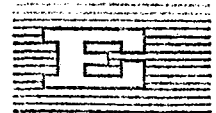


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 6th MEETING

held at the Palais des Nations, Geneva,
on Thursday, 3 February 1983, at 3 p.m.

Chairman: Mr. OTUNNU (Uganda)

CONTENTS

Question of the violation of human rights in the occupied Arab territories,
including Palestine (continued)

The right of peoples to self-determination and its application to peoples under
colonial or alien domination or foreign occupation (continued)

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The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1983/6; E/CN.4/1983/7; E/CN.4/1983/8)

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.4/1983/2 and Add.1; E/CN.4/1983/12; E/CN.4/1983/13; ST/HR/SER.A/14)

1. Viscount COLVILLE of CULROSS (United Kingdom) said that for several years past his delegation had confined itself to explaining its vote on resolutions concerning the question of the violation of human rights in the occupied Arab territories, including Palestine. However, although the United Kingdom had been unable to support some of those resolutions, it had always regarded peace in the Middle East as one of the greatest challenges in international affairs.
2. The problem still awaited a solution in 1983. It was to be hoped that the Commission would adopt resolutions pertaining to those aspects of the question which had a clear bearing on human rights. Although the deliberations of the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva in November/December 1982, met with the approval of his delegation to a large extent, not all of the Seminar's conclusions could be endorsed by the United Kingdom.
3. The exercise of the first right set forth in the International Covenants on Human Rights, namely the right to self-determination, was being denied to persons living on the West Bank (with the possible exception of settlers), and in the Gaza Strip, the Golan Heights and also southern Lebanon. On the West Bank and in the Gaza Strip in 1982 democratically elected mayors had been dismissed and town councils dissolved for refusing to co-operate with an imposed civilian administration. On the Golan Heights the Israeli authorities had broken a strike declared by the Druze inhabitants of the area following the imposition of Israeli law in 1981. The fact that the elected President and Parliament of Lebanon were unable to exercise their authority in the southern part of their country could only be deplored. It was essential that all foreign forces should withdraw from Lebanon as soon as possible.
4. The establishment of more settlements on the West Bank had further aggravated the situation and reduced the hopes for the achievement of self-determination by the Arab population. It was hard to understand how the Israeli Government could think that such measures would help it to obtain secure borders and peaceful coexistence with its Arab neighbours. His delegation would be interested to see the study on the situation of the Arab population in that area to which the representative of Israel had referred the previous day.
5. As a result of its own experience, the State of Israel, whose existence could not be questioned, was uniquely equipped to understand the aspirations of the Palestinian people to self-determination. However, the Israeli authorities were continuing to harass and even mistreat the Arab population of the West Bank. More than 20 Palestinian Arabs had been killed in disturbances since April 1982 and a local political movement had been banned in March 1982. Furthermore, the closing of schools and universities could hardly be reconciled with the right to

freedom of expression and assembly. Nineteen expatriate lecturers at West Bank universities had been deported for refusing to sign a commitment renouncing support for the PLO as a condition for obtaining a work permit. Such measures were inconsistent with freedom of thought and conscience.

6. Finally, as had been emphasized at the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel (ST/HR/SER.A/14, para. 42), the reasons given by the Israeli authorities for their refusal to apply the third and fourth Geneva Conventions in the occupied territories were not acceptable. The Conventions were being partly applied in Lebanon, but even the Israelis' own historic argument concerning the West Bank could not apply to Gaza or the Golan Heights. Moreover, the United Kingdom believed that the members of the PLO detained in southern Lebanon should be treated as prisoners of war under the third Geneva Convention.

7. Israel was not the sole offender against human rights in that region of the world. His Government deplored the events that had taken place at Hama in early 1982. It should be acknowledged that atrocities had also been committed within Israel. Mr. Begin had said that the granting of self-determination to the Arabs of the West Bank could only lead to the destruction of the State of Israel. As was so often the case, such violations clearly resulted from political conflict, in that instance of an international nature. It was not enough merely to condemn those breaches of the International Covenants on Human Rights. Nor was it sufficient for the Israeli Government to punish those guilty of infringements, although that would be desirable. The real answer must be to encourage the attempts currently being made to tackle that international problem at its roots. At the previous meeting the representative of Argentina had rightly pointed out that not only the consequences but also the causes of the situation should be studied. The Yugoslav delegation had also made some constructive observations in that respect. If the Palestinians had a right to self-determination, it should be clearly acknowledged that Israel had a right not only to exist, but also to exist without the threat of terrorism. Both propositions should be clearly expressed and backed by a genuine intention. It was also obvious that there was no single solution but, rather, a range of possibilities which required genuine exploration. His delegation therefore commended to the Commission the two most recent proposals made in that connection: that of the President of the United States of America and that currently emerging as a result of the Fez Summit.

8. In 1982 Egypt and Israel had contributed to the stability of the region through the return of the last portion of the Sinai. The courage and far-sightedness shown by both countries on that occasion had already been praised by the United Kingdom Government, which hoped that a similarly imaginative solution would be found for the other territories.

9. Mr. DACUDY (Observer for the Syrian Arab Republic) said it was regrettable that the 21 Arab States Members of the United Nations currently held only two seats on the Commission on Human Rights, when they could lay claim to four more. The Syrian Arab Republic hoped that the imbalance would be rectified later in the year when the members of the Commission were elected by the Economic and Social Council. The agenda of the Commission on Human Rights was almost identical to that of the previous year. He would confine himself for the moment to the question of the situation in the Arab territories occupied by Israel, but reserved the right subsequently to revert to the question of the exercise of the right to self-determination.

10. At a previous meeting the representative of Israel had claimed that his country felt duty-bound to defend Christians allegedly subject to persecution by the Syrian authorities. However, the Israeli Government was itself persecuting religious dignitaries in the Arab part of Jerusalem. In the course of one particularly bloody incident at Nazareth, a clergyman had been axed to death in his church by an Israeli.
11. The representative of the United Kingdom had deplored the incidents at Hama. Why had he not also deplored the atrocities currently being committed in Ireland? Had not the present distressing situation in the Middle East been, in a way, "bequeathed" to the region by the British authorities when they left Palestine?
12. The previous year the Commission had adopted two resolutions concerning violations of human rights in the Arab territories occupied by Israel. In one of those resolutions it had called upon all States and all organizations to help the Palestinian people, represented by the Palestine Liberation Organization, to recover their legitimate rights.
13. All the Arab territories occupied by Israel were victims of the same practices and were suffering from the same violations of human rights on the part of the Israeli authorities. It should also be recalled that the latter had gone so far as to make Jerusalem the capital of Israel and had subsequently annexed the Golan Heights. The Security Council had condemned those two measures. The world was currently faced with a situation analogous to that existing when the Sudetenland had been annexed by the Nazis before the Second World War. He had already pointed out that, according to Mr. Begin, Jerusalem constituted an integral part of Israel and the Golan Heights belonged not to the Syrian Arab Republic but to Israel.
14. Mr. MURARGY (Mozambique) said that his delegation's position with regard to the important question of the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation had always been based on the principles of the Charter of the United Nations and on the provisions of the resolutions of the United Nations and other relevant legal instruments. Since 1981 the Commission had been particularly concerned with that question, to which high priority had been accorded.
15. International peace and security were, more than ever before, a fundamental aspiration of the whole of mankind and one of the main objectives, if not the *raison d'être*, of the United Nations. To ensure the maintenance of peace and security, the international community must respect the fundamental principles governing international relations, including the principle of self-determination, which was a sine qua non for the exercise of the human rights and fundamental freedoms laid down in the Charter of the United Nations and in the two International Covenants on Human Rights. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations had made the right to self-determination a fundamental principle of contemporary international law.
16. Experience showed that there was a close link not only between the right to self-determination and international peace and security but also between those two elements and the exercise of human rights and fundamental freedoms. Unless the right of peoples to self-determination was respected there could be no peace, and without peace there was no guarantee that human rights would be respected. The right to

self-determination included not only the right to national independence but also the freedom of peoples to choose their own system and method of development in all spheres. That was clearly stated in the two International Covenants on Human Rights.

17. The international community was currently witnessing flagrant violations of the fundamental principle of the self-determination of peoples in many parts of the world and in various forms due to the actions of the colonialist, neo-colonialist, racist and Zionist regimes which were continuing to impose their domination. In southern Africa, the racist regime of Pretoria represented the last bastion of colonialism which, by its policy of racism, apartheid and bantustanization, was denying the majority of the population of South Africa their rights and fundamental freedoms. The South African people, regarded as foreigners in their own country, had been reduced to the status of cheap manpower working for the transnational corporations established in South Africa. The United Nations, the OAU and the non-aligned movement had frequently condemned those policies, which constituted the main obstacle to the exercise by the peoples of southern Africa of their right to self-determination.

18. The Commission should therefore pay particular attention to the question of the violation of human rights and fundamental freedoms in South Africa and should denounce such actions with a view to isolating the South African regime. The Commission should also use all means at its disposal to support the liberation movements in South Africa.

