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Chairman: Mr. OUDOVENKO (Ukrainian Soviet Socialist Republic)

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AGENDA ITEM 77: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES

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The meeting was called to order at 10.05 a.m.

AGENDA ITEM 77: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (A/44/81, 83, 117, 151, 152, 155, 167, 176, 182, 209, 227, 235, 259, 299, 309, 352, 354, 355, 361, 364, 365, 397, 409 and Corr.1-2, 489, 494, 515, 517, 551, 562-66, 570, 599, 610, 640, 643, 666, 687 and Corr.1, 689, 699 and Corr.1; A/SPC/44/L.19-25)

1. Mr. PERERA (Chairman, Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories), introducing the report of the Special Committee contained in document A/44/599, observed that it covered the period from 26 August 1988 to 25 August 1989 and should be considered together with the Special Committee's periodic report (A/44/352). Following past practice, the report was based on oral testimony of persons having first-hand knowledge of the situation prevailing in the occupied territories and on written information gathered from various sources. The Special Committee had benefited from the co-operation of the Governments of Egypt, Jordan and the Syrian Arab Republic and from that of Palestinian representatives. Unfortunately, the lack of co-operation of the Government of Israel had, as in previous years, prevented it from visiting the occupied territories.

2. In interpreting and carrying out its mandate, the Special Committee had relied on the international instruments enumerated in paragraph 25 of its report. The report illustrated the administration of justice in the occupied territories, the treatment of detainees and the treatment of civilians subjected to harassment and physical ill-treatment, collective punishment and expulsion. The report also referred to various restrictions limiting the enjoyment of fundamental rights and freedoms such as freedom of movement, religion, expression, association and education. It dealt, in addition, with settlers' activities affecting the civilian population and contained information on the specific situation in the occupied Syrian Arab Golan.

3. He drew attention to the conclusions of the Special Committee in section V of the report, particularly its general conclusion that a dangerous level of constantly escalating violence and repression had been reached. The intifadah itself, motivated by an accumulation of harassment, humiliation and frustration, stemmed from the annexation policy pursued by the Government of Israel since 1967, and the daily confrontations between the civilian population and Israeli defence forces and settlers had created a climate of terror and violence.

4. The military justice system enforced in the occupied territories had further deteriorated and it had neither provided detained Palestinians with adequate legal guarantees nor ensured the right to a fair trial. The harassment of civilians had also been characterized by an increasing recourse to various forms of collective reprisals, such as the large-scale demolition of houses, the imposition of prolonged curfews, or harsh economic sanctions. The number of deportations had increased notably, as had the number of detainees, who had endured serious physical and psychological hardships. Severe restrictions had been imposed on fundamental

(Mr. Perera)

freedoms by various measures, including the closing down of newspapers and press agencies, the detention of journalists and trade unionists and the prolonged closure of educational institutions.

5. The overall situation in the occupied territories had remained critical since the adoption of the Special Committee's report. Daily life had been marked by demonstrations, strikes, clashes, raids by the security forces, scores of arrests and civilian deaths and injuries. Among the most preoccupying recent occurrences were: the deportation from the occupied territories of five West Bank residents; the issuing of new Israeli Defence Force orders authorizing the shooting with live ammunition of masked individuals even if they were unarmed; and the repressive measures taken against Palestinian civilians in the town of Beit Sahur. Such measures reflected severe limitations on fundamental freedoms.

6. In the Special Committee's opinion, that overall picture was very alarming. It had thus stressed in the conclusions of its report that urgent measures must be taken to ensure effective protection of the basic rights and freedoms of the civilians in the occupied territories. Such protection could only be guaranteed through the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict acceptable to all concerned. In paragraph 341 of the report, the Special Committee had also reiterated several measures which could help to restore the basic human rights of the civilians in the occupied territories until such settlement was achieved.

7. He once again voiced the hope that the report would further mobilize the international community to seek a solution for alleviating the plight of the civilians in the occupied territories and securing the full enjoyment of their rights and freedoms.

8. Mr. MANSOUR (Observer for Palestine) said that the Special Committee's reports revealed the intensification of the systematic brutality and State terrorism practised by Israel against the Palestinian people living under its occupation, with the dual aim of annexing the entire territory of Palestine, including Jerusalem, and expelling the Palestinian people. Israel's continuing refusal to allow the Special Committee access to the occupied territories or to permit persons from occupied Palestine to appear before the Special Committee demonstrated that Israel could not afford witnesses to its crimes.

9. The Special Committee had reached a number of conclusions in document A/44/599 (paras. 329-41), determining specifically that Israel's policy was still one of de facto annexation, in violation of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and that, in pursuit of that policy and in response to the intifadah, Israel had utilized an elaborate illegal system of intensified oppression and repression. The results, as assessed by the Special Committee, had been the killing of several hundred persons, the severe injuring of tens of thousands and the arrest of hundreds of thousands more. The Special Committee had found evidence of practices such as the detention of prisoners under increasingly harsh conditions, including torture; recourse to collective reprisals such as curfews, demolition of houses and economic sanctions; a considerable

(Mr. Mansour, Observer, Palestine)

increase in the number of deportations; further deterioration in the enjoyment of basic human rights such as freedom of movement, of association, of the press, of worship and of education; and the illegal expropriation of land by Zionist settlers. The Special Committee had reached the final conclusion that in the long run the protection of basic human rights in the occupied territories could only be ensured through a negotiated settlement acceptable to all concerned.

10. As the Palestinian people celebrated the first anniversary of the proclamation of the independence of the State of Palestine, the intifadah was entering its third year; and as that remarkable democratic uprising of a whole people gathered momentum, the Israeli oppression was becoming correspondingly more savage. In an earlier statement before the Committee under agenda item 76, he had cited figures illustrating the dimensions of the situation; and, in fact, since the so-called peace proposals by the Israeli Prime Minister, the numbers of those killed, maimed and detained had been staggering, thus belying any peaceful intentions on the part of Israel. Israel would never succeed in containing the intifadah, however, for it would continue until it achieved its dual goal of ending the occupation and establishing a Palestinian State on national soil. Neither Israeli political manoeuvring, which was constantly abetted by the United States, nor all its grand designs would ever prevail against a people so strongly united under the leadership of its sole and legitimate representative, the Palestine Liberation Organization (PLO).

11. The occupying Power's persistent disregard of international law and of Security Council resolutions required the international community to step in to provide international protection for the Palestinian people, by placing occupied Palestine under temporary United Nations supervision.

12. The Central Council of the PLO, meeting in Baghdad in October 1989, had made the following undertakings: to adhere to the Palestine National Council resolutions and the ensuing Palestinian peace initiative and reject any substitute plan; to adhere to the resolutions of the Extraordinary Summit Conference of the Arab States held in Casablanca in 1985, to urge all Arab States without exception to conform to them, and to seek their implementation, particularly as regarded the idea of elections under international supervision after an Israeli withdrawal and as part of a comprehensive peace process; to oppose United States policy, which, as evidenced by the latest United States proposals, denied the right of the Palestinian people to self-determination and of the PLO to represent them and sought to make the Shamir plan the basis for a settlement; to co-ordinate action in support of the Palestinian peace initiative by all nations which had supported that initiative and recognized the State of Palestine.

13. The Central Council had further outlined the following conditions for any proposed Palestinian-Israeli talks: the PLO alone would be entitled to appoint a Palestinian delegation from both inside and outside the occupied territories; the Palestinian position would adhere to the internationally recognized Palestinian peace initiative; the agenda for such talks would be open and not subject to pre-conditions; such talks would be considered as only a preliminary step towards

(Mr. Mansour, Observer, Palestine)

convening an authoritative international conference, the only legitimate framework for a comprehensive and just settlement; such preliminary talks would be attended by the five permanent members of the Security Council, the Secretary-General of the United Nations, and representatives of the other parties concerned, including Egypt and Sweden.

