC/L.237 had been accepted by the sponsors of draft resolution A/SPC/L.235, the new version of which would be introduced by the representative of Mali.

15. Mr. KANOUTÉ (Mali) announced the changes made in the text of draft resolution A/SPC/L.235. The third preambular paragraph was replaced by the following text: "Recalling Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968, as well as other pertinent resolutions of the United Nations,".

16. The fifth preambular paragraph was replaced by the following text: "Gravely concerned for the violations of the

human rights of the inhabitants in the occupied territories,".

17. The seventh preambular paragraph was replaced by the following text: "Noting with regret that the relevant provisions of the Geneva Convention of 12 August 1949 have not been implemented by the Israeli authorities,".

18. Operative paragraph 1 was replaced by the following text: "Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and its members for their efforts in performing the task assigned to them;".

19. Operative paragraph 2 was replaced by the following text:

"Strongly calls upon Israel to rescind forthwith all measures and to desist from all policies and practices leading to:

"(a) The annexation of any part of the occupied Arab territories;

"(b) The establishment of Israeli settlements on those territories and the transfer of parts of its civilian population into the occupied territory;

"(c) The destruction and demolition of villages, quarters, houses and the confiscation and expropriation of property;

"(d) The evacuation, transfer, deportation and expulsion of the inhabitants of the occupied Arab territories;

"(e) The denial of the right of the refugees and displaced persons to return to their homes;

"(f) The ill-treatment and torture of prisoners and detainees;

"(g) Collective punishment;".

20. Operative paragraph 6 was replaced by the text which appeared in document A/SPC/L.237, paragraph 6.

21. Operative paragraph 10 was replaced by the text which appeared in document A/SPC/L.237, paragraph 7.

22. The other paragraphs of draft resolution A/SPC/L.235 remained unchanged. He hoped that the draft resolution, as revised, would command the overwhelming support of the Committee.

23. Mr. AHMAD (India) said that he doubted whether the expression "concerned for" in document A/SPC/L.237, paragraph 2, which now constituted the fifth preambular paragraph of draft resolution A/SPC/L.235, was correct in English. He proposed that it should be replaced by the words "concerned by".

24. Mr. KANOUTÉ (Mali) announced that the sponsors of draft resolution A/SPC/L.235 had agreed on the following wording for the fifth preambular paragraph: "Gravely concerned about the violations of the human rights of the inhabitants in the occupied territories".

25. Mr. SAYEGH (Kuwait) asked whether the English text of the fifth preambular paragraph used the wording “the inhabitants in the occupied territories” or “the inhabitants of the occupied territories”.

26. Mr. AHMAD (India) observed that, in the present case, any drafting change was a change of substance.

27. Mr. KANOUTÉ (Mali) said that in the French text the wording was: “*habitants des territoires occupés*”.

28. The CHAIRMAN said that, in his view, the English text should also read “the inhabitants of the occupied territories”.

29. Mr. SAYEGH (Kuwait) and Mr. MOUSSA (Egypt) said that they agreed with the wording suggested by the Chairman.

30. Mr. KUSUMASMORO (Indonesia) drew attention to the first two sentences of the second paragraph of the letter of transmittal in document A/8389/Add.1 and the first two sentences of paragraph 36 of the same document, and proposed the insertion in draft resolution A/SPC/L.235 of a ninth preambular paragraph reproducing part of the second sentence of paragraph 36, which would read as follows:

“*Noting with satisfaction that the International Committee of the Red Cross, after giving careful consideration to the question of the reinforcement of the implementation of the Geneva Conventions, has arrived at the conclusion that all tasks falling to a Protecting Power under the Conventions could be considered humanitarian functions and that the International Committee of the Red Cross had declared itself ready to assume all the functions envisaged for Protecting Powers in the Conventions,*”.

31. Mr. KANOUTÉ (Mali) announced that the sponsors of draft resolution A/SPC/L.235 accepted the Indonesian representative’s proposal.