19. Despite all the condemnations by the international community, South Africa was continuing its illegal occupation of the Territory of Namibia, whose population was thereby prevented from freely determining its political and economic future. At the same time, South Africa was intensifying its exploitation and plunder of the natural resources of that Territory and was endeavouring to impose a puppet government on the Namibian people. In that way, apart from violating the right of peoples to self-determination, it was also threatening regional and international peace and security. The Commission should adopt a resolution calling for the immediate implementation of Security Council resolution 435 (1978), which constituted the legal basis for the independence of Namibia. The Commission should also condemn the imperialist manoeuvres aimed at delaying independence by making it conditional on the withdrawal of Cuban forces from Angola.

20. The racist regime in Pretoria was responsible for the climate of war and insecurity in southern Africa and represented the only obstacle to the enjoyment of human rights and fundamental freedoms in that region. Moreover, by attempting to destabilize neighbouring countries and by recruiting mercenaries to attack independent States, South Africa was violating the fundamental principles of international law and denying the peoples of the region their right to development. The South African regime was also attempting to weaken the already fragile economy of its neighbours with a view to keeping them in a state of economic dependence and preventing the countries of the region from jointly pursuing their economic development through the Southern Africa Development Co-ordination Conference.

21. It was within that context that South Africa's constant attacks against Angola, Lesotho and Mozambique were taking place. In recent years Mozambique had been subject to attacks, acts of sabotage and attempts at destabilization by armed bandits financed and trained by South Africa. The Pretoria regime was acting in that manner because Mozambique had decided to put an end to its economic dependence on South Africa and establish within the region a new society based on equality and free from exploitation of man by man and from discrimination based on colour, race or religion.

22. The Commission should also devote its attention to the situation in Western Sahara, which represented a serious threat to international peace and security and constituted an obstacle to the enjoyment of human rights. The Sahrawi people were continuing their struggle to exercise their right to self-determination. That problem could be solved only through the implementation of all the relevant OAU resolutions.

23. The Commission should also take urgent action to deal with the tragic situation in the Middle East and stop the holocaust of the Palestinian people. The Zionist entity was the only obstacle to peace and security in that region, where it was preventing the Palestinian population of the occupied Arab territories from exercising its fundamental rights. The tragic events that had recently taken place in Lebanon should also be mentioned. In the opinion of the Mozambican delegation, the only solution was to recognize the right of the Palestinian people to self-determination and the establishment of their own State. The Commission should therefore strongly condemn Israel for its cynical and inhuman policies and demand the unconditional withdrawal of Israeli forces from Lebanon and the Arab territories.

24. In Asia, the continuing occupation of East Timor by Indonesia was also giving cause for concern. Various international organizations, including the United Nations, had denounced the violations of human rights committed in that Territory. The occupation of East Timor by Indonesia was a flagrant violation of the inalienable right of that Territory to self-determination. It was therefore essential that the said right should be unconditionally recognized, in accordance with the numerous resolutions of the General Assembly and other bodies. For its part, the Mozambican delegation supported the draft resolution entitled "Question of East Timor" submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

25. The national liberation movements were playing a decisive role in the campaign for the maintenance of international peace and security and also in the struggle of peoples against colonialism, neo-colonialism, racism and zionism. The Commission should therefore use all means at its disposal to support the movements struggling to achieve those objectives in Asia, Africa and Latin America.

26. Mr. TALVIITE (Finland) said that, in accordance with its policy of neutrality, Finland had always adopted a conciliatory position with regard to the Middle East question. It intended to continue that policy, which had enabled it to maintain good relations with all the parties concerned.

27. Although the Commission should concern itself primarily with issues involving human rights, in the Middle East it was impossible to isolate such issues from their general political context. To reach a comprehensive, just and lasting settlement of the question of Palestine it was essential that negotiations should take place on the basis of Security Council resolution 242 (1967). The right of every State in the region, including Israel, to live within secure and internationally recognized boundaries must be guaranteed, and Israel should withdraw from the Arab territories that it had been occupying since 1967. At the same time, the legitimate rights of the Palestinians, including their right to self-determination, must be taken into account. As the most significant representative of the Palestinian people, the Palestine Liberation Organization must be given the right to participate in all negotiations within the framework of a comprehensive settlement, which was the only way to secure the basic human rights of all persons living in the region. The situation in the Middle East must not become a pretext for violations of human rights.

28. Finland had joined the international community in condemning the massacres at Sabra and Shatila and the violent acts committed by Israel in Lebanon. Israel was continuing to pursue its settlement policy; it had illegally changed the status of Jerusalem and extended its jurisdiction to the Golan Heights, which the international community had considered as tantamount to annexation. All of those acts had been censured by the Security Council. Furthermore, Israel had refused to abide by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which was applicable to the territories occupied since 1967, including Jerusalem.

29. Finland had supported all initiatives aimed at finding a solution for the situation in the Middle East. Although the attainment of a negotiated settlement was a slow and difficult process, it was the only way in which the peoples of the region could ensure the conditions necessary for the exercise of their rights. It was therefore essential to continue that process.

30. Mr. LOPATKA (Poland) emphasized that there was a close link between violations of human rights in the occupied Arab territories, the Middle East conflict in general, and all other conflicts incited with a view to jeopardizing world peace. Poland condemned Israel's persistent aggression against the Arab States and the resulting violations of the human rights of the Arab population of the occupied territories. His country was a particularly staunch supporter of the just struggle of the Palestinian people for their inalienable rights to freedom and independence since it had had similar experiences in the course of its history. His delegation welcomed the report of the Secretary-General on the assistance of the United Nations system to the Palestinian people (A/37/214), which bore witness to the understanding and solidarity that the international community had shown with regard to the Palestinian cause.

31. Israel was obstinately refusing to abide by the rules of international law, the Charter of the United Nations, and various international instruments designed to ensure full respect for human rights. Its persistent defiance of the resolutions and authority of the United Nations posed a threat to international peace and security. It was not only that country's policies and practices, but also its very doctrine, which gave cause for alarm. In its latest reports to the General Assembly, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had stressed that Israel envisaged the creation of a Jewish State encompassing the occupied Arab territories and was denying the right of self-determination to the population of those territories. Israeli settlements were being established and expanded on Arab lands, in disregard for the provisions of international instruments concerning individual and collective human rights. Simultaneously, Arab property was being damaged and destroyed on a wide scale and Arab residents were being deported or displaced. The Arab population was politically, materially and culturally oppressed and subjected to mass arrests, collective punishments and inhuman conditions of imprisonment. All of those acts, which contravened the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and the additional protocols to the Geneva Conventions, had been corroborated by the latest report of the Special Committee (A/37/485).

32. Furthermore, Israel was pillaging the archaeological and cultural heritage of the Arabs, interfering with their religious freedom, and impeding their exercise of their family rights and customs. Universities in the occupied Palestinian territories were subjected to the control of the occupation authorities. All of those practices, including the illegal exploitation of natural resources, were

intended to complete the process of annexation begun in 1967 and should therefore be condemned with the utmost vigour by the international community, particularly since the invasion of Lebanon in June 1982 and the massacres at Sabra and Shatila had shown that international censure had not previously been sufficient to restrain Israeli expansionism. It should be noted that, as a result of the invasion and massacres, thousands of Lebanese had also been made homeless and reduced to a state of misery.

33. The United Nations had a very important role to play in solving the question of violations of human rights in the occupied Arab territories. At the very least it could operate as a centre for the dissemination of information in that respect although it was also entitled to take action against gross violations of human rights by Israel. Unfortunately, the protectors of that country were blocking the adoption of workable sanctions. In the final analysis, the persistent crimes of Israel resulted from the lack of political will on the part of one or more Members of the United Nations. In conclusion, he believed that, notwithstanding resistance, the United Nations was succeeding in promoting and extending standards of political responsibility and realism which were essential for the adoption of positive measures against violations of human rights in the occupied Arab territories. It was thereby helping to isolate the proponents of aggression and expansionism in an effort to make Israel abide by the resolutions of the Organization. The Polish delegation would support a draft resolution designed to ensure that the Arabs of the occupied territories would enjoy a more dignified life and achieve early liberation from the oppressive yoke under which they were suffering.

34. Mr. MAVROMMATIS (Cyprus) pointed out that it was the fifteenth time that the Commission was discussing violations of human rights in the occupied Arab territories, which was a sad commentary on the effectiveness of the United Nations in general and on the development of the human rights situation in particular. Since the previous session Lebanon had been partially occupied by Israel and horrible massacres had taken place at Sabra and Shatila. The Human Rights Committee, of which he was a member, had recently looked into that situation and had expressed the deep anxiety to which it had given rise. The Committee had urged all States to make every effort to bring to an end a situation that was resulting in gross violations of the supreme right to life which was enshrined in the International Covenant on Civil and Political Rights. It was to be hoped that the Commission would take note of the position adopted by the Human Rights Committee.

35. Cyprus was firmly committed to the right of the Palestinian people to self-determination and the establishment in Palestine of an independent Palestinian State. Unfortunately, Israel was maintaining its policy of occupation and oppression, attempting to change the demographic structure of the occupied territories, attacking the religious and cultural values and institutions of the population, and illegally exploiting natural resources. A detailed account of that country's actions could be found in the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. It was apparent that violations were being committed on such a large scale that they were assuming a genocidal character.

