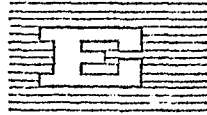


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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 February 1985, at 10 a.m.

<u>Chairman:</u>	Mr. CHOWDHURY	(Bangladesh)
later:	Mr. CHARRY SAMPER	(Colombia)

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Question of the violation of human rights in the occupied Arab territories,
including Palestine (continued)

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The meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1985/L.13, L.16)

Draft resolution E/CN.4/1985/L.13

1. Mr. KARIM (Bangladesh), introducing draft resolution E/CN.4/1985/L.13 on behalf of the sponsors, said that it retained all the elements of Commission resolution 1984/1, adopted on the same subject in 1984. The only new elements were operative paragraphs 7, 8 (e), 8 (l) and 8 (m) in section A.
2. The draft resolution addressed itself to the human, political and legal dimensions of human rights violations in the occupied Arab territories, including Palestine, with a view to bringing to the end the tragic effects and consequences of those violations. The draft recalled all relevant provisions of the Charter of the United Nations, the International Covenant on Civil and Political Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the relevant General Assembly, Security Council and Commission resolutions. It expressed grave concern at the continuation of human rights violations in the occupied territories and reaffirmed the fact that occupation itself constituted a fundamental violation of the human rights of the civilian population of Palestine and other occupied Arab territories.
3. He said that during the discussion of item 4, individual participants had underscored in a forceful manner the urgent consideration which the sufferings of the Palestinian people in the occupied territories deserved in the Commission. He therefore hoped that the draft resolution would meet with the unanimous approval of the Commission.
4. Mr. DOWEK (Observer for Israel) said that his delegation wished to make some comments on draft resolutions E/CN.4/1985/L.13 and E/CN.4/1985/L.16 in order to explain why it considered them unfair, unjustified and harmful.
5. He recalled the statement by the representative of Norway in the Third Committee at the thirty-eighth session of the General Assembly to the effect that, in deliberations on human rights issues, much time was devoted to situations where political aspects were clearly more important than those of human rights and that, in the opinion of his Government, it was necessary to avoid acting on the basis of political considerations when promoting and protecting fundamental freedoms and human rights.
6. In March 1984, the Minister for Foreign Affairs of Argentina had stated in the Commission on Human Rights that his country's position on human rights was free from any critical, political or ideological contamination, because human rights were valid in themselves and too serious to be used as a screen for eventual propaganda or harassment activities between blocs.
7. In 1984, the representative of Yugoslavia had repeatedly raised the question of selectivity, both territorial and in substance, and had asked why was there over-concern in some cases and indifference bordering on cynicism in others. He had said that the Commission on Human Rights was increasingly transforming itself into a tribunal, the members of the Commission into prosecutors of sorts, while countries that had voiced their readiness to co-operate found themselves as the accused.

8. All those statements could be applied directly to one country - Israel. In his statements, he had invited the sponsors of resolutions against Israel to try to avoid a situation in which they would be guilty of again violating the Charter of the United Nations with respect to Israel, but they had failed to heed his appeal.

9. For reasons of principle, moral decency and respect for the cause of international co-operation, his delegation rejected the draft resolutions before the Commission as yet another political exercise in disregard of facts which were obvious to all. If the Commission as such could not help Israel and the other States concerned to create a favourable climate for peace and understanding, an effort should be made to ensure that the Commission was not turned into a tribunal. The sponsors of the draft resolutions apparently believed that reference to illegal resolutions might make other illegal decisions sound more legal, but it would not. They magnified minor incidents which the authorities were doing their best to remedy. It was not fair to generalize about a country's penal system and the laws passed by its highest legislative body and then jump to political conclusions which were both offensive and ridiculous.