32. Mr. CAHANA (Israel) said that the amendment proposed by the representative of Indonesia was contrary to the rules of ICRC. The draft resolution, as revised, appeared to him to be even more negative than the one that had been submitted to the Committee at the twenty-fifth session. It should therefore be rejected.

33. Mr. FLETCHER (United States of America), speaking in explanation of vote, said that his delegation had closely followed the statements by Israel and the Arab States. In the course of arriving at a position on draft resolution A/SPC/L.235, it had considered whether its adoption would serve to enhance respect for human rights throughout the area of conflict in the Middle East and whether it would ease the way towards peace. Since his delegation believed that the answer was in the negative, it would vote against the draft resolution.

34. The Government of the United States had been and continued to be deeply concerned about the protection of human rights of all the peoples in the area affected by the Middle East conflict. It had always stood ready to lend its support to any approach to the question of human rights

violations which showed promise of relieving the suffering of any who might be the victims of such violations. However, any approach to the problem must take fully into account any evidence that violations of human rights had occurred on both sides of the Arab-Israeli conflict. Guided by that principle, his Government had supported the mission of the Secretary-General’s representative, Mr. Gusing, initiated in 1967, which had encompassed the entire area of conflict. However, it had opposed the establishment of the Special Committee because its investigations were to be restricted to the inhabitants of the Israeli-occupied territories, while ignoring the condition of Jewish minorities in certain States in the area of conflict. The application of human rights principles was universal, and there was no reason to limit the commitment of the General Assembly to one group of people in the area. His delegation was therefore unable to support the extension of the mandate of the Special Committee.

35. His Government was not insensitive to reports of Israeli measures in the occupied territories which appeared to contravene certain provisions of the fourth Geneva Convention of 1949. It had previously stated that it considered that that Convention applied to the occupied territories, including Jerusalem. It regretted that Israel continued to deny the applicability of the Convention to those areas.

36. However, scrupulous respect for the human rights of the population of the occupied territories would not be assured through acrimonious debates such as had occurred in the Committee or by condemnatory resolutions such as the one which was before the Committee. Nor was there a need for further investigations by groups such as the Special Committee, since that was likely to lead only to more sterile recrimination. The only way that human rights could be secured was by peace. That was why his Government would continue to support the mission entrusted to Mr. Jarring under Security Council resolution 242 (1967). Delegations should consider whether the adoption of the draft resolution before the Committee would assist Mr. Jarring’s task or make it more difficult.

37. Until peace became a reality, action should be taken to ameliorate conditions that adversely affected the human rights of persons in the area. His delegation would therefore make two suggestions. First, all parties to the conflict should adhere scrupulously to the third and fourth Geneva Conventions. The parties concerned should avail themselves of the procedures for nomination of Protecting Powers contained in the Geneva Conventions. A Protecting Power might be a neutral State or an international organization such as CRC. That move would not in any way prejudice the position of the countries whose territories were occupied. His delegation did not accept the interpretation made by the report that the invocation of the Geneva Convention had politically sensitive meaning. Secondly, when appropriate, steps should be taken pursuant to article 149 of the Geneva Convention for dealing with complaints of violations of human rights. That course offered better possibilities for action to remedy specific problems than unwieldy and prolonged investigations or heated debate.

38. His delegation’s negative vote on the draft resolution before the Committee meant only that it disagreed with

that text because it considered it unbalanced and consequently unlikely to be effective.

39. Mr. DHALEE (People's Democratic Republic of Yemen) observed that draft resolution A/SPC/L.235 did not take account of all aspects of the plight of the people of Palestine. Until political action was taken to deal with the situation in which the Palestinians found themselves, a grave violation of their human rights would continue to exist.

