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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 31 January 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 10.30 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1990/3, 4 and 59; A/44/352 and 559)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1990/10, 11 and 58 and A/44/526)

1. Mr. AL-FARSY (Observer for Oman) said that, despite the positive developments in the international climate, a number of problems still defied solution and threatened international and regional peace and security. Human rights were still being violated. The principles of the Charter and the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions and the relevant General Assembly resolutions reaffirmed the importance of human rights. Nevertheless, the international information media contained reports of continuing violations of human rights in the occupied Arab territories and South Africa.
2. The international community still called for the establishment of a legal system which would guarantee the freedoms and rights of the individual as well as his obligations not only towards himself but also towards his society and would not differentiate between people on the basis of sex, colour or origin. In that connection, it should be noted that the principles of human rights were guaranteed by Islam and the teachings of the Koran and the Prophet.
3. Freedom of opinion, which was the loftiest freedom to which mankind could aspire, would soon disappear if it was used to violate principles in a manner contrary to the good of mankind and inconsistent with the values of society. The intifadah, which had been waged against the Israeli occupation forces for more than 26 months, demonstrated the determination of the Palestinians to recover their legitimate rights and to establish an independent State in which they could live in peace and security with the other peoples of the region.
4. The continued violation of the rights of the Arab people in the occupied territories, which included the killing of women and children, subjection of entire villages and camps to living conditions designed to destroy them, detention of thousands of Palestinians, forceable deportation, and confiscation of property, constituted a clear infringement of international law. The perpetrators of those violations were being supported by influential forces in the international community which were precluding the adoption of resolutions condemning their actions.
5. South Africa was pursuing the same policy but the racist régime had come to realize that a racist State had no future and was therefore seeking to establish a dialogue with the black majority. However, Israel still did not recognize or believe in human rights, as reflected by its various forms of repression, persecution and murder perpetrated against the Palestinian Arab people.

6. The events taking place in Eastern Europe demonstrated that the people of the world no longer condoned injustice. The winds of change from those countries would certainly reach the occupied Arab territories and South Africa one day.

7. In conclusion, he referred to the peaceful approach adopted by the Palestinian leadership with a view to promoting peace and security and to enabling the Palestinian people to regain their inalienable rights. He expressed the hope that the majority in South Africa would be able to exercise their legitimate rights so that they could live in peace and security.

8. Mr. ELARABY (Observer for Egypt) said that Article 1 of the Charter of the United Nations stressed the importance of strengthening human rights and fundamental freedoms for all without any distinction whatever. In the contemporary world, respect for human rights and fundamental freedoms had become an important issue, a situation which reflected the deep-rooted conviction that such respect was indispensable for ensuring international peace and progress.

9. The final months of 1989 had been a revolutionary turning-point in international relations. In that regard, he referred to the rapid political changes taking place in Eastern Europe and in the concepts and principles that had prevailed since 1945.

10. He wondered whether those positive changes would be restricted to one region or extended to include all the States of the world. If the general trend in the Commission at the current session was in favour of conducting a comprehensive survey of human rights violations, then members would have to give prominence to the question of the occupied Arab territories. The international community had a responsibility to find the best way of bringing pressure to bear on Israel, particularly since the mass information media and reports by United Nations bodies, the International Committee of the Red Cross and non-governmental organizations showed clearly the continued escalation and implementation of a policy designed to change the character of the occupied territories. In that connection, he referred to the most recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/599).

11. In October 1989, the Secretary-General had appointed Mr. Blanchard, the former Director-General of the International Labour Organisation, to act as his special adviser on humanitarian assistance to and economic development in the occupied territories. Mr. Blanchard's mandate included proposing ways and means to provide urgent humanitarian assistance to those territories and establishing methods for co-ordinating the activities of the various United Nations bodies operating there. It was regrettable that Israel's reaction to the Special Adviser's mission was still a negative one and that it refused to receive him since it considered that his mission was untimely and would serve no useful purpose.

12. The occupied territories were not unoccupied areas that Israel could dispose of as it wished. Article 22, paragraph 4, of the Covenant of the League of Nations provisionally recognized the right of the population of Palestine, under a Mandatory, to exist as an independent nation. Members

should also recall that, by resolution 181 of 1947, the General Assembly had provided for the establishment of two States and not just one in Palestine.