10. Greatly distorted logic had been used to negate the right of the Israeli authorities to pursue economic, social and cultural development, free from outside interference, on behalf of the Palestinian Arabs. The drafts were a denial of obvious and well-known facts. The sacred duty of the Government of Israel was to protect the vital interests of all segments of the population under its administration. That was exactly what it was doing, and it would not be deterred by illegal decisions based exclusively on political considerations.

11. His delegation was blamed on the ground that Israel did not recognize the Commission's resolutions and the so-called report of the Special Committee. His delegation did not recall any resolution condemning the blatant violations of human rights and repression of the rights of minorities in many of the countries that sponsored the draft resolutions.

12. Criticizing Israel had become a favourite pastime of the Communist and Arab delegations in the Commission. He had hoped that those delegations would at least try to take his remarks in the spirit of the admonition of article 1 of the Universal Declaration of Human Rights that all human beings were endowed with reason and conscience and should act towards one another in a spirit of brotherhood. They had failed to do so because the modern totalitarian mind was a retribution that befell all people who gave free reign to extremists and extremism, who forgot the golden rule of political life, which was that ideas were never good, except in moderation, and that anything carried to its logical conclusion became a menacing caricature of itself. That was precisely how the anti-Israeli rituals were carried to their logical conclusion and had become a menacing caricature which did not only let them say any longer the opposite of what they thought about his country, but even made them think the opposite of what was true.

13. Many delegations must be aware that he had just paraphrased a statement made by the observer for Poland in March 1984; he had done so in order to demonstrate in the most irrefutable manner that the same forces which concocted the draft resolutions against Israel and blamed it for rejecting them, the same forces which condemned Israel for accusing the Commission of double standards and of political motivation, did not hesitate when it came to matters concerning them to do so in the strongest possible language.

14. As in previous years, under the prompting of countries that had the worst record of human rights violations and that were actively engaged in the political and propaganda onslaught on Israel, the Commission was about to adopt two resolutions in which his country was depicted as the personification of evil itself. The list of crimes attributed to Israel by the phantasmagoric and nightmarish imagination of the sponsors of the draft resolutions was exhaustive in its absurdity. Nothing was left out: war crimes, crimes against humanity, genocide, repression, aggression, expansionism, racism, illegal detention and torture. Even the heroic fight of Israel against hijacking, terrorism and international blackmail was implicitly branded as being a flagrant breach of the distorted norms that the sponsors strove to impose on the world community. His country not only rejected both resolutions; it also strongly protested against the intentional politicization of human rights issues and the dubious double standards revailing in the Commission.

15. He reaffirmed that the situation of the Palestinian Arabs in Judea, Samaria, and Gaza was very much better than that of the citizens and minorities of many of the countries sponsoring the draft resolutions. Those countries were totally unconcerned about the alleged plight of the Palestinians and merely wished to make use of them, with the transparent intention of being allowed a freehand on the treatment of their minorities and on the waging of their wars, as well as in diverting world attention from their own violations of human rights.

16. It was true that the Palestinians did not live in a paradise. No one did; but they certainly did not live in the hell depicted in the Commission. On the contrary, their situation had improved dramatically since 1967 and they had become the most advanced Arab people in the area in all fields of life. There certainly were problems deriving from the protracted conflict situation and the unceasing war of attrition and terrorist actions waged against Israel with the active support of many of those who sponsored the draft resolutions. But those minor problems should not be blown up out of all proportion. Compared with what happened elsewhere, they were of much less significance. Nevertheless, even in the most tense security situations, Israel constantly carried out checks and remedied any infringements with the utmost celerity and efficacy.

17. In conclusion, he assured members that his Government would continue to fulfil its duties towards the Palestinian Arab population in good faith, dedication and in full conformity with its long-standing democratic and humanitarian traditions.