40. In paragraph 89 of its report (A/8389 and Corr.1 and 2), the Special Committee noted that the Palestinian population "has not yet been given the right of self-determination". The policy being pursued by Israel was aimed at depriving the Palestinians of that right for ever. The human rights of the population of the territories occupied by Israel would not be respected until Israel withdrew from those territories and the people exercised their right of self-determination. The draft resolution before the Committee dealt with only the humanitarian aspects of the Israeli occupation, namely, the Israeli practices to which the Special Committee had drawn attention in its report. His delegation would have liked to see the draft resolution refer to the right of self-determination of the population of the occupied territories, vigorously condemn Israeli practices affecting the human rights of the population and call upon Israel to withdraw from the occupied territories. It would, nevertheless, vote for the draft resolution.

41. Mr. EL-FATTAL (Syrian Arab Republic) said that he would vote for draft resolution A/SPC/L.235 because it was based on the conclusions of the Special Committee and on actual statements made by certain Israeli leaders who did not make any secret of their annexationist policies or of the practices referred to in operative paragraph 2 of the draft. He would be in favour of broadening the Special Committee's terms of reference to apply to war crimes and crimes against humanity committed by the United States against the people of Viet-Nam and against their own black and Indian population as well as to the anti-Semitic practices which also existed in the United States.

42. The CHAIRMAN invited the Committee to vote on draft resolution A/SPC/L.235, as amended.

At the request of the representative of Israel, the vote was taken by roll call.

Spain, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Spain, Sudan, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Bahrain, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Ceylon, Congo, Cuba, Cyprus, Czechoslovakia, Egypt, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nigeria, Oman, People's Democratic Republic of Yemen, Poland, Qatar, Romania, Saudi Arabia, Somalia.

Against: United States of America, Uruguay, Zaire, Barbados, Belgium, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Israel, Liberia, Luxembourg, Malawi, Nicaragua.

Abstaining: Swaziland, Sweden, Uganda, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Venezuela, Argentina, Australia, Austria, Bolivia, Botswana, Brazil, Central African Republic, Chile, Colombia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, France, Ghana, Guyana, Honduras, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Madagascar, Mauritius, Netherlands, New Zealand, Norway, Peru, Philippines, Portugal, Rwanda, Singapore.

The draft resolution, as amended, was adopted by 48 votes to 16, with 42 abstentions.

43. Mr. CAHANA (Israel), commenting on the vote, recalled that when WHO had adopted its resolution WHA/24.33 of 18 May 1971 as the result of a similar manoeuvre by the Arab delegations, ICRC had been compelled to state officially its disapproval of the fact that the resolution had drawn it into the situation. The draft resolution just adopted had been supported by Kuwait, which was opposed to Security Council resolution 242 (1967), and by Syria and Yemen, which were trying to hamper the Security Council's efforts to restore peace. He assured the Committee that, in spite of the draft resolution just adopted, Israel would continue to respect the human rights of the inhabitants of the territories under its administration and to concern itself with their well-being.

44. Mr. TREKI (Libyan Arab Republic) said that he had voted for draft resolution A/SPC/L.235 even though he felt that it should have unequivocally condemned the violations of human rights being committed by the racist State of Israel not only in the territories occupied since June 1967 but throughout occupied Palestine. He also regretted that no date had been set for the withdrawal of the occupation forces and that the praiseworthy effort of the Palestinian people to liberate themselves had received no mention.

45. He agreed with the United States representative that the resolution would not be carried out, for, as everyone knew, the policy being pursued by the United States, which was providing the most modern weapons and millions of dollars to the Israeli aggressor, was an obstacle to peace in the Middle East. As a Negro, the United States representative knew perfectly well what rights Negroes enjoyed in his country. For example, how many Negroes were there in the United States Congress? Perhaps another committee should be set up to study the question of human rights in the United States, particularly those of the black and Indian population, as well as the criminal aggression against Viet-Nam.

