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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI
PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION
OF THE OCCUPIED TERRITORIES

Report of the Special Political Committee (Part II)

Rapporteur: Mr. Paul COTTON (New Zealand)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories" was included in the provisional agenda of the thirty-fourth session of the General Assembly in accordance with resolution 33/113 C of 18 December 1978.
2. At its 4th plenary meeting, on 21 September 1979, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Special Political Committee.
3. The Special Political Committee examined the item at its 33rd, 36th and 42nd to 46th meetings, between 15 November and 7 December (see A/SPC/34/SR.33, 36 and 42 to 46).
4. At its 33rd meeting, on 15 November, the Committee considered as a matter of urgency the situation in the occupied territories arising from the decision of Israel to expel the Mayor of Nablus, and adopted draft resolution A/SPC/34/L.17 (see A/34/691). At its 71st plenary meeting, on 16 November, the General Assembly adopted the draft resolution recommended by the Special Political Committee (resolution 34/29).
5. For its consideration of the item the Special Political Committee had before it the following documents:

- (a) Note by the Secretary-General transmitting the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/34/631);
- (b) Report of the Secretary-General submitted in pursuance of resolution 33/113 C (A/34/694).

6. At the 36th meeting, on 26 November, the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories introduced the report of that Committee.

II. CONSIDERATION OF DRAFT RESOLUTIONS

7. In the course of its deliberations, the Special Political Committee considered three draft resolutions, as set forth below.

A. Draft resolution A/SPC/34/L.19

8. At the 36th meeting, on 26 November, the representative of Pakistan introduced a draft resolution (A/SPC/34/L.19) sponsored by Madagascar and Pakistan and subsequently also sponsored by Afghanistan, Bangladesh, India, Indonesia, Malaysia and Nigeria.

9. On 29 November, the Secretary-General, in accordance with rule 153 of the rules of procedure of the General Assembly, submitted a statement (A/SPC/34/L.20) on the administrative and financial implications of the draft resolution.

10. At its 46th meeting, on 7 December, the Committee adopted draft resolution A/SPC/34/L.19 by a recorded vote of 87 to 3, with 25 abstentions (see para. 16, draft resolution A). The voting was as follows: 1/

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Peru, Philippines, Poland, Portugal, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia,

1/ The representatives of El Salvador and Lesotho subsequently indicated that, had they been present, they would have voted in favour of the draft resolution.

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Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Guatemala, Israel, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Dominican Republic, Finland, France, Germany, Federal Republic of, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Panama, Suriname, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

B. Draft resolution A/SPC/34/L.23

11. At the 43rd meeting, on 6 December, the representative of Indonesia introduced a draft resolution (A/SPC/34/L.23) sponsored by Afghanistan, Bangladesh, India, Indonesia, Malaysia, Pakistan and Yugoslavia and subsequently also sponsored by Madagascar, Mali and Nigeria.

12. At its 46th meeting, on 7 December, the Committee adopted draft resolution A/SPC/34/L.23 by a recorded vote of 113 to 1, with 2 abstentions (see para. 16, draft resolution B). The voting was as follows: 2/

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

2/ The representatives of El Salvador and Lesotho subsequently indicated that, had they been present, they would have voted in favour of the draft resolution.

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Against: Israel.

Abstaining: Dominican Republic, Malawi.

C. Draft resolution A/SPC/34/L.24

13. At the 44th meeting, on 6 December, the representative of Bangladesh introduced a draft resolution (A/SPC/34/L.24) sponsored by Afghanistan, Guinea-Bissau, India, Madagascar and Pakistan and subsequently also sponsored by Bangladesh, Indonesia, Mali and Turkey.

14. At its 46th meeting, on 7 December, the Committee adopted draft resolution A/SPC/34/L.24 by a recorded vote of 113 to 1, with 3 abstentions (see para. 16, draft resolution C). The voting was as follows: 3/

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Eyelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: Dominican Republic, Guatemala, Malawi.

15. Before the voting, the representative of the United States of America made a statement in explanation of vote. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria, Ireland (on behalf of the nine members of the European Communities), Finland, Greece, Sweden, Guatemala and Norway.

3/ The representatives of El Salvador and Lesotho subsequently indicated that, had they been present, they would have voted in favour of the draft resolution.

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III. RECOMMENDATIONS OF THE SPECIAL POLITICAL COMMITTEE

16. The Special Political Committee recommends to the General Assembly the adoption of the following draft resolutions:

Report of the Special Committee to Investigate Israeli Practices
Affecting the Human Rights of the Population of the Occupied
Territories

A

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 4/ as well as of other relevant conventions and regulations,

Recalling all its resolutions on the subject, in particular resolutions 32/91 B and C of 13 December 1977, resolution 33/113 C of 18 December 1978, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations organs concerned and by the specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 5/ which contains, inter alia, public statements made by leaders of the Government of Israel,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its thoroughness and impartiality;

2. Deplores the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. Calls again upon Israel to allow the Special Committee access to the occupied territories;

4. Deplores the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which that Convention designates as "grave breaches" thereof;

4/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

5/ A/34/631.

5. Condemns the following Israeli policies and practices:

(a) Annexation of parts of the occupied territories;

(b) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(c) Evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

(d) Confiscation and expropriation of private and public Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(e) Destruction and demolition of Arab houses;

(f) Mass arrests, administrative detention and ill-treatment of the Arab population;

(g) Ill-treatment and torture of persons under detention;

(h) Pillaging of archaeological and cultural property;

(i) Interference with religious freedoms and practices as well as family rights and customs;

(j) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of relevant United Nations resolutions;

7. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 5 and 6 of the present resolution;

8. Reiterates its call upon all States, in particular those States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and upon international organizations and the specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

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9. Requests the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. Requests the Special Committee to continue to investigate the treatment of civilians in detention in the Arab territories occupied by Israel since 1967;

11. Requests the Secretary-General:

(a) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating Israeli policies and practices referred to in the present resolution;

(b) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To ensure the widest circulation of reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee which are no longer available;

(d) To report to the General Assembly at its thirty-fifth session on the tasks entrusted to him in the present paragraph;

12. Decides to include in the provisional agenda of its thirty-fifth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

B

The General Assembly,

Recalling its resolutions 3092 (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976, 32/91 A of 13 December 1977 and 33/113 A of 18 December 1978,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 6/

6/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Strongly deplores the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. Calls again upon Israel to acknowledge and to comply with the provisions of that Convention in Palestinian and other Arab territories it has occupied since 1967, including Jerusalem;

4. Urges once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem.

C

The General Assembly,

Recalling its resolutions 32/5 of 28 October 1977 and 33/133 B of 18 December 1978,

Expressing grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of the continued Israeli occupation and the measures and actions taken by the Government of Israel, as the occupying Power, and designed to change the legal status, geographical nature and demographic composition of those territories,

Considering that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 7/ is applicable to all the Arab territories occupied since 5 June 1967,

1. Determines that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East;

7/ Ibid.

2. Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories;

3. Calls again upon Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. Calls once more upon the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

5. Urges all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to respect and to exert all efforts in order to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem.