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SUMMARY RECORD OF THE 24th MEETING

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 3.10 p.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/44/599; Reports of the Secretary-General A/44/352, 640, 562, 563, 564, 565, 643, 566)

1. Mr. SHEVCHENKO (Ukrainian Soviet Socialist Republic) said that in spite of the many resolutions adopted by United Nations bodies, no progress had been made towards a settlement of the Palestine conflict. That conflict had become chronic and constituted a threat to peace and security. The report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories (A/44/599) showed that the number of victims of Israeli repression amounted to several thousand and that the number of Israeli settlers in the occupied territories exceeded 70,000. In order to suppress Palestinian nationalism, the Israelis had closed educational establishments and persecuted students, teachers, writers and journalists. The Palestinians were deprived of housing, land and water. The unceasing oppression of the peaceful inhabitants of the occupied territories, the flagrant violations of the rights of the Arab population of those territories, the policy aimed at altering the legal status of the occupied territories, were direct violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. It was for that reason that the General Assembly at its current session had adopted resolution 44/2 on the uprising of the Palestinian people, of which the Ukrainian SSR had been a co-sponsor.

2. In the economic field, Israel had taken steps to tie the economy of the occupied territories to its own. The occupied territories were the second largest market, after the United States, for Israeli exports. Israel's trade balance with the territories showed a surplus of \$1,000 million. Since the beginning of the intifadah in December 1987, the standard of living of the Palestinians had declined by 50 per cent and the rate of economic activity by 30 per cent. Israel continued to refuse to negotiate with the Palestine Liberation Organization (PLO). Those diplomatic manoeuvres were only an attempt to gain time in order to establish new settlements and to apply new methods of repression and oppression in the occupied territories.

3. It was unfortunate that the Israeli Government had not reacted to the positive trends in the international political climate. Following the initiatives taken by the PLO, Israel no longer had the right to refuse to allow that organization to participate in the preparations for the international conference on the Middle East. His delegation considered that the members of the Security Council should take measures to convene such a conference as soon as possible, on the basis of Security Council resolutions 242 and 338. The situation in the occupied territories showed that the time had come to act. The population of those territories looked with hope towards the United Nations for the achievement of its inalienable rights.

4. Mr. AL-HARTHY (Oman) said that Israel, which wished to pass as a democratic country, was continuing its genocidal policy towards the Palestinian people. He recalled the repressive measures adopted by Israel to overcome the intifadah (systematic use of reinforced or nickel plastic bullets and tear gases, the closure of schools for long periods, a double standard of justice for Israelis and Palestinians, the dynamiting of houses, etc.) and emphasized the fact that 30 per cent of the victims had been under the age of 16. The Israeli coalition Government's decision to continue the establishment of settlements likewise testified to Israel's desire to continue its policy of annexation through the transfer of populations and by adopting measures intended to drive the Palestinian population from its homeland (confiscation of land and expulsions).
5. Just as the relations between the two super-Powers were becoming less tense and some regional conflicts were being settled, Israel persisted in defying all the resolutions and decisions of the United Nations General Assembly and the Security Council and was systematically violating all the international conventions, including the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.
6. Moreover, while the State of Palestine had solemnly recognized resolutions 242 and 338 of the Security Council and had stated its willingness to negotiate a just and acceptable political solution to the question of Palestine within the framework of an international peace conference in which the permanent members of the Security Council would participate, Israel continued to refuse to negotiate with the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people. The international community was thus more than ever called upon to bring Israel, indeed to force it, to comply with the resolutions of the United Nations concerning the problem of the Middle East and the question of Palestine.
7. Mr. AL-KAHTANI (Saudi Arabia), recalling the state of insecurity in which Palestinian children lived under the occupation, said that the occupation authorities went so far as to prevent ambulances, including those of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, from taking Palestinian wounded to the hospital. In flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, Israel was only hardening its so-called iron-fist policy, the result of which was to increase the number of victims. As a part of that policy, whole towns and villages such as Beit Sahur had been subjected to a general blockade (curfew, water and electricity cut-offs, etc.) to force the population to pay taxes - taxes which Israel used to finance its campaign of repression. Moreover, the Israeli settlers were participating more and more actively in that campaign by conducting punitive raids against Palestinian villages.
8. The mass expulsions, the desecration of holy places, the closure of schools, the use of the weapon of hunger and many other measures brought to mind the barbaric crimes committed against civilians in Europe during the Second World War. In rising up against the occupation, the Palestinian people had shown their determination to put an end to the occupation and to establish their right to a sovereign and independent State.