36. He referred to the support for the Palestinian people that had recently been expressed by the non-aligned countries during the Extraordinary Ministerial Meeting of their Co-ordinating Bureau that had been hosted in Nicosia by the Government of Cyprus. For its part, his Government was doing everything possible to alleviate the plight of the Palestinians which it understood only too well since Cyprus itself had suffered, and was continuing to suffer, from the effects of occupation and oppression.

37. He expressed the hope that the Commission would demand the unconditional withdrawal of all Israeli forces from Lebanon as an essential prerequisite for a successful peace initiative in the Middle East; the dismantling of Israeli settlements; the abandonment of the policy of direct or indirect annexation; the return of the Arab population expelled from the occupied territories to their homes and property; and the exercise by the Palestinian people of their right to self-determination and the establishment of their own State.

38. Mr. SOLÁ VILA (Cuba) said that, for the past 15 years, the Commission had been concerned with the acts of the Israeli expansionists, whose crimes had recently assumed dramatic and unprecedented proportions. The bombing of Beirut and the massacres at Sabra and Shatila would go down in history as irrefutable proof of a monstrous and deliberate policy of genocide. The international community could accept neither the institutionalized violation of the human rights of the Arab population nor the legalization of the annexation of the Golan, which violated the sovereign right of the Syrian people to its territorial integrity. The legislation theoretically applicable in the occupied Arab territories had been replaced by a series of "military ordinances". Other speakers had already described the manner in which the Zionist occupiers were oppressing the civilian population and denying its most fundamental rights. The establishment of Israeli settlements violated both the letter and the spirit of the 1949 Geneva Conventions, **particularly** with regard to the humanitarian protection of populations in the event of invasion. The crimes committed against the Palestinian people by the Zionists, who were paradoxically emulating the Nazis, would not prevent that people from recovering its homeland and its rights under the leadership of the PLO, its legitimate representative.

39. The recent conclusions of the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel confirmed the condemnation that the international community had expressed with regard to Zionist actions. He also recalled that the Co-ordinating Bureau of the non-aligned countries had reaffirmed the support of those countries for the just struggle of the Arab population for the liberation of the occupied territories and the recovery of its inalienable rights. **Following an extraordinary meeting held at Cyprus on the question of Palestine, the Co-ordinating Bureau had called for a meeting of the Security Council with a view to the adoption against Israel of the measures prescribed in the Charter of the United Nations because of Israel's disregard for United Nations decisions and the threat that it was posing to international peace and security.** More recently, at the thirty-seventh session of the General Assembly, the Ministers for Foreign Affairs of the non-aligned countries had condemned the Israeli policy of expansion and aggression, which had been made possible by massive aid from the United States of America. They had also demanded an immediate, total and unconditional withdrawal of Israeli forces. He emphasized that Israel's criminal conduct was encouraged and materially supported by the Government of the United States. In conclusion, he reaffirmed the unreserved support of the Government and the people of Cuba for the Palestinian people and their representative, the PLO.

40. Ms. ANDERSON (Ireland) said that the questions covered by items 4 and 9 arose because of an improper application of the principle of the self-determination of peoples. Whenever that principle was flouted, violations of human rights were inevitable. In that respect, her delegation was increasingly concerned by Israel's policy in the territories occupied

since 1967 and also in Lebanon. Israel should realize the extent to which its denial of the fundamental rights of the Palestinians was damaging its long-term interests. If it was really seeking peace in the region, it must halt those violations that were causing so much suffering and injustice. In particular, Israel should put an end to the occupation that it had been maintaining since 1967 and should abandon its illegal efforts to annex or change the status of the Arab territories. The present policy of establishing settlements in the occupied territories should cease immediately, if only because the actions of some settlers had contributed directly to conflict and tension in those territories. Violations of human rights in those territories included the dismissal of democratically elected mayors and other local representatives, expulsions, travel restrictions, harassment of students and staff at West Bank educational institutions, the political pledges required from lecturers, etc.

41. Although Israel had claimed that it did not covet one inch of Lebanese territory, the consolidation of its military presence and its failure to comply with the Security Council demand for its unconditional withdrawal gave reason to doubt that claim. The Israeli invasion had caused tremendous destruction and had brought in its wake the massacres at Sabra and Shatila. The time had come for all the parties to work together with a view to reconciling two basic rights: that of all States to exist within secure and recognized boundaries; and that of the Palestinians to self-determination. Her delegation called upon the parties to seize the present opportunities for peace by commencing negotiations in which all concerned, including the PLO, would participate with a view to arriving at a comprehensive settlement.

42. The denial of the right to self-determination also explained the failure to reach a political solution for the problem of Kampuchea, where the despotic Pol Pot regime, which had cost the country more than 1 million human lives, had been followed by foreign invasion and occupation. There again, all the parties should respond to the successive resolutions of the General Assembly and the Commission calling for a comprehensive political solution. Foreign troops should be withdrawn.

43. In Afghanistan too, intervention by foreign military forces contravened the purposes and principles of the Charter. It had given rise to great suffering and, by creating a refugee problem, had imposed a heavy burden on the countries of asylum. Unfortunately the resolutions of the Commission and the General Assembly concerning Afghanistan had not been implemented. Ireland would support genuine efforts to bring foreign intervention to an end on the basis of the principles contained in those resolutions. Her delegation appreciated the constructive efforts that the personal representative of the Secretary-General was making to that end.

44. In Namibia, the delay in achieving an independence settlement was causing concern to the international community. South Africa should show a genuine will to reach a solution that would enable the people of Namibia to exercise their right to self-determination, and it was vital to ensure the early implementation of the United Nations plan for Namibia based on Security Council resolutions 385(1976) and 435 (1978). The Irish delegation reaffirmed its support for the efforts of the Secretary-General, the Western Contact Group of Five, the front-line States and SWAPO to secure implementation of the plan.

45. Mr. HILALY (Pakistan) said that the central issue in the interminable conflict in the Middle East was obviously the persistent denial of the fundamental rights of the Palestinian people and, primarily, of their right to self-determination. The events of the past year had reminded the international community of the extreme urgency of that issue. The Israeli assault on Lebanon and the destruction and atrocities that it had caused were yet another demonstration of Zionist expansionism, whose blatant disregard of the rules of civilized international conduct was reviving the spirit of fascism and recalling the holocaust that the latter had caused during the Second World War. It was indeed a historical irony that the victims of that holocaust were currently inflicting the same fate on the Arabs and Palestinians.

46. After the horrible massacres at Sabra and Shatila the international community and, in particular, those countries which could exercise considerable influence on Israel should intervene with a view to putting an end to the current intolerable situation in the Middle East, which was threatening regional and global peace and security. The Israeli invasion, which was a gross violation of the principles of the Charter, was also creating a precedent whereby the sovereignty of a small non-aligned country could be jeopardized by a more powerful neighbour. It was imperative that Israel should withdraw unconditionally from Lebanon and all the occupied territories and abide by the Geneva Conventions relating to the treatment of prisoners of war.

47. The people of Pakistan had condemned the Israeli aggression in Lebanon and were giving their full support to their Arab and Palestinian brethren. In his message to the heads of State and Government of the five permanent members of the Security Council, the President of Pakistan had called for an end to the inertia induced by the sheer audacity of the Israeli assault on helpless Lebanon and had urged them to use their power and influence to bring about an immediate Israeli withdrawal. The sufferings of the Palestinian people had always stirred the emotions of the people of Pakistan, who had observed a day of solidarity with the Palestinian people in their heroic struggle against Zionist aggression. The Pakistanis had contributed generously to the Special Fund for Palestine established by their President, and the Government of Pakistan had dispatched relief supplies and medical teams to Lebanon.

48. The United Nations had a primary responsibility towards the Palestinian people. It should react against the hegemonistic ambitions that Israel, with the support of its protectors, was endeavouring to fulfil in the Middle East. Israel was establishing Jewish settlements on the West Bank, expropriating Arab lands, persecuting Palestinian and Arab leaders, and endeavouring to change the physical and demographic composition of the occupied territories with a view to obliterating the identity of the Palestinian nation as rapidly as possible. The annexation of the Holy City of Jerusalem and the attempt to alter its juridical status had caused indignation throughout the Islamic world. The Islamic Conference had affirmed that the restoration of Jerusalem to Arab sovereignty was a prerequisite for any lasting peace in the Middle East. The application of Israeli law to the Syrian territory of the Golan Heights constituted another grave violation of the Charter, the Fourth Geneva Convention and several resolutions of the Security Council. The attack launched by Israel on Iraq's peaceful nuclear installations was yet another example of its disregard of international law and world opinion.

49. The prerequisites for a lasting peace in the Middle East were well known; they included the total withdrawal of Israel from all the occupied Arab and Palestinian territories, and the restitution of the inalienable rights of the Palestinian people, particularly their right to the establishment of a sovereign State. To that end, the PLO should participate in the peace process on an equal footing. Pakistan believed

that the proposals endorsed by the Arab Summit at Fez constituted a major initiative towards the achievement of a lasting peace. He concluded by expressing his conviction that no amount of coercion or manipulation could succeed much longer in denying the legitimate rights of the Palestinian people.

