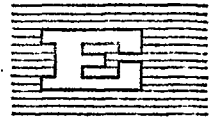


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1586th MEETING

held at the Palais des Nations, Geneva,  
on Wednesday, 4 February 1981, at 4.30 p.m.

Chairman: Mr. CALERO-RODRIGUES (Brazil)

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of the session.

The meeting was called to order at 4.45 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1119 and Add.1; E/CN.4/1422; E/CN.4/1423; A/35/15; A/35/35; A/35/227; A/35/425; A/35/438; A/35/473; A/35/553; A/35/563; A/35/586)

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.4/1452; E/CN.4/1451; A/RES/35/35 A and B)

1. Mr. EL FATTAL (Syrian Arab Republic) said that in 1980 Israel had set an unbeaten record of violations of human rights. By declaring the Holy City of Jerusalem as its capital, it had not only insulted the feelings, intelligence and dignity of mankind, but had also intensified its effrontery and brutal and institutionalized violation of individual and collective human rights. That colonialist State, with its innate violence, racist ideology and belief in its superiority, was responsible for the terrible tragedy of the Palestinians, who were exposed to attacks on their lives, repression against schoolchildren and students, torture, expropriations and expulsions. Those acts should cause no surprise in a State which refused to apply the fourth Geneva Convention to the territories which it occupied, thus arrogating to itself the right to take any action that served its sinister expansionist designs, with the open and generous support of the United States of America and other imperialist Powers, that guaranteed prosperity at the expense of its victims. That artificial, deformed State was the very negation of the rights of the Palestinians to self-determination: the Israeli settler was because the Palestinian was not; the Israeli kibbutz existed because the Palestinian village had been bulldozed.

2. The only logical answer, as the Syrian Arab Republic had constantly reiterated, was to expel Israel from the United Nations - particularly since it had been admitted on the understanding that it would authorize the refugees of 1948 to return to their homes and to recover their property - and to apply to it the sanctions provided for under Chapter VII of the Charter so long as it refused to respect its international obligations. In any event, even those who had defended it were starting to turn against a State that had neither faith nor law.

3. The fact was that the Zionist movement had been born in the wake of the racist and colonialist doctrines of the nineteenth century, espoused by the Western Powers in their search for an empire, and had reached its peak when the banker Rothschild had received from Lord Balfour, the British Foreign Secretary at that time, a simple letter which contained a death sentence on an entire people, the Palestinians. It was therefore the duty of the Commission to study not only the violations of the human rights of the Arabs in Palestine and the other occupied territories, but also the policy, goals and objectives of their perpetrators, which were a direct emanation of the Zionist doctrine. That doctrine, which had been officially adopted by the first Zionist Congress in Basel in 1897, assumed that all Jews in the world, wherever they might be living and regardless of the degree of their religious commitment, constituted one nation, one people - the corollary of which was that Jewishness was a national and ethnic attribute. In addition, it called for the creation of a state of Jews for all Jews, and only for Jews. It was intrinsically,

inescapably expansionist and so, to implement their programme, the Zionists had driven the non-Jews from the territory which had been allotted to them under the Partition Plan recommended by the General Assembly on 29 November 1947 and, in a series of occupations, they had managed to triple the area of that territory in order to be able to accommodate those who benefited under the infamous law of return. It was therefore quite clear that the policy of Israel was to eliminate the Arab identity by all available means and in all circumstances through the Judaization of all Arab lands under occupation with a view to perpetuating its domination there. And Begin made no secret of the fact, as he dreamt aloud of a State that extended from the Nile to the Euphrates.

4. Like apartheid, zionism fell within the purview of article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid. The difference between the two doctrines, however, was that apartheid had institutionalized the enslavement of blacks while zionism had legitimized the dispersion of non-Jews and the usurpation of their land and property. But Israel was also the instrument of colonialism and imperialism, which supported it militarily, politically and morally. The relationship had been obvious from the outset, when one of the architects of the Balfour Declaration, Mr. Sidebotham, had explained in 1917 Great Britain's need for a European presence in the Middle East to protect the Suez Canal and the imperial communications to India. The aggression against Egypt in 1956 was clear confirmation of that colonial strategy. The Washington Treaty, concluded in 1969, had limited Egyptian sovereignty over the Sinai so as to enable Israel to dominate the canal and its approaches, on that occasion with the consent of a capitulating Egyptian régime. Indeed, Israel boasted of the role which it played in the Middle East on behalf of Western imperialism; the United States of America glorified in that role, and certain Western circles recognized it. Conversely, Israel had its own enclaves in the Western countries, in particular in New York, which helped to shape the foreign policies of those countries.

5. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had been investigating violations committed since 1967, but in fact the process of Judaization and de-Arabization had started in 1948 and even before. In 1947-1948, Zionist terrorism had led to the occupation of large portions of Palestinian territory and had created the refugee problem. From 1948 to 1973, the question of Palestine had been reduced to a problem of refugees. Since then, thanks to the armed struggle waged under the leadership of the PLO and the outcome of the war of October 1973, the international community had awakened to the reality of the Palestinian question, as was apparent, for example, from General Assembly resolutions 3236 (XXIX) and 3237 (XXIX). The first of those resolutions confirmed the rights inherent in the very concept of a Palestinian people and Palestinian statehood since the end of the mandate: the right of the people of Palestine to return to their homes and to recover their property, in accordance with General Assembly resolution 194 (III) of 11 December 1948; the right to self-determination without external interference; the right to national independence and sovereignty; and recognition of the PLO as the sole representative of the people of Palestine. The resolution thus emphasized that those rights were indispensable elements for a just peace, although they had been omitted from Security Council resolution 242 of November 1967, which had been adopted at a time when the Arab nation had been deprived of any leverage, either political or military, by the Israeli blitzkrieg of 1967.

6. In recent years, the United States and some Western Powers had again endeavoured to conceal the true nature of the Palestinian question, but those efforts had failed because they ran counter to the logic of history and violated humanitarian norms and values. The real confrontation was the confrontation between the United States and the system which it had implanted in that part of the world, on the one hand, and the Arab nation as a whole, on the other. The United States and its partners rejected the inalienable rights enshrined in General Assembly resolutions 3236(XXIX) and 3237(XXIX); they had vetoed resolutions which could pave the way for a just peace, and had instead created a system of domination and capitulation as embodied in the spirit and provisions of the Camp David agreements. In so acting, the United States had trampled on Arab dignity; no longer, therefore, could it expect the Arabs to respect its interests.

7. The Arab nation had condemned the Camp David agreements, and the overwhelming majority of the international community had done likewise. The Egyptian people, deceived by a treaty of capitulation obtained at the expense of their Palestinian brethren, would find no consolation in the recuperation of parts of the sand dunes of the Sinai. The Camp David agreements were the embodiment of a vast tripartite imposture in contemporary history. The rights of the Palestinians had been sold to Israel in order to obtain a peace which, in fact, maintained the hegemony and military presence of the United States. Of all the many implications of Egypt's capitulation, the increased number of violations of the fourth Geneva Convention, including the annexation of Jerusalem, deserved special mention. As Mr. Edward Said had stated in his book The Question of Palestine, Israel and Egypt were now being forced to harden their military, ideological and political apparatus, and increasingly to form a lonely and vulnerable fortress in the region. On the one side, Israel could finalize the Judaization of Palestine; on the other, a tripartite military alliance was being set up in the heart of the Middle East to control the riches of Asia and Africa. The intensification of human rights violations in Palestine and in other occupied Arab territories was also a direct result of the Egyptian betrayal. Happily, there had been a response to the challenge: the Syrian Arab Republic, the Palestinian Revolution, the Arab Front for Steadfastness and Confrontation, the Arab summits, the Non-aligned Countries, the Islamic Conferences, the socialist countries and also the Egyptian opposition had said no to the capitulation and destruction of the Palestinian people. All attempts at resurrecting or embellishing the Camp David agreements would be strongly opposed.

8. The Syrian Arab Republic, for its part, was committed to the elimination of the sequelae of the 1967 Israeli aggression and to the restoration of all usurped Arab rights in Palestine, in accordance with the United Nations Charter; the defection of the ruler of Egypt had only deepened that commitment. A just peace could not be established unless and until Israel withdrew from all the occupied territories and until the Palestinian people, under the leadership of the PLO, was enabled to exercise the inalienable rights to which he had referred. Likewise, the international community must translate its condemnation of Israeli policies into concrete action, which included the application of sanctions under Chapter VII of the Charter and the expulsion of Israel from the United Nations. The situation in the Middle East was too explosive to indulge in platitudes or to expect miracles.