(Mr. Al-Kahtani, Saudi Arabia)

9. It was none the less deplorable that the international community remained impotent before the obstinacy and arrogance of the occupation authorities and that Israel was assured of impunity thanks to the veto exercised by certain Powers in the Security Council in order to prevent the implementation of United Nations resolutions. His delegation accordingly appealed urgently to the international community to call on Israel to comply with international conventions and resolutions or be subject to the sanctions provided for in the United Nations Charter.

10. Mr. AL-SUWAIDI (United Arab Emirates) said that, in spite of the repeated appeals of the General Assembly and the Security Council, Israel continued to subject the population of the occupied Palestinian territory to its so-called iron-fist policy in flagrant violation of the provisions of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. In addition to the collective punishments, the closing of schools, the dynamiting of houses, the mass detention and the practice of torture in centres which had nothing to fear from comparison with the Nazi concentration camps, Israel was carrying out a deliberate policy of mass expulsions, a policy which was in no way immoral for the Zionists. The purpose of that policy was to Judaize the Palestinian territories and to perpetuate the Israeli presence through settler colonies.

11. The intifadah of the Palestinian people was a natural reaction to more than 20 years of humiliation and repression which showed the determination of the Palestinian people to throw off the occupation and to establish a sovereign and independent Palestinian State on its territory. It was clear proof of the falseness of the image Israel sought to project of itself as a democratic country. Moreover, the Israeli practices could not but recall certain Fascist methods.

12. The civil disobedience proclaimed at Beit Sahur and the refusal of the population to pay taxes, in spite of the confiscatory measures and the looting of houses and stores in which the Israeli soldiers had indulged, summed up the situation in the occupied territory. In that respect, Israeli claims concerning the non-applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War had no legal basis and demonstrated both Israel's isolation and its refusal to comply with international legality.

13. Mr. KA (Senegal) said that the Special Committee's report (A/44/599) contained a detailed account of practices by the Israeli occupation forces in the occupied Arab territories that could not be reconciled with respect for human rights, international law or the relevant United Nations resolutions.

14. The sombre picture of the painful events taking place in the West Bank and Gaza and in a Lebanon already torn by civil war showed that the occupying Power was not disposed to call a halt to the sufferings of civilians or to respect the laws and freedoms of the Arab population in the areas occupied since 1967. The military confrontations in Lebanon and in the occupied territories, the alarming situation in the refugee camps, the acts of intimidation followed by punitive raids against innocent families, the arrests and detentions, the demolition of homes, the

(Mr. Ka, Senegal)

multiplication of settlements and the closing of educational institutions were all flagrant violations of international conventions and United Nations resolutions relating to the protection of civilians in time of war. The prolongation of that distressing situation and the obstinacy of Israel had only fuelled the determination of the Palestinian people to stand firm against oppression and domination. It was against that background that the intifadah had taken place, that heroic uprising of a people determined to challenge an unjust and oppressive order.

15. At a time when the international climate was improving and there was a new spirit favourable to negotiation rather than confrontation, it was the duty of the international community to help halt the use of violence and brutal force by creating conditions conducive to the establishment of a lasting peace, and in particular by ensuring the early convening of the International Peace Conference on the Middle East, in which all interested parties would be participants.

16. It was regrettable that the recommendations for the protection of Palestinian civilians made in the Secretary-General's report of 21 January 1988 (S/19443) in accordance with Security Council resolution 605 (1987) had not been put into effect. In order to redress the injustices the Palestinian people had endured for more than 40 years, it was urgent to create the conditions for a comprehensive political settlement of the Middle East question. Senegal was convinced that, if such conditions were established, all the peoples of the region could come to an agreement, on the basis of their cultural values, on initiating an era of peace and cohabitation, and it expressed the fervent hope that the peace initiatives would be successful.

17. Mr. MORENO FERNANDEZ (Cuba) said that all the available information, especially that provided in the Special Committee's report, indicated that the situation in the occupied territories had deteriorated, and the fact that the oppressive measures, the murders, the arbitrary mass detentions, the expulsions of Palestinian civilians and the demolition of homes had become systematic suggested that they were part of a plan by the Zionist authorities not only to stifle the resistance of the Palestinian people but also to annex the occupied territories.