50. Mr. SCHIFTER (United States of America) suggested that the time had come to stop exacerbating the situation in the Middle East and to direct every effort towards peace. A number of statements on that question did not reflect the actual facts, including those made by some speakers who had attacked the United States.

51. His country had been constantly working for peace in the Middle East on the basis of Security Council resolutions 242 (1967) and 338 (1973). Since 1 September 1982, the parties concerned had been acquainted with President Reagan's proposal which, even if it did not please everyone, might for that very reason provide a foundation for peace.

52. All the members of the Commission recognized that the question under consideration was fundamentally a political issue concerning a state of war which had existed between Israel and most of the neighbouring States since 14 May 1948. The objective of the United States was to bring an end to that state of war. His country had not confined itself to words but had played an active role in helping Egypt and Israel to negotiate a peace treaty that had enabled Egypt to recover the Sinai Peninsula. The United States was currently endeavouring to establish peace between Israel and its other neighbours.

53. If the statements that had so far been delivered foreshadowed the resolutions to be adopted, those resolutions were not likely to contribute to the cause of peace. He quoted the words of President Reagan who, after deploring the tragic history of the Middle East, had declared that: "It is time for us all - in the Middle East and around the world - to call a halt to conflict, hatred and prejudice; it is time for us all to launch a common effort for reconstruction, peace and progress." His delegation urged all countries interested in achieving that objective to join in the endeavours being exerted by the United States of America.

54. Mr. SKALLI (Observer for Morocco) said that the situation of the Palestinian people had deteriorated during the past year as a result of acts of oppression designed to quell the resistance of the Arab population against the Zionist occupier. That policy of repression went hand in hand with a policy of Judaization of the occupied territories which was designed to facilitate their ultimate annexation with a view to the establishment of a "Greater Israel". The Palestinian people were being persecuted both in and outside their homeland. Those Palestinians living in Lebanon had been the target of the Israeli war machine. The attack launched on 6 June 1982 against Lebanon and the Palestinian people had assumed the proportions of a major undertaking aimed at exterminating the civilian Palestinian population. During the three months of warfare, civilians had been the prime target of the Israeli army. All the international rules concerning the protection of civilians had been cynically violated. It was through the international press, which had been strongly criticized by the Israeli Government, that the world had come to know that the Israeli army was using weapons, such as fragmentation and phosphorus bombs, which were prohibited by international law.

55. It should be added that, as had been admitted by the Israeli Minister of Defence himself, the invasion of Lebanon had been planned long in advance and, contrary to the justifications subsequently put forward, was in no way a war of legitimate self-defence. It was well and truly a war of aggression which violated a fundamental principle, namely the prohibition of the use of force in international relations.

56. The ruthless hounding of civilians had taken a tragic turn with the massacres of Palestinians in the camps of Sabra and Shatila. Crimes against peace, war crimes and crimes against humanity were punishable under international law and, in particular, the Charter of the Nürnberg International Military Tribunal, the 1949 Geneva Conventions and the 1907 Hague Convention. In that respect, therefore, there was reason to approve the recommendations of the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel. After much hesitation, under pressure from the Israeli people and a world public opinion shocked by the massacres, the Israeli Government had been compelled to appoint a Commission of Inquiry which, in a very short time, had implicitly implicated the principal Israeli leaders.

57. During the invasion of Lebanon, at least 10,000 persons had been arrested. They were totally unprotected and it seemed that their living conditions were extremely precarious. The Commission should show concern for their fate and demand that the 1949 Geneva Conventions should be applied to them by the Israeli Government.

58. The problem of the Near East in general, and the Palestinian question in particular, had been the focal point of the discussions at the second part of the Twelfth Arab Summit held in September 1982 at Fez, Morocco, under the chairmanship of King Hassan II. On that occasion, the Arab heads of State had drawn up an eight-point peace plan the principles of which had been favourably received by the international community since they were based on precepts of international law and, in particular, on resolutions of the United Nations calling for (i) Israeli withdrawal from all Arab territories occupied in 1967, including the Arab city of Al Quds (Jerusalem); (ii) the dismantling of the settlements established by Israel in the Arab territories since 1967; (iii) a guarantee of freedom of worship and belief for all religions in the holy places; (iv) reaffirmation of the right of the Palestinian people to self-determination and the exercise of their inalienable and indefeasible national rights under the leadership of the PLO, their sole legitimate representative, and compensation for all those not wishing to return to Palestine; (v) the placing of the West Bank and Gaza Strip under the control of the United Nations for a transitional period not exceeding a few months; (vi) the establishment of an independent Palestinian State with Al Quds as its capital; (vii) a Security Council guarantee of peace between all the States in the region, including the independent Palestinian State; and (viii) a Security Council guarantee that those principles would be respected.

59. The Arab peace plan offered an ideal framework for the settlement of the Middle East problem. However, its implementation would require time, since a conflict that had lasted almost 40 years could not be settled overnight. As a first step, the heads of State had decided to explain the plan. To that end, the Summit had established a committee composed of six Arab States and the PLO. The previous October, in his capacity as current Chairman of the Twelfth Arab Summit and Chairman of the Committee of Seven, King Hassan II had made an important statement on that question to the General Assembly of the United Nations. For their part, the Israeli authorities felt that

they were involved in a real race for the establishment of peace in the Middle East and, apparently, had no desire to see peace finally prevail in that region. They were therefore engaging in an increasing number of acts of defiance, manoeuvres and faits accomplis with a view to jeopardizing the peace plan, which had won virtually unanimous support among the international community. Accordingly, the Commission should take appropriate action to ensure respect for human rights in the occupied Arab territories, primarily by demanding that Israel should comply with the 1949 Geneva Conventions. The Commission should also do its utmost to enable the Palestinian people to enjoy their fundamental rights and, in particular, their right to self-determination.

60. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that the report of the Special Committee (A/37/485) bore witness to violations of human rights and increased repression and terror by the Israeli occupier, who was pursuing a policy of annexation in the occupied territories. It was not to be expected that the Palestinians would enjoy their human rights until they were able to exercise their right to self-determination. The documents under consideration noted that Israel was obstructing the economic development of the occupied territories and committing violations of the social order. Moreover, by modifying the local legislation, the military ordinances (of which almost a thousand had so far been issued) were preparing the way for annexation of the occupied territories. The intention was to install up to 1.5 million settlers, since, according to the Israeli Minister of Defence, mass colonization was the best response to the attempts that he believed were being made to impose plans on Israel.

61. The whole world had been shaken by the Israeli aggression in Lebanon. That bloody war, together with the policy that had been pursued in the occupied territories since 1967, left no doubt that the ultimate aim was to prevent the establishment of an independent State, to annex the occupied territories and to eliminate the PLO. Those events were reminiscent of the occupation of Byelorussia by the Nazis, who had wiped out whole communities in order to eliminate all witnesses. History had shown, however, that some witnesses always remained and that the criminals could not evade responsibility for their actions.

62. He pointed out that the weapons of war used by the Israelis were manufactured in the United States and that Israeli tactics in Lebanon recalled the scorched-earth policy applied by the United States in Viet Nam. The documentation merely confirmed that the United States was the accomplice of Israel, which was defending vital United States interests in the region. The Israeli military objectives tallied with the interests of the United States, which, for its part, had vetoed the adoption of a Security Council resolution which would have imposed sanctions on Israel. The United States had thereby prevented the Security Council from effectively discharging its functions.

63. His delegation condemned the invasion of Lebanon and the acts of oppression that had been committed in the occupied territories in disregard not only of United Nations resolutions but also of the Fourth Geneva Convention. The time had come to consider applying sanctions against Israel in conformity with Chapter VII of the Charter, and to take action to counter Israel's expansionist designs. His delegation firmly supported the Arab people in its struggle to reach a comprehensive political solution that would ensure the withdrawal of the aggressor from all the territories occupied since 1967, together with the establishment of an independent State, the PLO being recognized as the sole legitimate representative of the Palestinian people.

64. Mr. TRINH VAN ANH (Observer for Viet Nam) said that the invasion of Lebanon was the most recent of the serious violations of human rights committed by Israel against the Palestinian and Arab peoples with a view to eliminating the PLO and the Palestinian people as a historic and ethnic entity. To that end the Israeli army had used the most modern American weapons, some of which were prohibited under international law. Moreover, during the blockade of Beirut, Israeli troops had unleashed a reign of terror, cutting off supplies of food, water and medicine to the population in a deliberate attempt to deny their right to life. Those acts of terrorism had culminated in the massacres at Sabra and Shatila for which not only Israel but also the secret services of the United States must be held responsible. As had been pointed out at the Seminar held at Geneva in November 1982, those acts constituted war crimes, crimes of genocide and crimes against humanity and should be punished as such.

65. In defiance of the international community and the United Nations, Israel was continuing to occupy vast Arab territories in which it was denying the fundamental rights of the population, expanding its policy of annexation, and increasing the number of its settlements in the occupied territories, in flagrant violation of international law. The report of the Special Committee (A/37/485) had rightly concluded that the Palestinian people could not enjoy their rights as long as they were denied the right to self-determination.