18. Sir Anthony WILLIAMS (United Kingdom), speaking in explanation of vote before the vote, said that he was taking what was for his delegation the unusual step of explaining its vote on draft resolution E/CN.4/L.13 before the vote to demonstrate his delegation's concern both over the substance of the resolution and over the way it and draft resolution E/CN.4/L.16 had been presented to the Commission. In his statement on the item, he had made very clear his delegation's anxiety over the situation in the Middle East and, in particular, over some of Israel's behaviour. He had stated that the Commission had a role to play in promoting progress and that it could only play that role if it concentrated on its essential and true function - consideration of relevant human rights issues. He had gone on to say that the Commission would not do that by allowing itself to be diverted into seeking to duplicate the political roles of the Security Council or the General Assembly and had also expressed his delegation's readiness to participate in the negotiation of the current year's resolutions and its hope that through the process of consultation, the resolutions might attract a wider measure of support.

19. It was therefore a matter of very great regret to his delegation that the draft resolutions submitted to the Commission had proved to be even more politicized than those of previous years and that they had again been prepared without appropriately broad consultations within the Commission. His delegation, like many other delegations, had simply been presented with them on a take-it-or-leave-it basis, without any consideration being given to their views. It agreed with the sponsors that the issues covered were important and considered that the resolutions should be prepared with the widest possible measure of consultation. His delegation's voting pattern on the draft resolutions, and in particular section A of draft resolution E/CN.4/1985/L.13, would reflect its regret at that lack of consultation as well as its reservations over some of the substance. His delegation would have liked to be able to support section A of the resolution, but in recent years had had to abstain because of difficulties with regard to certain paragraphs, and in particular the paragraph requesting the General Assembly to recommend to the Security Council the adoption against Israel of the measures referred to in Chapter VII of the Charter of the United Nations. The current year's draft resolution contained language which was extreme in tone or political in character and his delegation had no alternative in those circumstances to casting a negative vote against it. His delegation supported the main theme of section B of the draft resolution. However, it would be compelled to abstain because of some of the prejudicial language, particularly in operative paragraph 4. In order to demonstrate its support for the application of the Geneva Conventions to the occupied territories, it would like a separate vote on operative paragraph 1 and would vote in favour of that paragraph.

20. It hoped that the following year the sponsors would discuss the text with it in advance, and that that process of consultation would thus enable it to adopt a less negative position on the draft resolution as a whole.

21. Mr. MAHONEY (Gambia) said that his country would like to become a sponsor of E/CN.4/1985/L.13. He suggested the insertion of a comma in the first line of operative paragraph 5 so that it would read: "Firmly rejects, and reiterates ...".

22. The CHAIRMAN said that the secretariat would look into the matter.

23. Mr. SCHIFTER (United States of America), speaking in explanation of vote before the vote, said that his delegation would vote against draft resolutions E/CN.4/1985/L.13 and E/CN.4/1985/L.16. His Government was committed to helping all those affected by the Arab-Israeli conflict and to an Arab-Israeli peace. His Government had made it clear which past actions of the Government of Israel it disapproved. If necessary and appropriate, it would restate its position. But it could not vote in favour of resolutions which grossly distorted the facts and made no mention of recent improvements in conditions in the area and totally ignored the enhanced prospects of peace. The draft resolutions would, at worst, impede the peace process or, at best, have no effect.

24. His delegation took special exception to operative paragraph 3 of draft resolution E/CN.4/1985/L.16, which sought to criticize the United States for votes cast in the Security Council. Each Member State had the right to vote as its conscience dictated and also individually to criticize the votes of others, but for the United Nations system to attempt to pass judgement on the votes by members within that system served only to undermine the sovereign rights of Member States on which the United States was built and was therefore particularly offensive.