13. The rules of international law stipulated that Israel's occupation of the Arab territories should be temporary only and that it should during the occupation comply with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention). All States parties had to respect the provisions of that Convention and undertake not to adopt any measures that might lead directly or indirectly to a violation thereof. That undertaking should be applied to the settlement of immigrants in the occupied territories and his delegation hoped that the Commission would give careful consideration to the matter.

14. Migration was a legitimate right to which no one could object. In that connection, he referred to article 13, paragraph 2, of the Universal Declaration of Human Rights. However, attention should also be drawn to article 49 of the Fourth Geneva Convention, under which an occupying Power was not permitted to deport or transfer parts of its own civilian population into the territory it occupied. His delegation encouraged migration but was concerned that the international community was disregarding its collective responsibility. It therefore called on all members of the international community to respect their obligations under the Fourth Geneva Convention.

15. Sincere efforts were being made to initiate a Palestinian-Israeli dialogue as a first step towards peace in the region. His delegation believed that a historic opportunity to find a peaceful solution existed in view of the resolutions adopted by the Palestinian National Council at Algiers in November 1988, the acceptance by the Palestinians of Security Council resolutions 242 and 338, and the realistic and positive approach adopted by the Palestinian leadership.

16. In May 1989, Israel had proposed the holding of elections in the West Bank and the Gaza Strip. No one, of course, objected to the principle of holding such elections. However, it would be necessary to draft regulations to ensure that the elections were fair and linked to a final settlement. His Government had proposed a meeting between the Palestinians and Israelis at Cairo and consultations were currently being held with a view to the organization of that meeting. He hoped that those endeavours would lead to the beginning of a Palestinian-Israeli dialogue directed towards a comprehensive and just settlement of all aspects of the question of Palestine.

17. However, Israel was still reluctant to support the efforts made to establish peace and continued to place one obstacle after another in the way of genuine progress.

18. It seemed that Israel was unaware of the significance of recent international developments. Otherwise, it was impossible to explain why, at a time when the Palestine Liberation Organization was acting wisely and rationally with broad international support, Israel responded to those positive initiatives by continuing to disregard the principles of international law and the relevant resolutions of the General Assembly, the Security Council and the Commission on Human Rights.

19. In conclusion, he said that the resolutions of the Security Council and other bodies calling for the termination of Israel's occupation of the Arab territories in the West Bank, the Gaza Strip, eastern Jerusalem and the Golan Heights must be implemented and the right of the Palestinian people to self-determination and the establishment of a Palestinian State recognized so that the Middle Eastern region could enjoy a just and lasting peace.

20. Mr. DAYAL (India) said that the question of Palestine had been on the agenda of the United Nations for more than four decades. The United Nations and the Commission had repeatedly condemned the human rights violations to which the Palestinian people had been subjected. They had also reaffirmed the right of the Palestinian people, more than 60 per cent of whom lived in exile, to an independent homeland. Despite repeated censure, the Israeli Government had persisted in stifling the legitimate aspirations of the Palestinian people.

21. Israel was the occupying Power under the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention of 1907. Occupation itself constituted a violation of the human rights of the civilian population; it had led to the imposition of Israeli laws in the occupied Arab territories, the establishment of new settlements, the displacement of the indigenous Arab inhabitants and the denial of their right to return, the confiscation of their property, the physical transformation of historic sites and the desecration of religious places, the imposition of collective fines, the ill-treatment and torture of detainees, including children, and a range of other abuses. Over the years, efforts had continued to alter the ethnic and demographic composition of the occupied territories and to destroy the very basis of the existence of the original inhabitants.

22. The most recent reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/352 and 599) showed that the climate of tension had intensified. The reports documented a range of human rights violations resulting from measures adopted by the Israeli authorities to quell the Palestinian uprising. According to paragraph 16 of document A/44/352, by September 1988 more than 250 persons had been killed in the territories, as compared with 8 in 1986 and 22 in 1987.

23. The rights of the Palestinians must prevail in any just and permanent settlement in the occupied territories, including Palestine. It was only when the Palestinians became masters in their own house that all States in the region would be able to live within secure international frontiers. It must be recognized that the problem was basically political, not merely humanitarian. Most members of the Commission had welcomed the proclamation of the State of Palestine. Recent initiatives by the Palestine Liberation Organization (PLO) and the initiation of a dialogue between the PLO and the United States of America should give further impetus to efforts to resolve that long-standing problem.

24. A just and durable solution could not be found without Israel's withdrawal from the Palestinian and Arab territories occupied since 1967 and the exercise of the inalienable rights of the Palestinian people, including their right to self-determination and to establish an independent Palestinian State in their homeland.

25. The convening of an International Peace Conference on the Middle East under United Nations auspices would provide the best opportunity for achieving durable peace in the region. It was encouraging to see that many who had earlier been opposed to such an idea had come to realize that it was the best route to a lasting solution. His delegation hoped that the Secretary-General's efforts to continue a process of discussions with the permanent members of the Security Council and those directly concerned would be successful.

26. His country's support for the Palestinian cause was unstinting and consistent. The struggle of the Palestinian people had entered a critical phase. Despite all the violence directed against the intifadah, it had not been crushed. The Commission should renew its efforts to obtain justice for the people of the occupied territories. The Palestinian people could not for long be denied their legitimate rights.

27. Mr. ABDULLAH (Observer for the United Arab Emirates) said that the right to self-determination was one of the most lofty principles embodied in the Universal Declaration of Human Rights. Most peoples of the world, after some struggles, had managed to secure that right. However, the Israeli occupation authorities were still stubbornly and viciously refusing to recognize the most fundamental human rights of the Palestinian people, including the right to self-determination. They had deprived the Palestinians of their land, dignity and identity, displaced and tortured them, stolen their natural resources, usurped their heritage and imposed martial law against them.

28. Accordingly, the Palestinian people had risen up in revolt, calling for an end to the most brutal forms of oppression, such as murder, ill-treatment, collective punishment, arbitrary arrests, the breaking of bones, the use of tear-gas causing Arab women to have miscarriages, and other heinous acts. Through press reports, world public opinion was being made aware on a daily basis of the determination of the Palestinian people to achieve its national objectives and full rights, particularly the right to return, to self-determination and to establish its own State on its soil under the leadership of the Palestine Liberation Organization (PLO), its sole legitimate representative.

29. The occupation forces would not be able indefinitely to repress the fundamental and inalienable rights of the Palestinian people, or to deny the resolutions of the General Assembly, the Security Council and the Commission. Nor would they be able to continue to violate international law or to refuse to implement the Geneva Conventions in the occupied Arab territories, including Jerusalem and the Golan.

30. After 15 years of fighting and destruction, and following the election of a new President and the formation of a new Government, Lebanon was trying to embark on a path leading to peace, justice and harmony, and the recovery by the Lebanese State of jurisdiction over all its territory. There was no doubt that the continued Israeli occupation of part of southern Lebanon, its repeated air raids and constant military attacks, were in violation of international law, the principles of human rights and United Nations resolutions, and were a fundamental obstacle to the process of peace and reconciliation.

31. The recent international détente would strengthen respect for the principles of human rights, primarily the right to self-determination, as well as the role of the United Nations and other international organizations. In order that all peoples of the world might enjoy the right to self-determination, his Government called for the continuation of the policy of détente with a view to achieving progress in peace and disarmament, economic and social development, and the promotion of human rights and international law as a basic source of legislation governing relations between nations and peoples.

32. Mr. MacDERMOT (International Commission of Jurists) said he wished to draw the Commission's attention to three matters concerning the Israeli occupation of the West Bank and Gaza Strip, namely, road plans, a new wave of expulsions and illegal taxation practices.

33. First, under international law, it was lawful for an occupying Power to construct roads to meet the needs of the people of the territory. On the other hand, it was not lawful to construct roads to benefit the occupying Power and/or its settlers. A new road plan recently published in the occupied territory would link the West Bank with nine access points on the boundary between the West Bank and Israel. It was clearly not intended to benefit the Palestinian inhabitants of the West Bank.

34. Secondly, a new wave of expulsions from the West Bank and Gaza Strip, mainly of women and children, had begun. The Israeli authorities claimed that the persons whom they had expelled were living illegally in the occupied territories. Many of those persons had been born in the villages in which they lived, but were not regarded as residents because they had not been in their villages at the time of the 1967 census. Over the last few months, some 200 persons had been deported from the Ramallah region alone. Cases had been brought before the Israeli High Court of Justice, but the Court had confirmed the legality under Israeli law of the inhuman deportation procedures, which often involved separating husbands from wives and parents from children.