66. The acts of aggression, racial repression and expansionism on which the State of Israel had been founded had resulted in several wars and constant destabilization of the region, thereby seriously threatening peace and security in the Middle East and throughout the world. However, Israel would not have been able to persist in its attitude without economic and military aid from the United States. In order to protect the Zionist regime, the United States had not hesitated to repeatedly abuse its right of veto in the Security Council. There were numerous examples of strategic co-operation between Washington and Tel Aviv, and the United States was profiting from the situation in Lebanon in order to impose its solution to the conflict and to strengthen its military presence with a view to ensuring its domination in the region. That was the reason why the United States, whose President had declared that he perceived in the Lebanese tragedy a new favourable opportunity, was rejecting the establishment of an independent and sovereign Palestinian State, refusing to negotiate with the PLO and encouraging Israel to obstruct a just solution to the question of Palestine. The United States must therefore bear full responsibility for the acts of aggression and other crimes committed by Israel, for the deteriorating situation in the Middle East, and for the impotence of the United Nations in the face of the Palestinian problem.

67. In order to reach a just and lasting solution to the problem of the Middle East, it was essential that the United States should abandon its policy of intervention in the region, discontinue its support for Israel, and stop misusing its right of veto. It was high time for the international community to take the action needed to ensure that Israel implemented all of the pertinent United Nations resolutions and withdrew immediately and unconditionally from Lebanon, the Golan Heights and the other Arab territories occupied since 1967, including Jerusalem. A just and equitable solution to the question of Palestine should be based on respect for the inalienable rights of the Palestinian people, their right to return to their homeland and recover possession of their land and property, their right to self-determination and the establishment of an independent and sovereign Palestinian State, and the right of the PLO to participate in any settlement on the same footing as the other parties.

68. The people and the Government of Viet Nam had consistently supported the just cause of the Palestinian people under the leadership of their sole legitimate representative, the PLO. On the occasion of the International Day of Solidarity with the Palestinian People, the Chairman of the Council of Ministers of the Socialist Republic of Viet Nam had stressed the need for international solidarity with Palestine.

69. Mr. MEBAZAA (Observer for Tunisia) said that the Commission was both a symbol and a manifestation of the conscience of the international community and, as such, should ensure real respect for human rights everywhere and under all circumstances. However, a few months previously, the international community had looked on helplessly while Israel had launched yet another war. That country, which was a past master in aggression and expansionism, had engaged in a campaign of destruction and extermination directed against a large section of the Palestinian population living in exile far from Israel's borders. That act of aggression had taken on a dimension out of all proportion to the fallacious pretexts that had been put forward and, in effect, amounted to a coldly premeditated act of genocide carried out against the Palestinian people in Lebanon. By starting that new war against an Arab country for the primary purpose of annihilating the Palestinian people, Israel was accelerating a process whose unforeseeable consequences were jeopardizing international peace and security.

70. Evidence of the essentially aggressive, colonialist and expansionist nature of Israeli policy had been accumulating for more than 30 years. Israel had consistently and systematically violated the rules of international law and flouted the decisions of international bodies. Only recently, a report by an international commission consisting of distinguished jurists, all of whom were nationals of Western European countries, had clearly implicated Israel. The most serious violation committed by Israel was its denial of the right of the Palestinian people to self-determination, despite the fact that the right concerned was regarded as a peremptory norm of contemporary international law. The successive wars waged by Israel, the occupation of Palestinian and other Arab territories, the policy of settlement in those territories and the acts of injustice and repression carried out against the Arab population resulted from Israel's obstinate refusal to recognize a Palestinian entity and a Palestinian people with a right to determine their own future and lead a free and independent life.

71. The ultimate objective of the criminal operation carried out by Israel in the summer of 1982 was the physical annihilation of the Palestinians and the destruction of the PLO. The aggressors had cherished the hope that they would thereby invalidate the very right to self-determination. The Seminar mentioned by previous speakers had concluded that Israel had committed acts tantamount to genocide as defined in article IX of the Convention on the Prevention and Punishment of the Crime of Genocide and that the States Parties to the Convention could resort to the compulsory jurisdiction of the Court without Israel's prior consent.

72. The Tunisian delegation hoped that the Commission would endorse the recommendations of that Seminar. As long as the Palestinian people lacked the freedom to choose the form of State that they desired and until such time as Israeli troops withdrew from the occupied Arab territories, Palestinian rights would continue to be violated.

73. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/37/485) was even more damning than previous reports in its indictment of the Israeli authorities.

The violations of fundamental rights of which Israel was guilty ranged from the violation of the right to life to the violation of judicial guarantees, security of person and legal personality, freedom of movement and residence, political rights, etc. In one sense, however, the most ominous event was undeniably the confiscation of Palestinian land for the benefit of Israeli settlers. Almost half of the land belonging to the Palestinians had apparently been confiscated. Israel was applying an overtly expansionist policy designed to bring about fundamental changes in the nature and the political, cultural, demographic and religious status of the occupied territories, and the increase in the number of settlements was an expedient foreshadowing the outright annexation of those territories. The Israeli Minister for Foreign Affairs had declared, moreover, that Israel had not signed the Camp David agreements with the intention of giving up the West Bank and the Gaza Strip.

74. There was every indication that the escalation was continuing. The neighbouring countries, part of whose territory was occupied, were being threatened. The time had surely come for the international community to take appropriate measures to put an end to that vicious spiral. It was to be feared that the Commission might be reduced to a forum for pointless exchanges of rhetoric and, above all, that the entire United Nations system might thereby be brought into disrepute.

75. The question to be answered was whether the countries which bore special responsibility for the establishment of Israel, the Middle East conflict in general, and the Palestinian tragedy in particular, were prepared to shoulder their responsibilities. To prevent the highest organs of the United Nations from halting the aggression or imposing sanctions capable of bringing Israel to its senses was tantamount to rewarding aggression. Nevertheless, the Tunisian delegation remained optimistic and hoped that, when the Commission came to consider the draft resolutions on the question of Palestine, it would speak out for inalienable rights, notwithstanding the adversaries of justice and peace.

76. Mr. AL JUBORI (Observer, League of Arab States) said that the reports issued by various international bodies gave a clear idea of Israeli practices directed against the Arab population. The Zionist occupation had resulted in acts of violence, the demolition of property, persecution, the desecration of holy places and especially of Christian churches, destruction of the archaeological heritage, the usurpation of land and the establishment of settlements. All such acts constituted crimes against humanity and violations of international conventions and resolutions concerning the occupied Arab territories.

77. Between 1967 and the end of August 1982 the occupying authorities had established 143 settlements on the West Bank and, between February 1982 and the end of December 1982, they had seized 43.5 per cent of the total area of land on the West Bank. In addition to the settlements already established, "nuclei" had also been created in preparation for the introduction of further settlements. Sixteen such nuclei had been created on the West Bank and the Golan Heights. Israel was justifying the establishment of settlements by the need to strengthen its internal and external security, and land was being expropriated under all manner of pretexts. After the seizure of land, the Israeli authorities had taken the logical next step of displacing the inhabitants in order to clear the territory of its indigenous population, and Palestinians living elsewhere were not allowed to return home.

78. The Israeli authorities had taken legislative measures to deprive the indigenous population of the right of access to precious water resources by forbidding the boring of new wells by Arabs. Chemical substances had been sprayed to destroy the vegetation, trees had been uprooted and exorbitant land taxes had been imposed on the rural population which, being unable to pay, had been forced to leave its land. The projected canal linking the Mediterranean to the Dead Sea was intended to facilitate the occupation of 70 per cent of the Arab lands extending as far as the Dead Sea, and would have the result of changing the traditional character of the territory. The international community should reject that project, which was incompatible with international law and the rights of the Palestinians.

79. In the educational sphere, the Israeli authorities had attacked the Institute for Palestine Studies at Beirut which had established a library of 25,000 works and rendered considerable services to researchers. Parcel bombs had been sent to the Institute with a view to destroying its stock of documents.

80. The Israeli occupation of the Arab territories was reminiscent of the Nazi period. Although the Arabs had not suffered from nazism, they were suffering its effects in the form of zionism, whose adherents found inspiration in nazism for the commission of the same crimes. Israel attached no importance to the recommendations and resolutions that were reiterated every year by the General Assembly, since it was supported by a Superpower that was profiting from that aggression.

81. He concluded by affirming the League's support for the peoples of Namibia and South Africa, who were struggling to liberate themselves from the oppressive domination of a regime that was receiving assistance from the Zionists.

82. Mr. HALEVI (Observer, Palestine Liberation Organization) said that, several decades after self-determination had been universally recognized as a fundamental human right embodied in a series of international instruments, it was still being denied in practice, and by some even in theory, to the Palestinian people. That denial had been expressed in acts of violence against the people of Palestine who, for more than 35 years, had been torn between exile and occupation. The forcible displacement, in 1948, of nearly 1 million Palestinians who had had to leave their lands, villages and houses had been followed, in 1967, by the occupation of all the remaining territory of former mandatory Palestine and, more recently, by the invasion and occupation of Lebanon.