14. General Assembly resolution 43/176, which called for the convening of the International Peace Conference on the Middle East and affirmed certain principles for the achievement of a comprehensive peace, had indicated the bases on which the Palestinian People could attain their inalienable national rights. It was time to begin preparations for the convening of the International Peace Conference. Both Israel and the United States had rejected resolution 43/176. The State of Palestine, however, was ready to participate in the peace process on the basis of the international legality, and would continue to co-operate with the United Nations in seeking a just peace in the region.

15. Mr. SALAH (Jordan) said that, over the past 21 years, despite repeated international calls and resolutions, Israeli violations of the basic human rights of the inhabitants of the occupied territories had continued to increase, as reflected in the two reports before the Committee, which for lack of space could only provide a summary of the information gathered by the Special Committee. The Israeli authorities had again denied the Special Committee direct access to the occupied territories for its investigation, which had thus been subject to Israeli censorship.

16. The occupation was in itself a gross violation of the human rights of the Palestinian people and the inhabitants of the Syrian Arab Golan, depriving them of their right to freedom, independence and dignity. The Israeli occupation practices were aimed at terrorizing the civilian population in the West Bank, the Gaza Strip and the Golan and inducing them either to leave their lands or to submit to the occupation, whose declared objective was permanent annexation. Despite its terrorist oppression, Israel could never deflect the Palestinians from their just struggle for freedom.

17. Israel was stubbornly fighting a losing battle against the valiant intifadah, which had broken out nearly two years previously in a predictable response to Israel's brazen flouting for over 20 years of international laws and customs and of the international will and its rejection of Arab and other peace initiatives. Israeli leaders had ignored the reasons for the intifadah and refused to heed the Palestinians' peaceful calls for coexistence and moderation. They should realize the futility of their occupation policies and work for a peaceful settlement by withdrawing from the occupied territories and guaranteeing the national rights of the legitimate owners, thus bringing peace to the region. An impartial observer could only conclude that Israel's refusal to do so was the inevitable result of its expansionist policy and violent and repressive nature, so abundantly evidenced by the two reports. The United Nations should therefore take urgent steps to protect the Palestinians in the occupied territories and find a peaceful solution to end that human tragedy.

(Mr. Salah, Jordan)

18. According to the annual report (A/44/599, para. 341), the overall picture revealed a very alarming situation and further deterioration in the level of enjoyment of basic human rights and fundamental freedoms, and the fourth Geneva Convention continued to be disregarded and violated. Israeli practices sorely affected all aspects of daily life, infringing civilians' basic freedoms of expression, worship, education, movement and association, violating their basic right to life, respect and human dignity and the right of wounded persons to treatment. The steadfast Palestinians were bolstered only by their faith in the justice of their cause and in their inevitable victory over the oppression of the Israeli army, border police, security agents and settlers. The use of live ammunition and tear-gas occurred daily, as did beatings, arbitrary detention, house raids, demolition of homes, desecration of places of worship, attacks against and closure of hospitals, schools and universities and the uprooting of trees. All people, including women and children and old men, were victims. The Israeli authorities imposed curfews and economic sanctions, carried out expulsions and deportations, cut off electricity, water and telephones, held back food and medicine, prevented the planting of trees without authorization, hindered medical services, hampered the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and attacked its staff and facilities.

19. On 16 November 1989, the anniversary of the proclamation of the State of Palestine, Israel had cut off the occupied territories from the outside world and prevented journalists from entering. Raids had been carried out on Palestinian cities, villages and camps, leaving four dead and hundreds wounded. The Israeli Defence Minister, Yitzhak Rabin, had admitted that, since the beginning of the intifadah, the Israeli army had killed over 500 Palestinian civilians, wounded over 10,000 and arrested more than 50,000, including women, children and old men.

20. The annexation process was continuing, as was the establishment of illegal settlements and the economic exploitation of the occupied territories. Over the past year, Israel had expropriated 39,000 dunums of land, 4,500 of which were in Beituniya and Arab al-Rashayideh where Israeli forces had demolished the original village in 1981, leaving local farmers destitute. Such land went to settlements for Jews from the Soviet Union and elsewhere. Eight new settlements had been built in the occupied territories during the past year.