18. The peaceful settlement of the Middle East conflict depended on finding a solution to the question of Palestine, and the international community was responsible to help start a process that would lead to lasting peace in the region. The proposals put forward by President Arafat on 13 December 1988 on behalf of the PLO should be recalled. He had declared that the PLO was committed to respecting the principles that would allow a comprehensive settlement of the Palestinian question, which principles had been endorsed at the ninth Summit Conference of Heads of State or Government of Non-Aligned Countries. The intifadah was the expression of the desire for freedom of a people under domination for more than four decades. In response to that peaceful resistance, the Israeli occupier had taken emergency measures and multiplied its settlements in the occupied territories, in flagrant violation of international law and of the many relevant General Assembly resolutions.

(Mr. Moreno Fernandez, Cuba)

19. The Palestinian population was the victim of many discriminatory measures instituted by the occupation authorities in various areas, such as the ban on fishing along much of the coast for long periods, the quota imposed on the number of Palestinians authorized to work in Israel or the crushing taxation - which for thousands of Palestinian families meant unemployment and famine. Health services were virtually non-existent, even as the number of victims of the Israeli repression continued to rise. Education was continually interrupted by the closing of schools and other repressive measures, and a whole generation seemed condemned to illiteracy. Lastly, the young Palestinians who were piling up in the Israeli prisons were being subjected to physical and psychological ill-treatment.

20. Such violations of the rights of the Palestinians could only be denounced, and the occupying Power must be called upon to abide by the Geneva Convention relative to the Protection of Civilian Persons in Time of War. At its previous session, the General Assembly had already issued a demand to that effect in resolution 43/21 and had invited enhanced support for the Palestinian people.

21. His Government believed that, in order to bring an end to such a serious situation and establish peace by non-violent means in that strategic region, an International Peace Conference on the Middle East must be convened as soon as possible.

22. Mr. HOSSEINI (Islamic Republic of Iran), saluting the heroic uprising of the Palestinian people, said that the Special Committee's report clearly demonstrated the dramatic deterioration of the situation in the occupied territories, where the Zionist régime was continuing to commit horrifying crimes and denying the Palestinian people its inalienable rights. In response to the legitimate uprising of the Palestinian people against the occupation, the Zionist usurpers had resorted to the most oppressive measures to eliminate the Palestinians. The escalation of violence since the beginning of the intifadah had claimed thousands of victims, among them many children, women and old people. The mass arrests, the imposition of curfews, the closing of schools, the demolition of homes and mosques, the expropriations and the establishment of settlements, to say nothing of the punitive raids by Zionist settlers against Palestinian villages, had reached unprecedented levels. The usurpation of Palestine was the basic cause of that tragedy.

23. The Zionists were in a position to pursue their policy of repression and occupation because they were receiving unlimited technological, financial, military and political support from certain Governments. Those countries shared the prime responsibility for the survival of the Zionist régime and the suffering of the Palestinian people.

24. His Government believed that the only solution to that agonizing crisis lay in the full restoration of the right of Palestinians to establish an independent State. The intifadah weighed on the conscience of the international community and ought to impel it to adopt effective measures to ensure that the Palestinian people exercised its inalienable rights. The Islamic Republic of Iran, together with the entire nation of Islam, supported the holy struggle of Palestinians for the liberation of their homeland.

25. Mr. KOTELKIN (Byelorussian Soviet Socialist Republic) said that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/599) contained detailed and persuasive information on the recent victims of Israeli arbitrariness and the new human rights violations committed by Israel in spite of the numerous Security Council resolutions, particularly resolution 497 (1981) and the resolution adopted by consensus at the ninth special session of the General Assembly in 1982. In breach of the fourth Geneva Convention, the Israeli authorities continued to apply such collective punishment against the Palestinians as the destruction of homes, hospitals and schools, the systematic violation of the Palestinians' right of freedom of movement and the closing of entire areas. Unlawful restrictions on economic activities had been introduced in the occupied territories, access to irrigation had been blocked and farmland had been destroyed. The Palestinians were deprived of medical care and of the right to education and religious freedom. Moreover, Israel had assumed the right of life and death over the inhabitants of the occupied Arab territories and refused to recognize the Palestinians' right to self-determination.

26. The Byelorussian people supported the growing will of the Palestinians to struggle for their independence under the leadership of the PLO. The intifadah was a clear affirmation of the Palestinian people's attachment to its homeland. Historical experience showed that it was not by increasing repression against the Palestinians that the deadlock would be broken but by reaching a political settlement in accordance with the Charter of the United Nations and the will of the international community. The role of the United Nations should thus be strengthened in order to initiate a multilateral dialogue between all the parties concerned. The Security Council should assume its responsibilities for maintaining international peace and security and for preventing conflicts and its success would depend particularly on the constructive attitude of its permanent members.