83. Zionist colonization and expansion had brought ruin and devastation not only to the Palestinians but also to all the peoples of the region. The onslaught on Lebanon at the beginning of the previous summer was merely the latest development in the baneful process represented by the mass destruction of cities and camps, imprisonment, torture and disappearances, summary executions, assassinations, the massive displacement of populations, the bombing of densely inhabited quarters of West Beirut for more than two months and, finally, the wholesale massacre of women, old people and children in the camps of Sabra and Shatila.

84. By their very intention of establishing a wholly Jewish State in Arab Palestine, the Zionists were, in practice, obliged to deny the rights of the indigenous population. As a settler State based on ethnic and confessional exclusivity, it was

inevitable that the Zionist State would deny the very existence of the Palestinian people and, ultimately, purely and simply deny the human personality of the Palestinians. When they agreed to be dispossessed of their lands the Palestinians were labelled "Arabs of the land of Israel", but whenever they tried to resist they were designated as "terrorists". In a statement delivered to the Israeli Parliament Israel's Prime Minister, the terrorist Menachem Begin, had even gone to the extent of describing the Palestinians as "two-legged animals".

85. It was not surprising that massacres occurred when Israel's Zionist leaders were waging such a systematic campaign to dehumanize the Palestinians. Since Deir Yassin, where 254 men, women and children had been murdered in cold blood by Begin's men, the entire period from 1948 until Sabra and Shatila had been marked by bloody "reprisals". The extension of the Zionist system of apartheid had been prepared by large-scale massacres of innocent civilians with a view to demoralizing the survivors and aggravating the dispersion and dislocation of Palestinian society.

86. Faced with that prospect of annihilation, the Palestinian people had struggled with the inadequate means at their disposal to recover the inalienable rights to which they were entitled under the Charter of the United Nations, namely the right to return to their homeland, the right to self-determination, the right to enjoy civil and political freedoms everywhere in their homeland, and the right to establish their sovereign and independent State on Palestinian soil. The enjoyment of those rights, which was a prerequisite for the achievement of a just and lasting peace in the Middle East, was being prevented only by Israeli violence and the acquiescence of some Western countries, particularly the United States of America. He wondered how long the international community would remain helpless in the face of Israel's criminal violations of those fundamental principles of law and justice. The grave crisis resulting from that situation was likely to jeopardize the very credibility of the Organization.

87. The Zionist denial of the very existence of a Palestinian people had led the Israeli leaders to declare that they would never recognize the PLO. For the same reason they were refusing to abide by the Geneva Conventions and to grant Palestinian freedom-fighters the status of prisoners of war. Golda Meir had expressed a basic tenet of Zionist philosophy when she had said "there is no such thing as a Palestinian people". The denial of the Palestinian right to self-determination was the common denominator between Begin's "autonomy" and Peres' "Jordanian option". That denial formed the basis of the infamous Camp David accords, which had served only to leave Israel free to perpetrate its barbaric aggression against the Palestinian and Lebanese peoples. Furthermore, it formed the basis of the "Reagan Plan" that the Americans hoped would thereby be acceptable to the Zionist leaders.

88. The Palestine Liberation Organization, which included within its fold all the political tendencies and social forces of the Palestinian people whether in exile or under occupation, would continue to struggle for the establishment of an independent and sovereign State in Palestine and would never accept any "solution" that failed to recognize that right. At the same time, however, the PLO would go on striving for a just and comprehensive settlement based on all of the pertinent United Nations resolutions, from General Assembly resolution 181 (II) of 1947 onwards, which clearly recognized the right of the Palestinian people to self-determination and to return to their homes, affirmed their right to establish an independent State in Palestine and recognized the PLO as their sole legitimate representative. It was with that end in view that the most recent Arab Summit, held at Fez in Morocco, had adopted its resolutions, which the PLO fully supported.

89. In conclusion, he reminded the Commission that it should use every means at its disposal to inquire into Israeli violations of Palestinian human rights and to alleviate the suffering of the victims of such violations. The Commission should also be aware that the violation of human rights in the occupied territories would cease only when the Palestinian people were allowed to enjoy their right to self-determination. Until that right was recognized, the Palestinian people and their sole legitimate representative, the PLO, would continue to exercise their right to struggle and resist.

90. Mr. FRAMBACH (Observer for the German Democratic Republic) said that the shocking events that had recently occurred in Lebanon had once again prompted the Commission on Human Rights to consider the practices pursued by Israel in the occupied Arab and Palestinian territories. By attacking Lebanon and attempting to physically annihilate the Palestinians, Israel had dangerously escalated its policy. World-wide indignation had been expressed at the murder of thousands of Palestinians and Lebanese, particularly the massacres at Sabra and Shatila, the systematic destruction of Palestinian refugee camps, and the continued occupation of large areas of Lebanese territory.

91. Those events had once again furnished proof that Israel was receiving from overseas highly sophisticated weapons and equipment that enabled it to carry out its campaign of extermination. No one could be unaware of the complicity of Israel's strategic allies. At the same time, the aggravation of the international situation was encouraging Israel to commit increasingly brutal acts of aggression as part of the expansionist drive for a Greater Israel in which the ruling circles in Tel Aviv were engaged. To that end, Israel was attempting to solve the question of Palestine by physically exterminating the Palestinians and their legitimate representative, the PLO. Although history had shown that such attempts were doomed to failure, that did not make them any less inhuman or less dangerous to peace.

92. It was a fact that, given the growing number of concentration camps, human rights could not be respected under Israeli occupation. The violation of the most fundamental human rights, the denial of the right to live in peace, the theft and annexation of Palestinian land, property and natural resources, together with acts of terrorism, were characteristic of Israel's policy of colonization, which reflected a highly developed and cynically applied system for the violation of human rights based on the concept that might was equivalent to right.

93. It was only too understandable, therefore, that the Palestinian people should resist oppressive and despotic Israeli practices. The brave struggle of the Palestinians and their legitimate representative, the PLO, to ensure respect for their inalienable rights had received world-wide support. The German Democratic Republic wished to reaffirm its solidarity with the Palestinian people and would do its utmost to help them in their struggle. His country called upon Israel to immediately halt its policy of violating human rights in the occupied Arab territories.

94. The establishment of a lasting and comprehensive peace in the Middle East required immediate and complete Israeli withdrawal from all the Arab territories occupied since 1967, including Jerusalem. Recognition of the legitimate rights of the Arab people of Palestine, including their right to the establishment of an independent State, implied participation by the PLO in all negotiations held with a view to solving the question of Palestine and the Middle East conflict.

95. Mr. KIS (Observer for Hungary) said that the Government of Israel was continuing its illegal occupation of Arab territories in which it was imposing its own law, expropriating the land of the population and altering the geographic and demographic character of various localities in defiance of the Charter and numerous resolutions of the United Nations and in violation of international law. It was clear that Israel would be unable to pursue its aggressive policy without substantial support from some Member States. All aspects of the life of the civilian population in the occupied territories were subjected to the military power of Israel, which had also extended its occupation to a large part of Lebanon, thereby threatening international peace and security. That aggressive policy had recently culminated in the siege of Beirut and the massacre of innocent women, children and elderly persons in the Palestinian refugee camps. The reports submitted to the Commission, particularly that of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/37/485 - E/CN.4/1983/6), provided ample evidence that the Government of Israel was guilty not only of serious and large-scale violations of human rights but also of genocide. That Government would inevitably face the consequences of its policy and would be judged by history for its crimes.

96. In the view of the Hungarian People's Republic, the decisions taken by Israel to change the legal status and the geographic and demographic character of the occupied territories, including the West Bank and the Syrian Golan Heights, were null and void. The Hungarian Government believed that the only way to ensure respect for the human rights of the population of the occupied territories was to put an end to Israel's expansionist and aggressive policy. A just and lasting settlement of the Middle East crisis required unconditional Israeli withdrawal from all the Arab territories occupied since 1967 and the recognition and exercise of the inalienable national and human rights of the Palestinian people, including their right to self-determination and the establishment of a sovereign and independent State. All States in the region, including Israel, should also be assured of their right to live in peace within secure and internationally recognized boundaries.

97. The Hungarian delegation fully endorsed the conclusions and recommendations of the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva in 1982, since those conclusions and recommendations listed the measures that could and should be taken in order to reach a just and comprehensive solution to the Middle East crisis. The Hungarian People's Republic fully supported the Palestinian people and its sole legitimate representative, the Palestine Liberation Organization, and was doing everything in its power to help them in their struggle to recover their inalienable rights, particularly their right to return to their homeland and establish their own independent State.

98. Mr. DABBAGH (Observer for Kuwait) said that, year after year, the Commission had to examine the question of the violation of human rights in the occupied Arab territories, including Palestine, since Israel was persistently acting in violation of human rights and in defiance of resolutions adopted by the United Nations. The Palestinians were continuing to be persecuted in the occupied territories. Hundreds of them, whose only crime was that of claiming the right to repel the invader, were being imprisoned and tortured. Israel was continuing to blow up their houses and illegally occupy their lands with a view to the establishment of colonies of foreign settlers who would change the character of those territories. Apart from the territories occupied in 1967, the acts of aggression committed by the Israelis in 1982 had been mainly directed against a neighbouring Arab country. The capital of that country had

been devastated and its defenceless inhabitants inhumanly massacred. At Sabra and Shatila the massacres had been all the more deplorable since their victims included women, children and elderly persons.