25. Paragraph 7 of section A of draft resolution E/CN.4/1985/L.13 referred to Meir Kahane and Moshe Levinger, in whose activities his country certainly wanted no part, as his delegation had already indicated. But his delegation noted that Kahane had been elected to the Knesset by less than 2 per cent of the Israeli

electorate, that both major political parties had declared that they would not form a Government in coalition with him, that his activities had been roundly condemned in Israel, and that many of his demonstrations had been stopped by the Israeli authorities. Neither did Levinger's activities reflect the positions of the Israeli Government. The singling out in the draft resolution of the two men referred to by the title they had acquired through ordination and the reference to "Jewish gangs" suggested that the draft resolution was seeking to cast a slur on the Jewish religion. By approving paragraph 7, the Commission would itself act in violation of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. His delegation considered operative paragraph 15 to be particularly inappropriate. It was contrary to the spirit of the Charter of the United Nations and the purposes of the Commission to tender advice to the Security Council concerning the imposition of sanctions.

26. His country intended to cast its votes in the interests of human rights, a better life for both Arabs and Israelis, peace in the region, the integrity of the United Nations and the good name of the Commission. It would therefore vote against the draft resolutions.

Draft resolution E/CN.4/1985/L.13

27. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1985/L.13.

28. At the request of the representative of Peru, a vote was taken by roll-call on operative paragraph 4 of section A of draft resolution E/CN.4/1985/L.13.

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

In favour: Argentina, Austria, Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Netherlands, United States of America.

Abstaining: Brazil, Colombia, Japan, Mexico, Peru, Spain, United Kingdom of Great Britain and Northern Ireland.

30. Operative paragraph 4 of section A of draft resolution E/CN.4/1985/L.13 was adopted by 26 votes to 8, with 7 abstentions.

31. At the request of the representative of Peru, a vote was taken by roll-call on operative paragraph 7 of section A of draft resolution E/CN.4/1985/L.13.

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

In favour: Bangladesh, Bulgaria, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Brazil, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Liberia, Mexico, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Austria, Cameroon, Ireland, Japan, Kenya, Peru, Spain.

33. Operative paragraph 7 of section A of draft resolution E/CN.4/1985/L.13 was adopted by 19 votes to 14, with 8 abstentions.

34. At the request of the representative of Peru, a vote was taken by roll-call on operative paragraph 15 of section A of draft resolution E/CN.4/1985/L.13.

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

In favour: Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Mexico, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Colombia, Peru, Philippines, Spain, Venezuela.

36. Operative paragraph 15 of section A of draft resolution E/CN.4/1985/L.13 was adopted by 21 votes to 13, with 7 abstentions.

37. At the request of the representative of the Ukrainian Soviet Socialist Republic, a vote was taken by roll-call on section A of draft resolution E/CN.4/1985/L.13.

38. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: France, Germany, Federal Republic of, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Costa Rica, Finland, Ireland, Japan, Mexico, Spain.

39. Section A of draft resolution E/CN.4/1985/L.13 was adopted by 28 votes to 5, with 8 abstentions.

40. At the request of the representative of the Syrian Arab Republic, a vote was taken by roll-call on operative paragraph 1 of section B of draft resolution E/CN.4/1985/L.13.

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

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: None.

42. Operative paragraph 1 of section B of draft resolution E/CN.4/1985/L.13 was adopted by 41 votes to none, with no abstentions.

43. At the request of the representative of Finland, a vote was taken by roll-call on operative paragraph 4 of section B of draft resolution E/CN.4/1985/L.13.

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

In favour: Argentina, Austria, Bangladesh, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Costa Rica, Netherlands, United States of America.

Abstaining: Australia, Brazil, Finland, France, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland.

45. Operative paragraph 4 of section B of draft resolution E/CN.4/1985/L.13 was adopted by 30 votes to 3, with 8 abstentions.

46. At the request of the representative of the Syrian Arab Republic, a vote was taken by roll-call on section B of draft resolution E/CN.4/1985/L.13.

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

In favour: Argentina, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Finland, Gambia, German Democratic Republic, India, Japan, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Costa Rica, France, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland.