27. His delegation called upon all the members of the Security Council to bear in mind the need speedily to reach a comprehensive settlement of the Middle East problem within the framework of an international conference. It hoped that the Special Committee's twenty-first report would be one of the last and that the occupation of the Arab territories by Israel would soon come to an end.

28. Mr. SOEGARDA (Indonesia) said that the Special Committee's report (A/44/559) clearly established that the situation in the occupied territories had seriously deteriorated since the onset of the intifadah. The continuation and intensification of human rights violations by Israel in the occupied territories were of extreme concern. The repressive measures adopted to quell the unrest had made daily life unbearable for the civilian population in the West Bank. Similar measures had been adopted in the Golan in disregard of the fundamental freedoms of the indigenous population.

29. The Special Committee's work inevitably proved that Israel was not a victim as it claimed. In response to the upsurge of popular unrest and protest against the occupation, Israel was applying the iron-fist policy: demolition of houses; imposition of curfews; sealing off areas; imposition of economic sanctions;

(Mr. Soegarda, Indonesia)

expulsions and restrictions on freedoms. Far from suppressing the intifadah, those Draconian measures had only intensified it. The report also showed that Israel was trying to annex the occupied territories: it had already seized 50 per cent of Arab lands unlawfully. Furthermore, the economic situation of the indigenous population was aggravated by discriminatory measures aimed against them. Violations of freedom of education were patently obvious, as numerous educational establishments had been closed for prolonged periods and students had died. Moreover, arrested or detained persons were subjected to ill treatment.

30. In brief, the political, economic, social, religious and demographic aspects of the occupied territories were unilaterally and illegally altered to the detriment of the indigenous population. While Indonesia hailed the heroism of the Palestinian people struggling to fulfil its national aspirations, it condemned the policy of oppression and State terrorism pursued by Israel against unarmed Palestinians. In that regard, it reaffirmed the decisions on the question of Palestine adopted at the ninth Conference of Heads of State or Government of Non-Aligned Countries.

31. In view of the irrepressible force of the Palestinian people struggling for self-determination, freedom, justice and human dignity, the international community had the solemn obligation to put an end to the tragic plight of that people. His delegation was committed to collective action to secure the withdrawal of Israel from all occupied territories and the exercise by the Palestinian people of its inalienable rights.

32. Mr. CHERIF (Tunisia) said that the continuation of the intifadah confirmed the Palestinian people's commitment to struggle until it achieved its internationally recognized legitimate rights. Israel's relentless repression of the population of the occupied Palestinian territory, in violation of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, had assumed such dimensions (massacres of defenceless civilians, dynamiting of homes, expulsions, desecration of the Holy Places, etc.) that it had become urgently necessary for the international community to go beyond verbal condemnations in order to ensure compliance with international conventions and instruments. It was regrettable to observe that, while international relations were improving, the Middle East problem and the question of Palestine had remained unsolved.

33. The Arab countries and, particularly, the State of Palestine had proven to the world that they sincerely wished to reach a peaceful settlement of the conflict on the basis of international legitimacy. The statements made by the Palestinian leadership during the General Assembly session held at Geneva in 1988 and the recent initiatives for establishing a just and lasting peace in the region confirmed that aspiration. However, at the very moment when entire peoples were demonstrating their will to exercise their natural rights and their thirst for freedom, Israel, sailing against the current, continued to suppress the Palestinian people and sought by any means to torpedo any peace initiative. It even refused to collaborate with the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(Mr. Cherif, Tunisia)

34. Tunisia, which was working to achieve a just and lasting settlement, believed that the Arab-Israeli conflict, whose core was the question of Palestine, could only be resolved within the framework of an International Peace Conference. It therefore urgently called on the United Nations to take speedy action to put an end to the suffering of the Palestinian people.

35. Miss MONCADA BERMUDEZ (Nicaragua) said that Nicaragua believed that human rights were an imprescriptible and indispensable aspiration for mankind. Two fundamental principles were essential for human existence: freedom and justice. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/599) clearly showed that the occupying State, Israel, continued to cause the violence and aggression against the civilian population in the occupied territories to escalate. Moreover, Israel continued to disregard the resolutions adopted by the General Assembly and the Security Council and persisted in its policies and practices to change the physical character, geographic composition, institutional structure and legal status of the occupied Syrian Arab Golan. Israel had also taken legislative and administrative measures constituting flagrant violations of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Moreover, the policy of aggression and colonization pursued by the State of Israel in the occupied territories since 1967 had resulted in increasing the number of victims, including women and children.