46. Mr. AL-ZAHAWIE (Iraq) said that he had voted for the draft resolution even though he had felt that it was necessary at least to condemn the occupation of Arab territories by Israel. The representatives of Israel and the United States had once again cited violations of human rights of Jewish nationals in Arab countries to justify their rejection of the draft resolution, but if the position of Jews was threatened in any country, they had only to blame

Israeli policies and the Zionist leaders who, by contending that Jews owed allegiance to the Israeli Government, made them traitors in their own countries.

47. Regarding the United States representative's statement, he quoted an article by Richard Crossman, an ardent admirer of Zionism, published in the *New Statesman*, according to which an Israeli leader, whom he had asked whether Israel was not afraid of creating a threat of war which would force President Nixon to intervene even more energetically than Mr. Eisenhower in 1956, had replied that in 1971 Nixon would never dare to force Israel to withdraw from the Sinai peninsula.

48. Mr. DABLAN (Jordan), exercising his right of reply, said that what Zionist propaganda and the Israeli press called terrorism supported by Jordan was a national resistance movement similar to those which had appeared in Europe during the Nazi occupation. That resistance was perfectly natural, since the inhabitants of the occupied Arab territories were doing what anyone in the same situation would do: they were trying to free their country from foreign occupation. Their desire to do so should not be regarded as terrorism.

49. Mr. FLETCHER (United States of America), exercising his right of reply, said that every time his delegation took a position on any question, the representatives of Syria and Kuwait tried to divert discussion to racial problems in the United States. They seemed to think that the position of blacks in the United States was such that simply because he was black he had best say nothing. His delegation's opposition to the draft resolution arose from the fact that it was poorly balanced and took into account only one aspect of the problem. There were violations of human rights, in one form or another, everywhere in the world—not only in South Africa, Rhodesia, the United States and the occupied territories of the Middle East. He wondered why certain delegations, which worried so much about human rights, were categorically opposed to the appointment of a United Nations High Commissioner for Human Rights.

50. He was not opposed to the creation of a committee to inquire into human rights in the United States, where blacks had made more progress in the years since the establishment of the United Nations than any other group of people in any other country. Currently there was only one black Senator, but there had been none in 1945; during the same period the number of blacks in the House of Representatives had risen from 1 to 14. Moreover, there were currently 192 black State legislators and 1,500 black officials in the Federal Government. The United States did not need the United Nations to set up bodies to conduct inquiries on human rights, since it had established a Federal Civil Rights Commission a long time ago. Doubtless there was still a great deal to do, but the progress already made by the United States in the field of human relations was undeniable.

51. Mr. CAHANA (Israel), exercising his right of reply, said for the benefit of the representative of Iraq that Jews should enjoy everywhere in the world all the rights provided for any other community by the constitution of the country concerned. With reference to human rights, he

noted that in September 1971 an Amnesty International mission of inquiry had established that in Ceylon, whose representative was Chairman of the Special Committee, more than 16,000 men and women had been detained without charge or trial under the state of emergency imposed on 16 March 1971. The emergency regulations provided that any person could be detained without his family or friends being notified, that the police could take possession of and bury or cremate any dead body without permitting any other person to be present, and that any person suspected by the police of being concerned with an offence under any of the emergency regulations could be remanded in custody automatically after production before a magistrate within 15 days of arrest. No detainee had been able to consult with a lawyer. Magistrates were required to go to each prison or detention camp once every two weeks and record any complaints made, but it seemed that only nominees of the prison authorities were actually permitted to appear before the magistrates.

52. The results of the vote were significant: only 48 delegations, or a little more than one third of States Members of the United Nations, had voted for the draft resolution, but 58 had been unable to support it. He wished to state once again that despite the resolution, Israel's respect for the human rights of the Arab population would remain as constructive and positive as in the past until peace was established, which would resolve the problem of the occupation.

53. Mr. SAYEGH (Kuwait) said that the United States representative had many qualities, including that of hearing him when he wasn't speaking. Indeed, what he had said was predictable: the devotion of the United States to human rights was expressed in the words of that country's representatives but not by the facts, as the Middle East situation proved. The Israeli representative's juggling with figures only revealed his contempt for United Nations resolutions, regardless of the number of votes by which they had been adopted. Little more than one tenth of the members present had opposed the draft resolution.

