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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva
on Thursday, 4 February 1982, at 4.30 p.m.

Chairman:

Mr. GARVALOV

(Bulgaria)

CONTENTS

Questions 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 4.50 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1481, E/CN.4/1482, E/CN.4/1483 and Add.1; A/36/706-S/14762)

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.4/1477 and Add.1, E/CN.4/1487, E/CN.4/1490, E/CN.4/1491, E/CN.4/1498, E/CN.4/1982/3, E/CN.4/1982/6)

1. Mr. MEBAZAA (Observer for Tunisia) said the reason why items 4 and 9 remained on the Commission's agenda without any sign of a solution to most of the issues they raised was that the law of force had consistently prevailed over the force of law. The fears expressed in General Assembly resolution 35/122 about Israel's intentions with regard to the Syrian Golan Heights were merely a logical deduction from Israel's previous behavior and had rapidly proved justified. By annexing the Golan Heights, Israel was continuing its defiance of international law and speeding up a process whose consequences were unpredictable.
2. The explosive situation in the Middle East was becoming an increasing threat to international peace and security. Such was the conclusion of the thirteenth report (A/36/579) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which amply documented Israel's policy of Judaization and colonization as a prelude to annexation pure and simple. In their public statements, Israeli leaders made no secret of their intention of pursuing their policy of aggression towards neighbouring Arab countries and absolute negation of the rights of the Palestinian people to self-determination. That situation had now lasted for over 30 years. The international community had both the right and the duty to go beyond the stage of verbal condemnation and take all appropriate steps to put an end to the vicious circle of violence, aggression and denial of the rights of individuals and peoples. Any effort in that direction must deal with the root of the conflict in the Middle East - the right of the Palestinian people to live freely in an independent sovereign State.
3. On the issue of self-determination, southern Africa was faring no better. An outdated colonialism and that most odious form of racism, apartheid, still flourished. The government in Pretoria was reinforcing its racist legislation and attempting to extend apartheid to Namibia, which it still occupied illegally. The proposals for a settlement of the Namibian issue under United Nations auspices had lost momentum owing to the delaying tactics of the Government in Pretoria, which thus clearly revealed its true intentions.
4. There was no doubt that the oppressed peoples would regain their liberty and dignity in the end; meanwhile, the role of the United Nations through all its organs remained indispensable. He was confident that, with a wide consensus, the Commission would adopt appropriate measures to uphold law and justice, but however decisive the contribution of the United Nations might be, all men of goodwill must actively support the cause of liberation until those ideals triumphed throughout the world.
5. Mr. AL-QASIM (International Organization for the Elimination of all Forms of Racial Discrimination) said that his organization's founding declaration accepted the definition of racial discrimination contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination and asserted that triumph over a particular racist system was a triumph not merely for its victims

but for all mankind, because whatever diminished some diminished all. In compliance with that idea and guided by the relevant United Nations resolutions and declarations, his organization attempted to expose racial discrimination wherever it was practised. However, it had naturally paid special attention to the ideologies of apartheid and zionism for three reasons: there was almost unanimous agreement in the United Nations about them; they constituted a serious threat to world peace and security; and they involved a denial of the basic rights of their victims to the extent of potential genocide.

6. The racist régimes in Israel and South Africa had achieved nothing but bloodshed and insecurity, even for their own citizens. However, Israel still persisted in its racist policy against the Palestinian people. One of the fruits of the Camp David accords had been the promulgation of legislation entitled "Law of Land Acquisition in the Negev; Peace Agreement with Egypt, 1980" whereby Bedouins could be evicted without recourse to legal appeal. Such legislation, which was surely unthinkable under any civilized legal system, was rendered particularly ironic by the fact that in 1980 Israel had decided to accede to the International Convention on the Elimination of All Forms of Racial Discrimination, under which it undertook to rescind any municipal laws which promoted racial discrimination. However, it was perhaps more surprising that Israel had enacted any legislation at all: as a rule in such matters as expropriation it acted through the military so as to deny any possibility of judicial review.

7. Some people still believed that torture did not constitute part of the Israeli system on the grounds that no regulation authorized it, Israel having in theory adopted the United Nations Standard Rules for the Treatment of Prisoners. However, that was merely a device to give a racist régime the appearance of legality. It was impossible to implement racist policies without resort to repression, since they naturally produced resistance on the part of the victims and a vicious circle ensued.

8. Another illustration of the racist ideology of Israel was the attempt to create an exclusive Jewish State by getting rid of the indigenous Palestinians. Those who had been evicted in 1948 were denied the right of return to their country, in breach of article 13 of the Universal Declaration of Human Rights, and within Israel the Israeli authorities were creating conditions which forced Arabs to leave by depriving them of their means of livelihood. Israel also endeavoured to keep its Arab population backward by discriminating against them in the provision of education at all levels.

9. Furthermore, racist régimes by their nature could not live in peace with their neighbours, whom they regarded as potential adversaries. In the case of Israel, the annexation of the Golan Heights and the attack on the Iraqi nuclear reactor were the logical consequences of its racist policy.

10. At the Nuremburg trials, Nazi criminals had been rightly convicted of racist crimes against the Jews. It was **saddening** that Zionists were currently committing similar crimes, and that fact was deplored by the many Jews who refused to associate themselves with zionism for the sake of Jews, Palestinians and the world at large.