99. Those tragic events were the result of the Zionist policy based on racial discrimination, military expansionism and the belief that there was a chosen people with the right to exist at the expense of other peoples. In order to put an end to that tragedy, it was essential to tackle the problem at its roots. The acts committed by Israel must be strongly condemned. The international community had rejected any theory based on racial discrimination and denial of the right of self-determination to the Palestinian, Namibian or any other subject people. History showed that any attempt to eliminate a people by any means whatsoever, including genocide, was doomed to failure and led only to conflict. Since the day, in 1917, when the British colonialists had promised to establish a Jewish State in Palestine, the Palestinian people had manifested their resolve to struggle for their existence and the recognition of their legitimate rights. They had shown that they would never allow others to decide their destiny. The partition of Palestine, decided upon by the United Nations, had subsequently prompted Israel to expel the inhabitants of that country, in defiance of all the resolutions adopted by that very Organization in that respect. The Palestinian people had shown, however, that Israel's expansionist aims, even if supported by shipments of foreign weapons, would never succeed in destroying them or suppressing their legitimate rights.

100. Awareness of those historical facts should provide an incentive to put an end not only to the injustice suffered by the Palestinian people, but also to the aid with which the United States of America was supporting the racist Zionist policy. For years appeals had been made to the effect that the PLO, the legitimate representative of the Palestinian people, should recognize the existence of Israel as a prerequisite for any settlement of the question of Palestine. Yet why should the Palestinians be required to recognize the right to existence of their aggressor when the latter did not recognize the legitimate rights of a people who had been expelled from their homeland? It was regrettable, moreover, that a major power was continuing to insist on that unjustifiable prerequisite. However, the responsibility for the present situation must be borne by the entire international community. The least that could be expected of any State was the suspension of its economic aid to Israel until such time as that country complied with the resolutions of the United Nations. Any State that supported Israel was indirectly helping it to kill innocent persons with a view to the establishment of settlements in the occupied territories in total disregard of contemporary international opinion. It was high time for the conscience of the world to awake. At the Fez Summit, the Governments of the Arab countries had sought a just and lasting solution to that situation but their courageous proposals had not met with sufficient response from the international community, which was adopting a passive attitude and confining itself to condemnation of Israeli crimes as though it was only remotely concerned.

101. The Kuwaiti delegation believed that the violations of the human rights of the population of the occupied territories posed a threat to international peace. It was important to find a solution to that tragic situation and to recognize the legitimate rights of the Palestinian people, particularly their right to self-determination, and the need for unconditional withdrawal by the aggressor from the territories occupied by force on the West Bank and in the Gaza Strip and the Golan Heights. It was time for words to be backed up by deeds.

102. Mr. EL REEDY (Observer for Egypt) said that he could not agree with speakers who claimed that, during the last 15 years, the Commission's consideration of the question of the violation of human rights in the occupied Arab territories had been a waste of time. In reality, they were seeking to undermine confidence not only in the conscience of the world but also in the sum total of the principles and international instruments which constituted international humanitarian law.

103. The violations of the human rights of Palestinians and Syrians in the occupied territories were an inevitable consequence of the occupation of those territories by Israel. In that respect, the Egyptian delegation fully endorsed the statement contained in paragraph 287 of the report of the Special Committee (A/37/485) to the effect that it was vital that the international community should recognize that the violation of human rights in the occupied territories would cease only when the Palestinian people were allowed to enjoy their right to self-determination and that the Syrian nationals in the Golan Heights, who were themselves under occupation, would not secure their own rights until that territory was reintegrated into Syrian territory. It was undeniable that occupation represented the most striking example of the violation of individual and collective human rights. In that respect, the cause of human rights had suffered a severe setback when Israel had invaded Lebanese territory in June 1982, thereby extending its occupation to further Arab territories and imposing a foreign military government on the people of Lebanon. Once again, Israel had hounded the Palestinians in the very camps in which they had taken refuge since their dispersion in 1967.

104. That invasion and the tragic events to which it had given rise had once again highlighted the interdependence between the cause of human rights and that of peace. Egypt wished to emphasize both the right to existence of the peoples of the region and the need for a just peace that would enable all those peoples to live in freedom, security and equality. That general conception of peace had been embodied in the Charter of the United Nations, which rejected occupation and invasion and affirmed the right of States to exercise their sovereignty over their own territory and also the right of peoples to self-determination. Furthermore, the Universal Declaration of Human Rights had reaffirmed the right of every person to live without fear in an environment characterized by justice.

105. The present difficulties stemmed from the fact that the Israeli Government was showing an expansionist tendency manifested in the occupation of Arab territories and was endeavouring to impose its presence throughout the region. The establishment of settlements constituted a serious violation of the rules of international law and represented a dangerous obstacle to peace, since it was giving rise to feelings of despair and frustration among the Palestinians in the occupied Arab territories. Under those conditions, Israeli offers to negotiate were virtually meaningless and were essentially designed for purposes of propaganda. In that respect, he emphasized the statement made the previous day by President Reagan, who had called upon Israel to put an end to its policy of establishing settlements in the occupied Arab territories. According to the Israeli leaders, the presence of Israelis in the region was motivated by security considerations. In reality, however, that policy constituted an obstacle to peace since it had led to the bombing of the Iraqi nuclear reactor near Baghdad, the invasion of Lebanon and the reign of terror to which the Palestinians were subjected in the occupied Arab territories. That policy, although doomed to failure, posed a serious threat to world peace and many Israelis had come to realize the dangers that it entailed.

106. His delegation wished to pay a tribute to all the proposals that had been made with a view to the achievement of a just peace in the region. As in the past, Egypt was supporting the Palestinian people and the PLO, which was playing a major role in that people's heroic struggle to secure recognition of their legitimate rights and the establishment of a just peace. Egypt had taken an active part in the struggle of the Arab countries for liberation, progress and reconciliation, not only for the benefit of all the peoples of the region but also in the interests of international stability.

107. The recent massacres at Sabra, Shatila and Beirut could not be forgotten. Nevertheless, it should be noted that many people had demonstrated, even in the streets of Israel, in condemnation of those massacres and in favour of the establishment of a just peace. The Egyptian delegation therefore felt that there was reason to hope that the international community was witnessing the final phase of the tragedy from which the peoples of the Middle East were suffering.

108. Mr. ALBADRAN (Observer for Iraq) said that, although neither the Charter of the United Nations nor any other international instrument recognized any right to what was acquired through the use of force or recourse to aggression, Israel was obstinately attempting to occupy territories by such means. In addition to the Arab territories occupied in 1967, Israel had invaded more than half of Lebanon and had committed an act of aggression against the sovereignty of Iraq by bombing a nuclear reactor used for peaceful purposes. Since its establishment, Israel had been responsible for numerous barbaric crimes, of which the massacres at Sabra and Shatila were the most recent example. He wondered what the world could expect from an entity which resorted exclusively to brute force, which did not respect the rights of the population of the territories that it had occupied and was continuing to occupy by force, and which did not hesitate to commit the worst acts of aggression. It was unlikely that Israel would voluntarily implement the equitable decisions of international organizations while it was receiving financial aid, weapons and political support from some countries and, in particular, from the United States of America.

109. The task of the Commission was made all the more difficult by the fact that pressures were being exerted with a view to impeding implementation of the decisions adopted by the international community. Nevertheless, the latter must face up to its responsibility with regard to the maintenance of international peace and security by opposing aggression and preventing enslavement and all other crimes against the person. The international community must do everything in its power to discharge its responsibility and ensure the implementation of the resolutions adopted by the United Nations and the specialized agencies on the subject of respect for human rights in the occupied Arab territories, including Palestine.

110. More than ever before, there was a need to affirm the inalienable right of the Palestinian people to the establishment of an independent State under the leadership of its sole legitimate representative, the PLO; to demand an end to the Zionist occupation of all the occupied Arab territories, including Palestine; to stress the importance of the application of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War; to condemn the crimes committed against the Palestinian people, particularly in the occupied Arab territories; to protest against the establishment of settlements in the occupied Arab territories; to call upon all States members of international organizations to refrain from providing Israel with economic, military or political aid; to impose on Israel

sanctions similar to those that had been imposed on South Africa; to prevail upon Israel to respect and apply international conventions and agreements; to encourage bodies within the United Nations system and, in particular, the Special Committee to continue their investigation of Israeli practices in the occupied Arab territories and of the exercise by the Palestinians of their inalienable rights; and, finally, to call upon the specialized agencies and international organizations to continue to support and assist the Palestinian people and the Arab population of the occupied territories.

111. Mr. SOFFER (Observer for Israel) expressed the view that the opening of direct negotiations between Lebanon and Israel on 28 December 1982 marked a decisive step towards peace in the Middle East. Those negotiations, which had taken place alternately in both of those countries, were a token of mutual goodwill. Unfortunately, however, that step towards peace was not to the liking of the States of the rejection front and some of their allies.