9. Mr. Ben AHMAR (Observer for Tunisia) said the fact that the need to accord high priority to consideration of the question of the violations of human rights in the occupied Arab territories had been recognized attested to the deep concern and

preoccupation felt by the international community at the continuing deterioration in the situation and in the living conditions of the Arab populations in the occupied territories, despite the protests of all those who stood for justice and peace and despite the injunctions of the organs of the United Nations. The twelfth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories contained an impressive list of cases of violations of human rights in those territories and reflected the extent of a phenomenon which derived from the military occupation and constituted a grave threat to peace. The occupation of the territory of another people was in itself the most flagrant violation of human rights, since it was the first link in a long chain of discriminatory and repressive practices and practices of exploitation and oppression. Israeli practices in the occupied Arab territories ranged from demolition of housing, eviction of inhabitants from their homes, confiscation of property, and exploitation of natural wealth and resources to the expulsion of elected representatives and arbitrary detention without trial in inhuman conditions. Based on a policy of expansionism and having as its object the annexation of the Palestinian territories and other Arab territories, the process of mass expulsion and arrests was gaining momentum while, simultaneously, a policy of plundering and exploiting the Arab inhabitants was being pursued with a view to bringing about a radical change in the nature and the political, cultural, religious and demographic conditions of the occupied territories. All such practices were in breach of international law and, in particular, of The Hague Conventions and the Geneva Conventions.

10. The most far-reaching change was being brought about by a systematic policy of strengthening and increasing the number of settlements in Palestine and the other occupied Arab territories not only for the purpose of consolidating the occupation, but also to prepare for the annexation, pure and simple, of those territories. Israel was a past master in the policy of the fait accompli, based on the Zionist doctrine. The Israeli Prime Minister had even admitted that the establishment of settlements was regarded as "the soul of zionism". Thus it was that, in line with recent official statements, Israel had declared the Holy City its "eternal capital".

11. The situation in the Middle East continued to deteriorate; the question arose in political terms, and therefore required political solutions. The urgency of the humanitarian side of the question was obvious but it was also necessary to bear in mind the explosive character of a political conflict that was a permanent source of tension and might at any time endanger international peace and security.

12. In that connection, his delegation supported the conclusions in the Special Committee's report calling for an end to the occupation. Those conclusions meant that the international community would have to redouble its efforts to find a just and lasting settlement that would provide, above all, for the recovery and exercise by the Palestinian people of their legitimate and inalienable national rights, in particular their right to self-determination and their right to establish an independent national State in Palestine.

13. In conclusion, his delegation reiterated its support for the latest resolution adopted by the General Assembly on the question concerning the application of the Geneva Conventions in the occupied Arab territories and providing for a whole series of measures. It hoped that those provisions would be given practical form so that peace and justice in the area could be restored.

14. Mr. SHOUFANI (Observer for the Palestine Liberation Organization) said that he wished to refer to the comments made following his statement at the previous meeting. He preferred to disregard the comments of the Egyptian representative, firstly because the facts spoke for themselves, and secondly because he knew which of the statements made in 1980 by the United States President and Secretary of Defense, and by the Egyptian representative, carried the most weight, and was well aware of the objectives pursued by the United States. Also, he did not wish to place Egypt in the same basket as Israel since he was convinced that sooner or later Egypt would resume its place in the Arab camp.

15. He would therefore direct his comments to some of the subjects dealt with by the Israeli representative who, in defending the policy of occupation of the occupied Arab territories, had referred to certain international instruments. The documents of the United Nations, however, and those of the Commission in particular, disproved all the arguments advanced in support of such a policy. If it was a temporary phenomenon that would end one day, and if the Israeli representative was prepared to state that his country would renounce what it termed its historic right, how could the annexation of Jerusalem be justified? In fact, Israel's behaviour in the occupied Arab territories attested to its conviction that those territories belonged to it.

16. The Israeli representative had backed up his statement on the development of the occupied Arab territories with a lot of figures. But had those figures not been unduly inflated? If life in the occupied Arab territories was so good, why did the population rise up against the occupier? How was the phenomenon of migrant workers and the emigration of young people in search of work to be explained? If Israel was so interested in the well-being of the people of the occupied Arab territories, why had it put into effect the Yariv plan to expel 700,000 - 800,000 people from Palestine so as to achieve a "demographic balance" there?

17. Admittedly, the occupied Arab territories had five universities but they existed thanks to the people of those territories. Would the Israeli representative admit for how many days those establishments were closed because they had incurred the wrath of the occupying forces?