48. Section B of draft resolution E/CN.4/1985/L.13 was adopted by 33 votes to 1, with 7 abstentions.

Draft resolution E/CN.4/1985/L.16

49. Mr. DHILLON (India), introducing draft resolution E/CN.4/1985/L.16, said that the text reflected the Commission's desire to seek a lasting solution to the problem of the occupied Arab territories, and the guarantee of the human rights of those territories' inhabitants; it bore the same main elements as Commission resolution 1984/2 and reflected the concern, expressed by the overwhelming majority of members, at the continued illegal occupation of Arab territories and the need to give effect to Security Council resolution 497 (1981). The draft resolution underlined the need for a just and peaceful settlement of the problem, which was an essential factor for peace and stability in the Middle East, and the realization that a lasting solution would depend on recognition of the sovereignty and integrity of States - a recognition incompatible with any arbitrary alteration of frontiers. The draft resolution, inter alia, called for the total and unconditional withdrawal by Israel from all Palestinian and Syrian territories occupied since 1967, including Jerusalem, as an essential prerequisite for the establishment of a just and comprehensive peace in the Middle East.

50. The sponsors, who had been joined by the delegations of Bangladesh, Colombia, Congo and Gambia, and the observer delegations of Afghanistan, Byelorussian SSR, Czechoslovakia, Pakistan and Viet Nam, hoped that the Commission would give the draft resolution the widest possible support.

51. Mr. CHARRY-SAMPER (Colombia), speaking in explanation of vote, said that his delegation had abstained in the vote on operative paragraphs 4, 7 and 15 of section A of draft resolution E/CN.4/1985/L.13 and that it would vote in favour of draft resolution E/CN.4/1985/L.16 with the exception of operative paragraph 3. His delegation was unable fully to support either of the draft resolutions in question, because of the extremely intemperate wording used in some of the paragraphs and the recurrent calls for action more appropriate to other United Nations forums. It was wrong, in operative paragraph 7 in section A of draft resolution E/CN.4/1985/L.13, to

speak of terrorist actions for which no evidence had been adduced. It was also inappropriate for the Commission to call for measures of the sort referred to in Chapter VII of the Charter of the United Nations, and to make the sort of political criticism contained in operative paragraph 3 of draft resolution E/CN.4/1985/L.16; although Colombia had often voiced its desire for reform of the veto system, it opposed the tone adopted in that paragraph and could not vote in favour of the latter.

52. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1985/L.16.

53. At the request of the representative of Colombia, a vote was taken by roll-call on operative paragraph 3 of draft resolution E/CN.4/1985/L.16.

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

In favour: Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Nicaragua, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Brazil, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Mexico, Peru, Spain, Sri Lanka, Venezuela.

55. Operative paragraph 3 of draft resolution E/CN.4/1985/L.16 was adopted by 19 votes to 15, with 6 abstentions.

56. At the request of the representative of the Syrian Arab Republic, a vote was taken by roll-call on draft resolution E/CN.4/1985/L.16 as a whole.

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

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Austria, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

58. Draft resolution E/CN.4/1985/L.16 as a whole was adopted by 30 votes to 1, with 10 abstentions.

59. Mr. LACLETA (Spain), speaking in explanation of vote, said that his delegation, on account of Spain's well-known position with regard to the human rights situation in the occupied Arab territories, had been in favour of section B of draft resolution E/CN.4/1985/L.13 and of draft resolution E/CN.4/1985/L.16 as a whole. However, it had reservations about some of the wording in section A of draft resolution E/CN.4/1985/L.13. The text of operative paragraph 4 in that section was unfortunately phrased; and no proof had been adduced of the actions referred to in operative subparagraphs 8(c) and 8(d). Furthermore, the action called for, in operative paragraph 15 of that section, of the sort referred to in Chapter VII of the Charter of the United Nations, would serve only to isolate the country concerned and worsen the human rights situation of the occupied territories' inhabitants.