36. International human rights organizations had disseminated dramatic reports and alarming figures concerning the number of Palestinians detained since the beginning of the intifadah. That peaceful uprising of the Palestinian population of the West Bank and Gaza demonstrated once again the total failure of Israeli policy. Nevertheless, the deterioration of the situation was aggravating the human rights situation still further. Nicaragua was seriously concerned by recent reports of the deaths of hundreds of civilians, the increase in the number of Palestinians wounded, the escalation of levels of repressions, the growing number of expulsions and the deterioration of the military justice system.

37. Nicaragua strongly condemned the Israeli policy of terror and irrationality which led to human rights violations. A political solution must be found to the problem of Palestine, which was the major cause of the Arab-Israeli conflict. Efforts of the international community in that area had not been sufficient. Effective measures must be conceived and adopted to contribute to the protection of and respect for the human rights of the civilian population in the occupied territories. Nicaragua fully endorsed the suggestions submitted in the report of the Special Committee and considered that all States should ensure their implementation by the parties to the conflict. Nicaragua believed that the United Nations and, in particular, the Secretary-General had a very important role to play in the adoption of measures that would lead to a Middle East settlement. It was urgent that the necessary conditions should be created and effective measures taken to prevent Israel from continuing its illegal and inhuman actions towards the population of the occupied Arab territories. The Palestinian and Arab peoples had

(Miss Moncada Bermudez, Nicaragua)

the right to life and liberty. Nicaragua was aware that man's struggle for freedom and justice was difficult, but the achievement of those goals represented hope and life itself to mankind.

38. Mr. HIELSCHER (German Democratic Republic) said that his delegation greatly regretted the lack of progress made in the implementation of the resolution adopted at the previous session of the Special Political Committee on Israeli practices in the occupied territories. The resolutions and decisions of the world Organization as well as the most elementary norms of international law were being disregarded, as the report of the Special Committee (A/44/599) clearly showed. World public opinion had denounced the acts of violence perpetrated against the Arab and Palestinian populations, and the German Democratic Republic demanded that practical measures be taken to put an end to such acts. The Security Council should assume its responsibility for international protection of the civilian population in the occupied territories. The continuing deterioration of the situation in those territories entailed a moral obligation for the world Organization and the international community to make every effort to arrive at a speedy solution to the conflict.

39. In contrast, the past year had also been marked by a number of events of great importance to the struggle of the Palestinian people. Among them were the ongoing peaceful uprising against occupation and oppression, the proclamation of the State of Palestine and the peace initiative of the PLO. The PLO had demonstrated once again that it could not be excluded from a negotiated settlement and had declared that it was ready to hold a direct dialogue with Israel under international supervision. That was a testimony to the constructive approach adopted by the sole legitimate representative of the Palestinian people. The Israeli Government would also be expected to display a sense of realism and reason. It must unconditionally accept the PLO at the negotiating table. Basic elements of a settlement remained Israeli withdrawal from the territories occupied since 1967, the implementation of the inalienable rights of the Palestinian people and the recognition of the rights to existence and development of all States in the region, including Israel and the State of Palestine.

40. The complex problems in the Middle East showed that partial solutions could not lead to a stable peace and that the question of Palestine was at the core of the conflict in that region. The German Democratic Republic believed that the Security Council should play a major role in the convening of an international conference on the Middle East. The Secretary-General should also continue his efforts in that direction. All the parties directly involved should participate in that conference on the Middle East, to be organized under United Nations auspices, including the PLO and Israel as well as the five permanent members of the Security Council. New and more favourable international and regional conditions must be turned to account, and the growing authority of the world Organization must be brought to bear in order to find a solution to the conflicts in the Middle East. The German Democratic Republic was ready to participate to the best of its ability in that process.

41. Mr. IRUMBA (Uganda) noted that the Israeli Government, as in previous years, had not co-operated with the Special Committee and had refused its members access to the occupied territories. The reason was obvious: the systematic violations of the human rights of the Arab population in the Israeli occupied territories were morally and legally indefensible. Despite those obstacles, there was no doubt that the report of the Special Committee (A/44/599) was objective and accurately described the situation of the Palestinians in the occupied territories. It appeared from the report that Israel had violated the provisions of the Hague Convention and the fourth Geneva Convention, which the General Assembly and the Security Council had declared applicable to the occupied territories. The fourth Geneva Convention prohibited the annexation of occupied territories and the deportation of the inhabitants of the occupied area, whatever the motive. Equally, the occupying Power did not have the right to transfer its population to the occupied territories. Military occupation was a temporary situation and did not confer on the occupying Power any right to annex the occupied area or to extend its law, jurisdiction and administration to it. Indeed, the Convention imposed a moral and legal obligation on the occupier to protect human rights and the interests of the inhabitants of the occupied territories.