18. Reference had been made to land ownership, to public property. What was to be understood by "public"? Meant for the settlers? In the event, what was involved was "miri" land, which had not been put up for auction. Did the fact that 75 per cent of the land in the Middle East was of "miri" origin, and therefore "public" in the Israeli representative's view, give Israel the right to settle on that land? That land, moreover, was not only a means of production but also the national homeland of thousands of people to whom it belonged. If it was true that the settlements would help to control the area, what was behind the confrontations between Goush Emounim and the military occupying forces? What was the reason for the forced transfers of settlements? Did the civilian population's support, which according to the Israeli representative the military forces needed, fall within the framework of the legal instruments referred to at the previous meeting? On whose behalf did Goush Emounim act?

19. It had been heartening to hear the Israeli representative quote from F. Langer and L. Tsemel regarding the question of detainees, but were those quotations really authentic? And could the Israeli representative explain who were those two people who he (Mr. Shoufani) understood were opposed to the occupation of the Arab territories? If the detainees were so well-treated, why did the Israeli Government not allow representatives of the Red Cross or of United Nations bodies to visit them?

20. The list of questions requiring clarification was too long for him to deal with them all. He noted, however, that the quotation regarding the right to self-determination, which had been taken from the article on the political programme of the Fourth Congress of Fatah concerning the dismantling of the "exclusivist" colonial institutions of the Zionist State, was correct. The national liberation movement wanted to establish a democratic State open for citizenship to all Palestinians, including the Jewish settlers in Palestine. It wanted to dismantle institutions which left no room for the Palestinians in their homeland, such as: the Jewish Agency, established for the sole purpose of Judaizing the population, in other words, expatriating the Palestinians and replacing them by immigrant Jews from abroad; the Jewish National Fund, whose main purpose was to Judaize the land by expropriating it from the Palestinian farmers; the Jewish Trade Union which, by protecting the interests of Jewish labour, boycotted the Arabs, and the Zionist military machine, whose role was both to defend and to extend Zionism.

21. In keeping with the Zionist tradition, the Israeli representative had spoken of terrorism. Historically speaking, it was Zionism which had initially denied the very existence of the Palestinians and their homeland, but had subsequently adopted a racist stand of scorn for the Palestinian civilization, which was regarded as barbaric by comparison with Western civilization. Zionism was now seeking to destroy the Palestinians politically and referred to the liberation struggle of the Palestinian people as terrorism.

22. The Israeli representative had also spoken of security. The security of whom? Of an aggressor State? If it was the kind of security that involved control of the political process and of Arab capital, then it was a Utopian concept. It was necessary to grasp the nature of the Israeli State in order to know what it meant by security.

23. Mr. HANAFI (Observer for Egypt), speaking in exercise of the right of reply, said that his delegation, which had always endeavoured to display objectivity in its statements and in exercise of the right of reply, regretted that the representative of the Syrian Arab Republic had not tried to do likewise. He had spoken of treason and the capitulation of the régime, when in fact the Egyptian people endorsed the policy of peace being pursued by his Government. Were the negotiations to find peace in the Middle East to be described as treason and capitulation? If so, what value should be attached to the principles and norms of the United Nations Charter? The real treason against the Palestinian cause, in point of fact, was the massacre of Palestinians in Syrian camps. For the past 30 years, Egypt had assumed its responsibilities with regard to the Palestinian cause and all just causes of the Arab nations. It had no lesson to give to other countries, and was not taking any lesson regarding the way in which it conducted its foreign policy. It would be better for the Syrian Government to concern itself with the interests of the Syrian people rather than to bother about the interests of the Egyptian people. The Egyptian Government was fully apprised of the latter's needs and was carrying out a policy designed to meet those needs. Egypt did not merely shout slogans; it took definite action, and that was why it would attain its objective, namely, a just and equitable solution to the Palestinian problem.

24. Mr. EL FATTAL (Syrian Arab Republic), speaking in exercise of the right of reply, said that the difference between the Egyptian representative and himself was that the Egyptian representative saw himself first and foremost as an Egyptian whereas he (Mr. El Fattal) knew that he belonged to the great Arab nation. By confining himself within a regionalist approach, the Egyptian representative was violating the concept of the Arab nation, since the 22 Arab countries of the world formed a single nation. The Egyptian representative's remarks even conflicted with the commitments entered into by Egypt as a party to the joint Arab Pact. Furthermore, he noted that since Egypt's capitulation four years earlier, the word "Zionism" had disappeared from the Egyptian press.

25. Mr. BARROMI (Observer for Israel) pointed out that it had previously been the Commission's policy not to allow attacks against States and their leaders, but that policy had just been severely undermined. He trusted, however, that it would be during the remainder of the session.

The meeting rose at 6.30 p.m.