60. Although his delegation could generally support draft resolution E/CN.4/1985/L.16 it could not support the fifth preambular paragraph, which reflected a departure by a specialized United Nations body from the strict terms of its mandate. Operative paragraph 3 was likewise a highly inappropriate expression from a body such as the Commission. Furthermore, his delegation rejected such wording as "acts of terrorism", as used in operative paragraph 6.

61. Mr. de PIEROLA (Peru) said that his delegation had voted in favour of section A of draft resolution E/CN.4/1985/L.13, since it deemed it imperative that human rights should be fully respected in occupied and dependent territories everywhere; it also thought that the problem of the Middle East could be solved only through the exercise of good will and dialogue instead of confrontation. With regard to section A of that resolution, his delegation had abstained in the vote on operative paragraphs 4, 7 and 15, whose contents would not contribute to the international effort to secure peace and respect for human rights in the region concerned. It had voted in favour of section B, since Peru supported all the instruments referred to therein.

62. His delegation had voted in favour of draft resolution E/CN.4/1985/L.16 but had abstained in the separate vote on operative paragraph 3 since, in its view, the adoption of sanctions against Israel would in no way help to solve the problem.

63. Mr. RAVENNA (Argentina) said that his delegation's support for section A of draft resolution E/CN.4/1985/L.13 reaffirmed his country's support for the Palestinian people's inalienable right to self-determination and sovereignty. However, it had abstained from supporting those parts of the text which referred to racist Zionists and advocated the application against Israel of sanctions of the sort referred to in Chapter VII of the Charter of the United Nations. However, it had been able to vote in favour of section B, as a whole, of that resolution.

64. Although his delegation had voted in favour of draft resolution E/CN.4/1985/L.16 as a whole, it again could not endorse the call for sanctions against Israel pursuant to Chapter VII of the Charter. It would also have preferred a more moderate wording of operative paragraphs 4 and 6, and it had abstained during the separate vote on operative paragraph 3.

65. Mr. EKBLÖM (Finland) said that as a neutral country, Finland had taken a balanced and conciliatory position on the controversial issues of the Middle East and Palestine. It was imperative to reach a comprehensive, just and lasting peace through negotiations and on the basis of Security Council resolution 242 (1967); his delegation supported all proposals or initiatives designed to achieve that goal. The rights of every State in the region, including Israel, to live within secure and internationally recognized boundaries must be guaranteed, and Israel must withdraw from the Arab territories occupied since 1967. At the same time, the legitimate rights of the Palestinians, including the right to self-determination, must be taken fully into account and the PLO must be given the opportunity to participate in all negotiations on the future of the Palestinians.

66. The resolutions in E/CN.4/1985/L.13 and E/CN.4/1985/L.16 did not entirely reflect the balanced and conciliatory position his Government had consistently tried to maintain; his delegation had been unable to accept the wording of some provisions. In L.13, Finland had voted against paragraphs 4, 7 and 15 of section A, had abstained in the vote on section A as a whole, and would have voted against paragraph 3 if a separate vote had been taken. It had requested a separate vote on paragraph 4 of section B in order to be in a position to support the resolution as a whole.

67. Mr. WIESNER (Austria) said that his delegation had voted in favour of paragraph 4 of section A of E/CN.4/1985/L.13 in order to underline its belief that the Geneva Convention relative to the Protection of Civilian Persons in Time of War should be applied in the occupied Arab territories, but that its vote must not be construed as an endorsement for the judgements made in the paragraph. With regard to resolution E/CN.4/1985/L.16, his Government had consistently rejected Israel's policy in the occupied territories and had condemned the extension of Israeli law, jurisdiction and administration to the Golan Heights and the violations of human rights which resulted from that policy. Had the resolution been the subject of consultations, it might have been possible to arrive at an acceptable wording. Since that had not been the case, his delegation had been forced to abstain, although it supported the intention behind the resolution.