35. Thirdly, his organization was concerned at the practice adopted by the Israeli tax authorities of seizing household goods in lieu of taxes in the occupied West Bank. Under international law, all revenue collected in occupied territories had to be returned to that territory in the form of services for the occupied population. Moreover, the collection of taxes, including due process and enforcement, should be in accordance with the laws in force at the time of occupation. No figures had been published by the occupying authorities of the amounts collected or the way in which they had been spent. At least two new, illegal, taxes had been introduced, namely, a value-added tax and a special tax on cars. All such actions were in violation of international law. He requested the Commission to call upon the Israeli Government to cease such illegal practices.

36. His organization was about to publish a report of a mission sent in July 1989 to inquire into the Israeli military court system in the occupied territories. The members of the mission had been very concerned at the numerous reports which they had received of the continuing use of torture against detainees.

37. Mr. LITTMAN (World Union for Progressive Judaism) said that, while isolated violations of human rights had occurred, and might still be occurring, in the areas administered by Israel since 1967, similar and far worse violations, which were rarely debated, occurred regularly within the great majority of countries represented on the Commission. Yet in Israel's democracy - the only true democracy in the Middle East - such deplorable acts, whether carried out by individuals or groups, were regularly denounced by Israeli human rights organizations and the media. Offenders who were found guilty in Israeli courts of law were sentenced and gaoled.

38. Under agenda item 4, speakers had revelled in gross exaggerations or omissions, while totally ignoring cause and effect. The credibility of those and other, more moderate, statements would be enhanced if representatives condemned the grave violations of human rights committed against Israeli civilians and, in the previous year, by Palestinians against other Palestinians in the occupied territories. Nearly 200 Arab men, women and children had been assassinated in the cruellest manner by moralistic murder squads.

39. In a recent public forum held at Geneva, a spokesman for the Palestine Liberation Organization (PLO) had expressed concern at such indiscriminate killings of Palestinians by Palestinians but had reminded the audience of several hundred persons, which included members of the Palestinian Observer Mission to the United Nations, that 500,000 of the 1 million Algerian dead in the Algerian war of independence had been killed by other Algerians.

40. While he was personally unable to vouch for the accuracy of that figure, he could imagine how tragic the situation would be in the territories currently under discussion if the number of the Palestinians killed by Palestinians rose to the level of the fratricidal conflict which had occurred in that area under the British mandate 50 years previously. The number of victims put to death by vigilante terrorist groups would rapidly rise from 200 to several thousand.

41. There could be no doubt that the continuation of the intifadah through the deliberate incitement to violence of children and adolescents in violation of fundamental humanitarian principles was a moral aberration. It was a short-sided and suicidal policy which, if continued, must eventually lead to the total disintegration of Palestinian society in the territories and to worse human rights violations. Concerned independent observers were slowly realizing that the various Palestinian leaderships were continuing to follow a dead-end road and were more interested in achieving their political aims than in building a realistic future for their people.

42. The Islamic resistance movement Hamas was slowly emerging as a major political and terrorist force in the territories. Its goals were outlined in its constitution, which was a blueprint for genocide. In the first partially democratic elections held in Jordan since 1967, Islamic fundamentalist groups had won nearly 40 per cent of the seats. Their policy could be summarized as an Islamic jihad (holy war) against Israel, until its disappearance as a State. The Hamas movement in the administered territories had a similar goal.

43. Those developments were one more sign of the precariousness of the current situation. Almost no trust or confidence remained on which to build peace and reconciliation. Another example stemmed from the previous session of the General Assembly, at which all the Arab States, with the exception of Egypt, had tried and failed for the eighth consecutive year to exclude Israel from the United Nations.

44. There was one simple way to break the barrier of distrust: Israel's election proposal for the territories should be accepted immediately by the Palestinians and their allies. Simultaneously, the Arab League, and the Arab States individually, should adopt a different attitude towards Israel and zionism, the recognized national liberation movement of the Jewish people. One of the first steps would be for the PLO and the Arab States to agree not to oppose an eventual initiative by the United States of America and the Union of Soviet Socialist Republics to render obsolete General Assembly resolution 3379 (XXX) equating zionism with racism. It would be timely for those European States which had recently recovered their freedom to express their views on that issue soon, perhaps at the current session of the Commission.

The meeting rose at 11.50 a.m.