21. Collective trials granted Palestinian defendants no rights, and their lawyers were not allowed to defend them properly. The charges against them were held to be secret, and arbitrary sentences had no acceptable legal basis. Conversely, Israeli courts treated Israelis accused of killing Palestinians with great leniency, as shown by the incidents described in paragraphs 113 and 117 of the report (A/44/599). Israel's racist double standards invalidated its claim to be a democratic country, which respected law and order.

22. The report told how a Palestinian youth had been used as a human shield against rocks and how civilians had been subjected to beatings and made to perform degrading acts. He urged delegates to read paragraphs 83, 121, 135, 140 and 281 of the report.

(Mr. Salah, Jordan)

23. Israeli settlers in the occupied territories organized provocative demonstrations and formed vigilante intervention forces, attacking, beating and killing Palestinians, uprooting or poisoning their orchards and burning their fields. Even some Israeli officials had expressed their disapproval of the settlers' practices. However, it was ludicrous to claim, as reported in document A/44/352, paragraph 198, that Israeli army operations against Arab areas were aimed at countering pressures by settlers to implement their schemes. The very presence of Israeli settlers in the occupied territories was in violation of the fourth Geneva Convention.

24. The recent reports of the arrest and torture of Mr. Shawan Jabarin of the Al-Haq of the West Bank human rights organization, and of the events at Beit Sahur were reprehensible examples of Israeli practices. The occupation authorities had raided Beit Sahur to plunder and confiscate property, and arrest most of the villagers, who had refused to pay taxes that had no basis either in services or representation. Millions of dollars were collected from Palestinians in direct taxes and illegal duties and fines connected with increasingly complex administrative procedures. Before the intifadah, the prospects of gain from such tributes had lured Israeli military personnel to service in the occupied territories.

25. On 6 October 1989 the General Assembly had been forced to interrupt its general debate in order to condemn the illegal and barbarous Israeli measures against Palestinians, opposed only by Israel and one super-Power. Several weeks later, the Security Council had had to re-examine the deteriorating situation in the occupied territories in the light of the siege of Beit Sahur. The general condemnation of Israeli measures had been vetoed by the same super-Power. Israel apparently interpreted that as constituting a green light to continue its stubborn and belligerent policies.

26. Last year's proclamation of the State of Palestine had been followed by Mr. Yassir Arafat's declaration before the meeting of the General Assembly at Geneva of a Palestinian peace plan, which had been welcomed and supported by the whole world. The Palestinians had offered all they could in favour of peace. Israel should now respond to the Palestinian initiative. The key to the Arab-Israeli conflict lay in finding a peaceful and global settlement which guaranteed the recovery of the occupied Arab territories, the exercise by the Palestinian people of its rights to self-determination and the establishment of an independent State in its territory, thereby guaranteeing peace and security for all States and peoples of the region. He hoped that the current international détente would increase the likelihood of such a settlement.

27. In that connection he hoped that the United Nations would play the role entrusted to it and persuade Israel to respect the principles of international law concerning occupation and to treat the Palestinian people in a civilized fashion. Israel's friends should prevail upon it not to miss the opportunity for peace, since it in fact harmed itself by its continued occupation of land inhabited by other people. Until the end of the occupation, Israel should abide by the fourth

(Mr. Salah, Jordan)

Geneva Convention in the occupied territories, halt its repressive and barbarous iron-fist practices, help life to return to normal and refrain from changing the legal status or demographic composition of the occupied territories.

28. In conclusion he commended the valuable efforts of the Special Committee and assured it of Jordan's continued co-operation until such time as the need for the Special Committee had disappeared.