68. Mr. CHARRY SAMPER (Colombia) took the Chair.

69. Mr. HAYES (Ireland) said that his delegation wished to explain its abstention in the vote on section B of E/CN.4/1985/L.16. As shown by its positive vote on operative paragraph 1, it believed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable to the Arab territories occupied by Israel since 1967, and it called on Israel to abide by the obligations of international law. However, the additional language retained in operative paragraph 4 from the previous year implied an interpretation of the Geneva Conventions which his delegation did not accept, and Ireland had been obliged to abstain during the voting on the resolution as a whole.

70. Mr. CURTIN (Australia) said that his delegation had voted against paragraphs 4, 7 and 15 of section A of resolution E/CN.4/1985/L.13 and had abstained in the vote on the resolution as a whole. His delegation had voted in favour of paragraph 1 of section B of resolution L.13 concerning the applicability to the occupied Arab territories of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which was the key clause of the resolution. It was regrettable, however, that the resolution as a whole could not have been worded in such a way as to ensure unanimity; paragraph 4 presented major difficulties, and his delegation had abstained in the vote on it.

71. Although his delegation objected in principle to the occupation of any territory and supported Security Council resolution 242 (1967), it could not accept the somewhat extreme language contained in E/CN.4/1985/L.16 and had accordingly abstained in the vote on the resolution as a whole and voted against paragraph 3. Australia regretted the lack of balance in the resolutions, especially in view of the Commission's desire to ensure peace in the Middle East and to safeguard the human rights of all peoples in the area.

72. Mr. JARDIM GAGLIARDI (Brazil) said that his delegation's positive vote on the resolutions reflected its concern about the human rights situation in the occupied Arab territories and its belief that the policies being applied in those territories were unacceptable. Brazil fully recognized the Palestinian people's right to self-determination. However, his delegation had reservations on certain paragraphs and passages, which went beyond the Commission's terms of reference and used excessive language. The Commission's resolutions should be expressed in a more measured manner and should avoid non-essential and controversial elements, particularly those of a purely political nature.

73. Mr. SUCRE FIGARELLA (Venezuela) said that his delegation shared the general concern over the human rights situation in Palestine and believed that the Palestinian people should be enabled to exercise its right to self-determination. Resolution E/CN.4/1985/L.13 reflected that position, and his delegation had therefore voted in favour of it. Because his delegation opposed the use of force to occupy any territory and believed that negotiations were the best way to solve territorial disputes, it had voted in favour of resolution E/CN.4/1985/L.16. Despite its support for the spirit underlying the resolutions, however, his delegation regretted their aggressive tone and the politicization which they reflected. In particular, Venezuela objected to the reference to a position taken by one Permanent Member of the Security Council. It would be more appropriate for the Commission to be guided by the spirit of reconciliation reflected in Security Council resolution 242 (1967).

74. Mr. KOUIJMANS (Netherlands) said that because the resolutions had not been the subject of consultations and his delegation had been unable to explain its objections to certain paragraphs, it had had no choice but to vote against section A of resolution E/CN.4/1985/L.13 and to abstain during the voting on section B. Although the Netherlands was fully convinced that Israel should apply the Fourth Geneva Convention in the occupied territories, it could not accept the appeal in operative paragraph 4 for the status of prisoners of war to be granted to all Arab detainees. For similar reasons, his delegation had had to abstain during the voting on resolution E/CN.4/1985/L.16.

75. Mr. CLEMENT (France) said that his delegation regretted the fact that it had been unable to support section A of resolution E/CN.4/1985/L.13 because some paragraphs had been drafted using intemperate language and others went beyond the Commission's mandate. It was unfortunate that the sponsors had not provided an opportunity for informal consultations which might have made it possible to arrive at mutually acceptable formulations.