54. Mr. AL-ZAHAWIE (Iraq) explained that he had said that if the rights of Jews were threatened in certain countries it was simply because of the dual allegiance imposed on them by Israel.

55. Mr. EL-FATTAL (Syrian Arab Republic) said that the United States representative had seen fit to adopt the Zionist ideology. He wished to state that he himself always took the same position in all Committees, in accordance with his Government's instructions, whether the United States was represented by a white or a black, by a man or a woman. Perhaps Mr. Fletcher was particularly colour-conscious because he was oppressed in a white capitalist society. The Syrian Arab Republic was opposed to the establishment of the office of United Nations High Commissioner for Human Rights because it knew that the United States would attempt to paralyse a deliberative body in which small countries would be free to express their views and would be in the majority. His country was relying on the Geneva Conventions of 1949 and on Security Council resolution 237 (1967), which had been adopted unanimously and interpreted by the United Nations Legal Counsel as applying to the territories occupied by Israel and

not to the unoccupied part of the Syrian Arab Republic or to the Soviet Union or Czechoslovakia. The representatives of Israel and the United States were attempting to give the Geneva Convention relative to the Protection of Civilian Persons in Time of War a meaning it did not have: article 4 defined as "persons protected by the Convention . . . those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals". If the United States representatives considered that the Syrian Jews were not nationals of the Syrian Arab Republic that was another matter. In any case, he condemned the attempts by Israel to free itself from obligations imposed by international instruments to which it was a party.

56. Mr. EDREMODA (Nigeria) said that he thought that the United States representative should clarify his statement regarding violations of human rights, so as to prevent the South African *apartheid* régime and the Ian Smith clique from taking his words out of context and using them for their own purposes by asserting that the United Nations was not objective with regard to *apartheid* in South Africa and Rhodesia.

57. Mr. FLETCHER (United States of America) replied that he was deeply concerned about the situation in South Africa and Rhodesia and, indeed, in any country where human rights were being violated, but he felt that, by concentrating its attention on extreme violations, the United Nations tended to overlook other problems which were just as tragic. He would like to see the Organization take a stand on all injustices and atrocities committed by man against man.

58. He was indeed colour-conscious—and that was the case throughout the world and not only in the United States, since, from his experience, coloured persons were treated differently even in countries where the majority was not white. No country had clean hands in the matter of human rights, and if the main concern of the United Nations was

to maintain peace, it should try to improve the situation wherever man's condition was less than it should be.

59. Mr. SIMUCHIMBA (Zambia) observed that Portugal had already sent a coloured representative to defend his Government's racist policy. Now a black American was saying that all was well in South Africa—an opinion which would surely draw a protest from most blacks in the United States.

60. Mr. FLETCHER (United States of America) said that he wished to clarify the situation: neither as a United States citizen nor as a coloured man who had suffered racial discrimination had he ever implied that he approved of the policy followed in South Africa. He had fought often enough in defence of the civil rights of his race not to be doubted when he declared that he felt the injustice of *apartheid* as keenly as any black representative present. However, to overlook the other cases of injustice in the world would mean accepting the fact that other human beings continued to suffer similar treatment. The United Nations should concern itself with all forms of racial discrimination, whatever their nature. He could assure his Zambian brother that the many black Americans in official positions were concerned about the situation of blacks throughout the world, but they felt that the best way to help was to have their opinion accepted by their own Government and, through it, take action against all manifestations of racial discrimination in any part of the world, including—but not exclusively—South Africa and Southern Rhodesia.

Completion of the Committee's work

61. After the customary exchange of courtesies, the CHAIRMAN declared the work of the Special Political Committee at the twenty-sixth session of the General Assembly completed.

The meeting rose at 1.40 p.m.