29. Mr. FAHMY (Egypt) expressed his sorrow at the current regrettable developments in the occupied Palestinian territories, where Israel was laying siege to the village of Beit Sahur and confiscating property on the grounds that residents had not paid their taxes. Far from heeding the repeated calls of the international community, Israel was still refusing to co-operate with the Special Committee and becoming even more persistent in the pursuit of its inhumane policies. The report of the Special Committee indicated, inter alia, an increase in the level of Israeli violence and oppression since the beginning of the Palestinian uprising; the continued annexation of territory and establishment of settlements; increasingly harsh measures to counter strikes by Palestinian civilians; a further escalation of collective punishment measures; expulsions; violations of the rights of Palestinian detainees; maltreatment of detainees; restrictions on freedom of movement; and the increasing use by Israeli settlers of violence against Palestinian civilians. Such measures constituted an act of defiance against the entire international community. His country's people and Government reiterated their unequivocal condemnation of Israeli practices in the occupied territories. Short-sighted attempts to crush the legitimate popular uprising, which would continue until its aspirations were fulfilled, were doomed to failure.

30. If those policies were maintained, steps to sow the seeds of understanding between the Israeli and Palestinian peoples would be invalidated. Indeed, current developments were already prompting the international community to question Israel's desire to live in peace and security with the Arab peoples of the Middle East region. Israel must respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which, as recognized by the international community, applied to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories. His delegation urged the international community to ensure the protection of the Palestinian people in the occupied territories and called upon Israel to abide by its international obligations.

31. Mr. AL-MASRI (Syrian Arab Republic) said that his delegation was not surprised by the Israeli authorities' refusal to co-operate with the Special Committee, in view of their continued violations of the provisions of international law in general and, in particular, of the Hague Conventions, the fourth Geneva Convention, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, their disregard for the related resolutions of the General Assembly, the Security Council and the specialized agencies and their defiance of international public opinion.

(Mr. Al-Masri, Syrian Arab Republic)

32. The heroic resistance of the Arab people in the occupied territories had caused the occupation authorities to intensify their acts of repression. At the same time, there had been an increase in the number of crimes committed by Zionist settlers against the Arab population and in the scale of desecration of both Islamic and Christian holy places. Their abhorrent crimes, constituting as they did flagrant violations of human rights and a serious threat to international peace and security, bore comparison only with those perpetrated by the South African régime and those committed by the Nazis during the Second World War.

33. The occupation authorities continued to treat the Syrian Arab Golan as an integral part of Israel and were maintaining their endeavours to Judaize it, in defiance of the related resolutions of the Security Council and the General Assembly. Settlement had been encouraged ever since the territory was first occupied in 1967, and Israeli legislation had been applied since 1981. Forty-two settlement complexes had already been established, and a further three were planned, over the ruins of the 147 Syrian Arab villages in the Golan, of which only five remained. There were also plans to establish tourist facilities and develop the road network in such a way as to achieve the final isolation of the Arab villages and destroy existing centres of economic activity.

34. A number of military orders had amended the laws relating to Arab land and property, with a view to facilitating the process of expropriation, and many settlements had been established simply on the strength of military communiqués. The authorities had confiscated 350 hectares of land belonging to the Syrian Arab population for conversion into military zones and had later established settlements in those zones. Members of that population were now permitted to use only 20,000 hectares of the entire area of the Golan, including no more than 1,500 hectares for agricultural purposes.

35. The intention of the occupation forces, in diverting water to Israeli settlements and preventing the Syrian Arab population from digging new wells, was to destroy the population's principal source of income, i.e., the cultivation and sale of apples. The confiscation of spring water meant that the population could obtain drinking water only from artesian wells, with consequent adverse effects upon their health. The policy of annexation had led to a general decline in agriculture, industry and education and made thousands of workers dependant upon the exploitative Israeli labour market, and further pressure had been exerted on the population by means of increases in taxes. In 1989, a full-scale economic boycott had been imposed on the territory, with the total closure of Israeli markets to its apple crop. The authorities had also deliberately taken steps to prevent the development of any local production units.

36. The closure of educational establishments for subsequent conversion to military camps prevented the Syrian Arab population of the Golan from exercising their right to education. While, in 1967, 170 schools had been attended by some 10,000 students, there were now only nine schools catering for about 500 students. Attempts were also being made to replace Arab teaching curricula by new Israeli curricula designed to erase Arab culture.