76. Mr. HOYNCK (Federal Republic of Germany) said that his delegation had voted against section A of resolution E/CN.4/1985/L.13 because it had serious reservations concerning paragraphs 3, 4, 7, 8, 14 and 15, which failed to deal with human rights violations as such and reflected primarily political aims. It was unfortunate that the sponsors had made no effort to consult delegations as to their opinions on the resolutions. His delegation had abstained during the voting on resolution E/CN.4/1985/L.16 because it did not fully support the position expressed

therein and, in particular, objected to the singling out of the Permanent Member of the Security Council in paragraph 3. It was also regrettable that the sponsors had referred to "terror" in paragraph 4 and to "terrorism" in paragraph 6. His delegation fully endorsed the views expressed by the representative of the United Kingdom in his explanation of vote before the vote.

77. Mr. MTANGO (United Republic of Tanzania) said that his delegation had voted in favour of both resolutions but recognized the logic behind some of the arguments advanced in the explanations of vote, particularly regarding the importance of enabling all delegations to express their views on the wording of resolutions. In his delegation's interpretation, paragraph 7 of section A of resolution E/CN.4/1985/L.13 was not pejorative in relation to any religion; if it had thought it was, it would have hesitated to vote for it. Tanzania respected all religions, but could not accept the camouflaging of terrorist activities under religious pretexts.

78. His delegation had voted in favour of paragraph 3 of resolution E/CN.4/1985/L.16 but saw the merit in the argument that every State had the sovereign right to express disagreement if it so desired. That position should not, however, be interpreted as an endorsement of the negative vote cast in the Security Council regarding the situation in the Middle East.

79. Mr. MANALO (Philippines) said that although his delegation had voted in favour of resolution E/CN.4/1985/L.13 as a whole, it had voted against paragraph 7 because it objected to the phrase "other racist Zionists". It had voted in favour of resolution E/CN.4/1985/L.16, but had voted against paragraph 4 on technical grounds: however unpalatable a country's vote might be, it had the right to express its position as it saw fit.

80. Mr. DAOUDY (Syrian Arab Republic), speaking in exercise of the right of reply, said that in adopting resolutions E/CN.4/1985/L.13 and E/CN.4/1985/L.16 by an overwhelming majority, the Commission had expressed its concern about Israel's disregard for human rights in the occupied territories. While most members of the Non-Aligned Movement and most socialist and Islamic States defended the rights of Arabs in the occupied territories, Israel, accompanied solely by the United States, turned a deaf ear to the appeals of the international community and had in fact announced that it had no intention of applying the Fourth Geneva Convention to the occupied territories. The United States, which used its Security Council veto like the sword of Damocles, was obstructing the imposition of sanctions under Chapter VII of the Charter of the United Nations, thus facilitating human rights violations in the occupied territories. His delegation warmly thanked those delegations which had sponsored the resolutions or voted in favour of them: they had thereby affirmed their support for international law and condemnation of all violations of human rights. It was unfortunate that the United States had voted against the resolutions, but that in no way weakened them: in fact, it gave the lie to that country's claims to be on the side of those fighting for freedom. With regard to paragraph 4 of section B of resolution L.13, in which the Commission called on Israel to free the Arab prisoners struggling to free their territories, he drew attention to another appeal, made by a representative of the International Committee of the Red Cross, that Israel should respond to that organization's queries about the fate of some 1,500 prisoners.

81. Mr. DOWEK (Observer for Israel), speaking in exercise of the right of reply, said that the victory about which the Syrian representative had just been crowing was a Pyrrhic one. He should, instead, have wept at the spectacle of the Commission taking decisions on the basis of political, not humanitarian concerns, and adopting resolutions which again made no contribution to peace to the region. As long as zionism and Judaism were constantly compared to fascism, any hope of achieving peace in the region remained minimal. Israel would not commit national suicide: it was strong and would survive. It held out its hand to all its neighbours, including the Palestinian people, and deeply hoped that one day they, too, would see that the only solution was for all of them to live in peace.

82. The CHAIRMAN said that the Commission had concluded its consideration of item 4.

The meeting rose at 1 p.m.