42. The Special Committee's report described Israeli measures in violation of the Geneva Convention, such as the extensive expropriation of Palestinian lands which had been used to establish Israeli colonial settlements and the oppressive measures aimed at driving the Palestinians out of the occupied territories. One of the most disturbing measures was the collective punishments imposed on the civilian population as indicated in paragraph 110 of the report. Collective punishments were carried out in several ways: demolition of houses, the imposition of curfews or sealing off of certain areas, and imposition of economic sanctions. Those actions should be viewed in the context of the goal of a Greater Israel, which would explain the annexation of the Golan Heights and the occupation of southern Lebanon. Israel had always claimed that it continued to occupy those territories only for the purposes of bargaining in the context of a comprehensive settlement. However, subsequent developments had proved that to be a ploy to buy time. Israel had systematically worked to wreck any comprehensive settlement of the Middle East crisis.

43. Despite the hopes that had burgeoned in 1988 when the Palestine National Council had proclaimed the State of Palestine and had indicated its willingness to accept General Assembly resolution 181 (II) and Security Council resolutions 242 (1967) and 338 (1973), Israel had continued to obstruct all proposals for a just and durable settlement, to build new Israeli settlements in the occupied territories and to violate the human rights of the Palestinian people. His delegation fully shared the opinion of the Secretary-General, who had stated that he was troubled by recent declarations questioning the applicability of Security Council resolution 242 (1967). The efforts of the President of Egypt and other statesmen had been frustrated by Israel, which attempted to discredit the PLO as the authentic representative of the Palestinian people. In the face of Israeli provocations, the PLO and the Arab countries had shown a flexibility that was lacking on the Israeli side. Since the outbreak of the intifadah, the Israeli forces had been engaged in shootings and beatings of civilians, causing many

(Mr. Irumba, Uganda)

casualties in the Palestinian population. Unfortunately, the ambivalent attitude of certain friends of Israel, who were in a position to exert pressure on Israel to abide by its obligations under the Charter, but who protected it by their veto in the Security Council, had not been very helpful. Israel must realize that the United Nations partition plan, from which it derived its existence, also called for the establishment of a Palestinian State. The passage of time did not invalidate General Assembly resolution 181 (II), and Israel therefore had no right to stand in the way of Palestinian self-determination. Article 25 of the Charter enjoined all Members of the Organization to accept and carry out the decisions of the Security Council, and the pursuit of Eretz Yisrael was contrary to the Charter principles. It was most regrettable that, despite repeated violations of its resolutions by Israel, the Security Council had not acted decisively to enforce its decisions.

44. Uganda had always maintained that the restoration of Palestinian rights constituted the centre-piece of any settlement of the Middle East crisis, that the Palestinians must be involved in the negotiations for a settlement and that a settlement must include the following elements: the withdrawal of Israel from the occupied Arab territories; the right of the Palestinians to return to their homeland; and the exercise by the Palestinians of their right to self-determination. His delegation fully supported the convening of an international conference on the Middle East, to which the PLO and the other parties concerned would participate on an equal footing. The problem of self-determination and the emancipation of peoples was a priority aspect of the Organization's work, and it was regrettable that in the proposed programme budget for the biennium 1990-1991, deliberate attempts had been made to reduce the programmes and activities relating to apartheid and Palestine and moves had been launched to curtail meetings and conferences of legislative bodies dealing with those questions. Lastly, Uganda deplored the military collaboration between Israel and South Africa, particularly in the nuclear field, which constituted an affront to African peoples.

45. Mr. EGBARA (Nigeria), having briefly reviewed the flagrant violations of the fundamental freedoms of the population in the occupied territories - which were referred to in the report of the Special Committee (A/44/599) - such as freedom of expression, freedom of association, freedom of the press, freedom of movement, the right to education and the right to a fair trial and having cited other repressive measures (demolition of houses and deportation of Palestinian civilians), said that security was the first reason invoked by the occupying Power to justify such practices. Every sovereign State had the right to exist and to ensure its own protection. But once those rights had been ensured, Israel had no justification whatsoever for invading and occupying the territory of a supposed adversary. The PLO, generally acknowledged as the representative of the Palestinian people, had recognized the right of Israel to exist and denounced the use of force to recover the occupied Palestinian territories. Those assurances, which the PLO had made in 1988, should constitute a sufficient guarantee for Israel. The continued violation of the rights of the Palestinian people was therefore unjustified.