(Mr. Al-Masri, Syrian Arab Republic)

37. His delegation, which had hoped to see all such violations recorded in the report of the Special Committee, noted that such racist practices were intended to ensure the terrorization, subjugation, and expulsion of the Arab population of the occupied territories. They must accordingly be considered as war crimes, to which the provisions of the fourth Geneva Convention and the Convention on the Prevention and Punishment of the Crime of Genocide were applicable. Only by means of co-operation to prevent such crimes could the repression be halted and Israel be forced to withdraw from all the occupied Arab territories.

38. Mr. HUSSEN (Iraq) said that the United Nations had repeatedly taken up the issue of Zionist crimes aimed at destroying the Palestinian people. Such crimes had escalated since the beginning of the intifadah.

39. The Special Committee's report, which resembled that of 1988 in content and conclusions, was proof of the Zionist régime's injustices and racist and illegal practices, including the demolition of homes, deportations, violations of houses of worship, the establishment of settlements and, particularly, the ruling of the Israeli High Court of Justice regarding the seizure of land under the "laws of war" and international public law, referred to in paragraph 102 of the report (A/44/599). As that Court recognized the laws of war, it would be useful to know why it did not apply the fourth Geneva Convention and why Israel was the only country to challenge the relevant General Assembly and Security Council resolutions in which the international community had insisted on the need to apply the Geneva Conventions in the occupied territories. Moreover, international public law did not authorize the murder of children for raising the Palestinian flag and calling for freedom and independence or the killing of babies and the closing of schools.

40. Zionism had pronounced its sentence of genocide against the innocent Palestinian people at the first Zionist conference held at Basel. That sentence was now being executed. The United Nations was duty-bound to assume its responsibility towards that people, which was calling for total independence and the exercise of its right to self-determination like all the peoples of the world.

41. Israel's presence in the United Nations was a gross violation of international law. The international community should try Israel for its crimes. Iraq was certain that the occupation would come to an end, regardless of its duration, and that freedom would dawn in Palestine.

42. Mr. TARAR (Pakistan) said that, in the General Assembly, the international community had expressed its deep concern about the alarming situation in the occupied Palestinian territory and its shock at Israel's measures to suppress the intifadah. The Special Committee's report was a catalogue of Israel's acts of aggression, harassment and terror. It was particularly disturbing that children appeared to be the deliberate targets of the Israeli armed forces, accounting for at least 20 per cent of the fatalities.

(Mr. Tarar, Pakistan)

43. He referred to such Israeli practices as mass arrest, imposition of administrative detention without charge or trial, deportation, collective punishment, curfews and destruction of homes. Israel's increasing resort to the use of force against the Palestinian population in general had been accompanied by increasing measures against Palestinian economic, social and cultural institutions, against a backdrop of intensified de facto annexation of the occupied territories. In May 1988 the total area of land confiscated by Israel had been more than half the land area of the occupied Palestinian territories. Israeli excavations around the Al-Aqsa Mosque had aroused concern that such activities would transform the landscape surrounding important Islamic shrines and weaken their structural foundations.

44. Pakistan agreed that the longer the negotiation process was delayed, the greater would be the difficulties in initiating it and the more explosive the situation could become. However, the Israeli authorities had failed to heed the words of caution and advice and did not realize that the Palestinian people was determined to resist occupation until it achieved independence and formed its own sovereign State.

45. The intifadah had brought about a new realistic and constructive stage in the Palestinian leadership's political attitudes. Its acceptance of all relevant United Nations resolutions gave Israel an opportunity to develop its future relations with an Arab State in Palestine. The only realistic option left for Israel was to respond favourably to Palestinian proposals, the core of which was an independent State of Palestine. Israel should note that General Assembly resolution 181 (II) had specified the terms of the future constitution and Government of Palestine and had called for independent Arab and Jewish States.

46. Pakistan had invariably upheld the inalienable rights of the Palestinian people to self-determination and statehood under the leadership of the PLO. The proclamation of an independent State of Palestine was of historic importance. His delegation paid tribute to the heroic struggle of the Palestinian people.

The meeting rose at 12.30 p.m.