112. In the name of truth, and in order to refute various accusations, he felt obliged to restate certain facts concerning the Lebanese question. He recalled that, in the 1970s, the PLO had taken control of some parts of southern Lebanon in order to carry out its operations in which Israeli children were its favourite target. During the course of countless acts of butchery children had been machine-gunned, thrown from windows, burnt to death or had their throats cut. Numerous civilians had fallen victim to the crimes committed by the PLO within Israeli territory, quite apart from the ruthless shelling of towns in Galilee, the assassination of a large number of diplomats, the hijacking of aircraft, the seizure of hostages, and anti-Semitic acts of violence.

113. Israel would have had no reason to intervene in Lebanon in June 1982 if the Lebanese State itself had been capable of ensuring respect for international law by preventing the groups of foreign terrorists occupying its territory from using the latter to attack Israel. However, being neutralized by the dual foreign occupation of its territory by Syria and the PLO and torn apart by eight years of civil war, Lebanon had been incapable of fulfilling its obligations under international law. Since 1975 an unrelenting civil war had claimed 100,000 innocent lives according to the Lebanese authorities, or 150,000 according to some Christian sources. The tragedy of Sabra and Shatila had to be viewed in that context.

114. He found it astonishing that, instead of strongly condemning the culprits and naming the assassins, some speakers had been attacking his country. The number of victims would have been even higher if the Israeli army had not intervened to halt clashes as soon as they had been brought to its notice.

115. He pointed out that, by exercising its right of self-defence, Israel had succeeded where all international bodies and other powers had failed, namely in ensuring the restoration of a sovereign and representative Lebanese Government, the expulsion of the PLO terrorists from southern Lebanon and Beirut, the reunification of the latter city, the dismantling of international terrorism, security for the northern borders of Israel, and the opening of direct negotiations between Israel and Lebanon.

116. Mr. SAKER (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, emphasized that the negotiations between Israel and Lebanon had begun while Israel was still occupying Arab territories from which it had repeatedly been called upon to withdraw by the international community. He also pointed out that Lebanon had not been subjected to a dual occupation by Syrians and Palestinians since both had entered the country with the consent of the Lebanese Government. Moreover, the representative of Israel was incorrect in claiming that, by intervening in Lebanon, the Israelis had put an end to a massacre which would otherwise have taken an even greater toll of human lives. The media had unanimously condemned Israel for its policy of aggression and annexation, its establishment of settlements, its demolition of houses, its expropriation of land, its shooting of peaceful student demonstrators, and its alteration of the geographic and cultural features of the region. The international community had been unanimous in demanding Israeli withdrawal from the Golan Heights and in praising the heroism of the Syrians in the occupied Arab territories. It had been proved that Israel had mobilized its forces, engaged in military aggression and committed various other offences with the support of the United States of America and the South African regime. The international community had also been unanimous in demanding that Israel should compensate the victims of its crimes. In short, world opinion was in favour of a just and equitable solution which, under the auspices of the United Nations, would guarantee complete Israeli withdrawal from the occupied Arab territories and enable the Palestinian people to exercise their legitimate rights under the leadership of the PLO.

117. Israel was an aggressive State which had already shown that it did not hesitate to violate international conventions. He expressed the hope that the representative of the United States of America would transmit to his Government the appeals for peace that had been made in the Commission and which merited an effective response. Numerous American associations and a large number of Jewish Americans recognized the rights of the Palestinian people, including their right to establish an independent State in the Middle East.

118. Mr. ARMALIE (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that the only new element in the habitual distortion of facts by the Israeli delegation related to the highly humanitarian role of rescuer allegedly played by the Israeli occupation forces at Sabra and Shatila.

119. Under international law, the occupying force bore responsibility for everything that happened in the territories that it occupied. In the particular case, it had been clearly established that the perpetrators of the massacres had entered the Palestinian camps under arrangements made by the Israeli Government two months beforehand.

120. Contrary to the allegation made by the representative of Israel, the Palestinians had not caused the Lebanese civil war. The Palestinian presence in Lebanon since 1948 was solely the result of the Israeli policy of aggression, terror and expulsion that had led to the dispersal of the Palestinians not only among several Arab countries but throughout the world.

121. Once again the Israeli delegation had stigmatized as anti-Semitic all those who were opposed to Israeli policy or who were legitimately exercising their right to resist the occupation. That old refrain no longer convinced anyone. On the contrary, Israeli policy was being increasingly criticized throughout the world, even among the Jewish communities.

122. Referring to the statement made by the representative of the United States of America, he said that he too was tired of the vehement rhetoric that was heard year after year in the Commission. However, it should be repeated that the sufferings of the Palestinian people were increasing only because of the perpetuation of the real cause of the tragedy afflicting the region, namely the acts of aggression committed by Israel and the latter's refusal to recognize the legitimate national rights of the Palestinian people. To alleviate those sufferings, instead of resorting to subterfuges such as offers of autonomy the United States of America should respond to the appeal of the international community for recognition of the right of the Palestinian people to self-determination and its natural consequence, the establishment of an independent State. In that way a really effective contribution would be made to the cause of world peace.

123. Mr. SOFFER (Observer for Israel), speaking in exercise of the right of reply, recalled some aspects that the representative of Syria appeared to have forgotten; the 40,000 Syrian civilians massacred at Hama by the Syrian army itself in 1982; the systematic persecution of the Syrian Jewish community, the genocidal campaign launched by the Syrian army of occupation against the Christian community, the devastation of dozens of Lebanese villages and the civil war into which Syria, with the help of the PLO, had plunged Lebanon since its invasion of that country. Moreover, Syria, together with the PLO, bore direct responsibility for the death of more than 100,000 Lebanese civilians killed in the war since 1975, and the Syrian Government had never recognized the existence of the Lebanese State, which it still regarded as forming an integral part of Greater Syria.

124. Mr. SOLÁ VILA (Cuba), speaking on a point of order, said that the observer for Israel appeared to be straying from the items under consideration.

125. The CHAIRMAN drew attention to the two agenda items that the Commission was currently considering, namely item 4 and item 9.

126. Mr. SOFFER (Observer for Israel), continuing his statement, reminded the observer for Syria that, after eight years of anti-Christian oppression in Lebanon, Syria and the PLO bore a direct responsibility for the tragic settling of scores at Sabra and Shatila. The Government of Syria, which was persecuting its ethnic and religious minorities, oppressing its citizens, attacking its neighbours and instigating wars and acts of terrorism, was apparently seeking to divert public attention from its own actions by casting aspersions on Israel.

127. Furthermore, the observer for Iraq appeared to have forgotten not only the war of aggression that his country had launched against Iran, and which had already cost hundreds of thousands of lives, but also the genocidal campaign directed against the Kurdish people. The observer for Iraq should remember that the human rights situation in his country was so serious that Amnesty International had felt obliged to devote a special report to Iraq in which the systematic use of torture had been established.

128. Some Arab States were casting aspersions on Israel in a desperate attempt to obstruct peace and throw the blame for the situation on to others. However, the negotiations recently opened between Lebanon and Israel, which, it was to be hoped, would result in a real peace, provided conclusive proof that the guile employed by the enemies of peace was not always successful.

129. Mr. SERGIWA (Libyan Arab Jamahiriya), speaking in exercise of the right of reply, wondered how the Israeli delegation could claim to be working for peace in the Middle East when the Zionist entity was responsible for the massacres at Sabra and Shatila, the expulsion of the Palestinian people and the occupation of their territory, and the annexation of Jerusalem and the Golan Heights. The main

perpetrators of terrorism in the region were those who had massacred or imprisoned countless Palestinians whose only objective was the exercise of their people's right to self-determination.

130. Mr. SAKER (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, pointed out that the game in which the representative of Israel was indulging was no longer acceptable to anyone, not even in Jewish society. It was incorrect to claim that Syria was persecuting the Jewish community since some of the most thriving businesses in his country were owned by members of that community and Jewish doctors and lawyers enjoyed freedom to exercise their professions. The alleged persecution of Christians in Syria and Lebanon quite simply did not exist.

131. The objective to be pursued was the establishment of peace in the region. The requirements for the achievement of that objective were unlikely to be met by the occupation of more land, the demarcation of new borders and the alteration of the character of the occupied territories. All the indications were that Israel did not respect human rights, notwithstanding the fact that, when the State of Israel had been established in 1947, it had been understood that that State should comply with international law and, in particular, respect human rights. It was reassuring to note that the international community was becoming increasingly aware of that aspect of the question.

132. Mr. ALBADRAN (Observer for Iraq), speaking in exercise of the right of reply, recalled Israel's destruction of a nuclear reactor in Iraq. He stressed that the arguments put forward by Israel had not convinced international public opinion, which had strongly condemned that act of aggression. With regard to acts of war, he emphasized the relations between Israel and the State that had committed an act of aggression against Iraq. Finally, he pointed out that the President of Amnesty International was currently on an official visit to Baghdad and that the results of his mission would shortly be made known.

The meeting rose at 7.40 p.m.