(Mr. Egbara, Nigeria)

46. The second reason used to defend the continued occupation of the Palestinian territories and the measures of repression appeared to be that the Palestinians had no authentic representatives with whom negotiations could be held. The PLO was not an elected body, and the occupying Power therefore did not consider it qualified to represent the Palestinians within the occupied territories. Furthermore, the Palestinians in the occupied territories who were associated with the PLO were not permitted to participate in elections to choose Palestinian representatives to negotiate with the occupying Power. The refusal to allow the PLO or those associated with it to take part in negotiations was untenable, because the occupying Power did not have the right to decide who should represent the Palestinian people. Moreover, even if those Palestinians who were not associated with the PLO were to participate in elections, the restrictions on such fundamental freedoms as freedom of association and freedom of expression would have rendered such an exercise useless, because the international community would not recognize their results.

47. After two decades of occupation of the Arab territories and the continued establishment of settlements, it was clear that the occupying Power intended to annex the Palestinian lands. General Assembly resolution 181 (II) remained valid, and Israel could not claim to have the right to annex Arab Palestine, because it would be violating not only the sovereignty of the Arab Palestinians, but also the provisions of the Charter of the United Nations, which it was bound to respect.

48. His delegation supported the recommendation of the Chairman of the Special Committee that urgent measures must be taken in order to ensure an effective protection of the basic rights and freedoms of the civilian population in the occupied territories pending negotiations on an equitable and lasting settlement of the conflict.

49. Mr. OSMAN (Brunei Darussalam) said that the abundant data provided by the Special Committee in its report (A/44/599) on the blatant violations of the fundamental rights of the Palestinian population proved that the occupying Power was pursuing its policy of repression with impunity, despite the repeated appeals of the international community. The systematic use of violence and terror by the Israeli Defence Forces, which, as seen in paragraphs 38 and 39 of the report, had led to a marked increase in the number of deaths, had demonstrated that the Israeli régime hoped to put an end to the uprising of the Palestinian people by force. The Israeli régime was, however, fully aware that resistance to its continued occupation was increasing and that international support for the intifadah was growing, the situation in the occupied territories having received broad coverage in the media. In its desire to suppress the nationalist aspirations of the Palestinian people, the Israeli leadership was blindly pursuing its policy of repression. The report of the Special Committee described in detail the harassment and physical mistreatment, collective punishment, deportations and various other measures affecting a number of fundamental liberties. Israeli military leaders even admitted that they were fighting not only Palestinians throwing stones, but also the aspirations to achieve the freedom, that the Palestinians had been denied.

(Mr. Osman, Brunei Darussalam)

50. After citing examples of brutality committed by settlers against Palestinians, he said it was very regrettable that Israel refused to acknowledge that the occupation of the Palestinian territories, including Al-Quds al-Sharif, was the reason behind the animosity between the Jewish population and its Arab neighbours. Although the PLO leadership had recognized the right of Israel to exist within recognized and secure borders, Israel had not modified its position.

51. The current discussion on the item had highlighted the gravity of the violations committed by the Israeli authorities against Palestinians. The injustices perpetrated must be denounced in the strongest terms. Israel was responsible for the escalation of violence in the occupied territories and for the death of many Palestinians, as well as for the destruction of Palestinian property. The international community could not ignore such a situation. For its part, Brunei Darussalam reaffirmed its support of the Palestinian people in its struggle to attain recognition of its inalienable rights to independence and a homeland.

52. Mr. FREUDENSCHUSS (Austria) said that the constant deterioration of the situation in the occupied territories since the uprising of the population in December 1987, described by the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (A/44/13) and the report of the Special Committee (A/44/599), more than ever justified the consideration of Israeli practices in said territories.

53. In numerous resolutions on that question, and in particular in resolution 605 (1987), the Security Council had strongly deplored those policies and practices of Israel which violated the human rights of the Palestinian people, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians. It had also reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable to the occupied territories and called for the exercise of maximum restraint to contribute towards the establishment of peace. In resolutions 607 (1988), 608 (1988), 636 (1989) and 641 (1989), the Security Council had again expressed grave concern over the situation in the occupied territories, reaffirmed the applicability of the fourth Geneva Convention and deplored the deportation of Palestinian civilians. The General Assembly, in its resolution 44/2, adopted on 6 October 1989 by an overwhelming majority, had condemned policies and practices of Israel, in particular the beating of defenceless Palestinian civilians by the Israeli army and settlers, the breaking of their bones and their deportation, the imposition of restrictive economic measures, the demolition of houses, the ransacking of real or personal property belonging to private persons, collective punishment and detentions, etc.

54. The report of the Special Committee gave further details of Israeli measures, in particular concerning the administration of justice, the treatment of civilians and the restriction of fundamental freedoms, especially the freedoms of movement, religion, expression, association and education. The deterioration of the situation, and in particular the increase in acts of violence, had led Austria to

(Mr. Freudenschuss, Austria)

make its position clear from the beginning of the uprising of the Palestinian population. The Foreign Minister and the Prime Minister of Austria had called on Israel to liberalize its occupation régime and to end illegal acts such as deportations, the beating of demonstrators and the demolition of houses, outlawed by articles 49, 32 and 53 respectively of the fourth Geneva Convention. His delegation condemned the repressive Israeli measures against the Palestinian population and cited the recent example of Beit Sahur, reported by The New York Times of 29 October 1989. Warnings and condemnations by Member States did little for the victims, as shown by the report before the Committee. What was needed was a just and lasting political solution to the question of Palestine.

55. Mr. CHOO (Malaysia) gave a brief review of the repressive measures under which the Palestinian population was suffering and which were described in detail in the report of the Special Committee (A/44/599) as well as in the report of the Commissioner-General of UNRWA (A/44/13), considered previously by the Committee. Those reports bore witness to the Draconian measures taken by the occupying Power since the beginning of the uprising. One of the most deplorable of such measures, the confiscation of Palestinian lands in favour of Israeli citizens, was a blatant violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, to which Israel was a party. The increasingly active part taken by Israeli settlers in organized repression, by creating vigilante intervention forces and carrying out punitive raids, was a further breach of international law. Another infringement of the relevant provisions of the Geneva Convention was the noticeable increase in the number of Palestinians expelled. As a member of the Security Council and of the Movement of Non-Aligned Countries, Malaysia had pursued that matter in the Security Council, as evidenced by the Council's adoption of resolutions 636 (1989) and 641 (1989). In the latter resolution, the Security Council had deplored the continuing deportation by Israel, the occupying Power, of Palestinian civilians and had called upon Israel to ensure the safe and immediate return to the occupied Palestinian territories of those deported and to desist forthwith from deporting any other Palestinian civilians. It also reaffirmed the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory occupied by Israel since 1967, including Jerusalem, and to the other occupied Arab territories.

56. Severe limitations had been imposed on certain fundamental freedoms such as the freedom of worship, expression, association and education (the prolonged closure of schools). The Special Committee's report had also indicated that the right to a fair trial was not being respected; several thousands of arrested Palestinians, among them women and children, continued to be the victims of administrative detention in inhumane prison conditions. Their situation was aggravated by the great increase in numbers of detainees, who endured serious physical and psychological hardships often resulting in riots and hunger strikes that were severely repressed. In view of the grave circumstances prevailing in the occupied territories, his delegation shared the concern of the Special Committee that the international community had thus far not been able to adopt effective measures to protect the human rights of the civilian population. It was incumbent

(Mr. Choo, Malaysia)

on the international community to mobilize efforts to search for a solution that would alleviate the plight of the civilians in the occupied territories and secure the full enjoyment of their rights and freedom. His delegation fully supported the measures put forward by the Special Committee in its report, namely the full application, by Israel, of the relevant provisions of the fourth Geneva Convention, which remained the main international instrument in humanitarian law that applied to the occupied territories, the full co-operation of the Israeli authorities with the International Committee of the Red Cross (ICRC) in order to facilitate efforts to protect detained persons, the full support, by Member States, of the activities of the ICRC and full support of UNRWA activities in the occupied territories aimed at improving the assistance provided to the refugee population.

57. Furthermore, his delegation felt that the proposals put forward in the Secretary-General's report of 21 January 1988 (S/19443), which outlined concrete measures that could be taken for the protection of the Palestinian civilians, should be seriously considered. An effective protection of the basic rights and freedoms of the Palestinian population could be ensured through the negotiation of a comprehensive, just and lasting settlement of the Middle East conflict, within the framework of an international peace conference on the Middle East under United Nations auspices, with the participation of all the parties concerned, including the PLO. As a member of the Security Council, Malaysia would continue to urge all concerned to consider the establishment of a preparatory committee for such a conference.

The meeting rose at 5.55 p.m.