11. Mrs. GU Yijie (China) said that the documents before the Committee and the introductory statement by the Director of the Division of Human Rights revealed the indisputable facts concerning the Israeli authorities' gross violations of the human rights of Palestinian and other Arab inhabitants of the occupied territories, in large tracts of which the Israelis had been illegally present since 1948. For 34 years the Palestinian people had been deprived of its homeland and the right to self-determination; its basic rights had suffered as a result of the Israeli authorities' barbarous policies aimed at perpetuating their occupation of the Arab territories. Jewish settlement there had been stepped up; land was confiscated, water resources controlled and military installations reinforced. Israel had annexed Jerusalem, had intensified military raids on Palestinian refugee communities and neighbouring Arab States, and had now decided to impose its laws in the Golan Heights - a measure which the Chinese Government deemed illegal and one which again exposed Israel as the cause of breaches of peace in the Middle East. Israel's audacity in thus violating the norms of international law and fundamental human rights stemmed from its major role in United States Middle East strategy. All such attempts to change the legal status, geographical nature and demographic composition of the occupied territories were illegal, and were opposed by the international community.

12. The Palestinian people, led by the Palestine Liberation Organization (PLO), its sole legitimate representative, continued undaunted in the struggle to restore its national rights. That struggle had won increasingly widespread support and sympathy, and was reflected in General Assembly and Security Council resolutions, which inter alia demanded the immediate, unconditional and total withdrawal of Israel from all occupied territories. Similar calls had been made at the Summit Conference and Foreign Ministers' Conference of Non-Aligned Countries and at meetings of the Islamic countries; and resolutions had been adopted by the Commission and the Economic and Social Council strongly opposing Israel's grave violation of the Palestinian people's rights.

13. The Chinese Government and people would continue resolutely to support the Palestinian and other Arab peoples in their just struggle to recover their territories; they strongly condemned Israel for its crimes of aggression and expansion and for violating the human rights of the Arab inhabitants of the occupied territories. It was to be hoped that the Commission, at its current session, would take further effective measures aimed at restoring to the Palestinian people their human rights and freedoms, including the right to self-determination.

14. Mr. VO (Observer for Viet Nam) said that the question of respect for the inalienable rights of the people of Palestine had been and continued to be a problem for the conscience of all progressive mankind; it was not merely a matter of restoring the fundamental rights of a people forced by Zionist expansionism to leave its country but of liquidating the factors which continued to make that region one of the world's most sensitive areas. Four wars had broken out there within the space of three decades and their consequences continued to be far from resolved. The solutions to the Middle East problem, of which the kernel was the question of Palestine, involved not only the destiny of the peoples of that region but also the maintenance of international peace and security.

15. Many resolutions of the Commission on Human Rights, the General Assembly and the Security Council had strongly condemned Israel's continuing acts of aggression against the peoples of Palestine and other Arab countries. Particularly deplorable was the fact that over the past few years the acts committed by Tel Aviv, such as the annexation of Jerusalem - an integral part of the holy territory of the Arab nation, the establishment of new settlements, the expansion of existing settlements in the occupied Arab territories and excavations threatening Islamic buildings were clearly part of a deliberate plan of provocation. Furthermore, the acts of aggression against the people of Palestine and repeated attacks against civilian targets in Iraq, Syria and Lebanon indicated a State policy of flagrant international terrorism.

16. Caring naught for all the resolutions of the United Nations and the unanimous condemnation of world public opinion, Israel had blatantly intensified its warlike activities against the peoples of Palestine and the other Arab countries.

17. Quite clearly, Israel would be unable to persist in its arrogant behaviour without support and encouragement from the United States authorities. Successive United States Governments had, in both word and deed, within and outside the United Nations, continued to show their determination to support at all costs the policy of expansion and aggression pursued by the Israeli Zionists. That policy had received further impetus under the new United States administration.

18. After having proclaimed the Washington-Tel Aviv strategic alliance, the United States was intensifying its aid to Israel, aid which was aimed at transforming that country into an advance United States base in the Middle East and imposing United States political, economic and military domination over all the peoples of the region. Recent developments in that part of the world showed that Washington was persisting in its refusal to abandon the Camp David path, i.e. separate agreements at the expense of the interests of the Palestinian and Arab peoples. To open the way to a just and lasting solution to the problem of the Middle East, it was essential, first of all, that the United States should abandon its policy of intervention and aggression against the peoples and countries of the region, and cease supporting the expansionist designs of the Israeli Zionists.

19. It was the urgent duty of the international community to take specific measures which would oblige Israel to conform to the numerous United Nations resolutions concerning a just solution to the question of Palestine. Such a solution should be based on the following principles: respect for the fundamental national rights of the Palestinian people; the right of the Palestinian people to self-determination and independence, including the right to establish its own independent sovereign State; total and unconditional evacuation by Israel of all the occupied Arab territories; the right of the PLO, the sole legitimate representative of the people of Palestine, to participate on an equal footing with the other parties concerned in the formulation, adoption and implementation of any solution to the problem of Palestine.

20. The people of Viet Nam had always supported the Palestinians in their just cause of national liberation. The visit of Yasir Arafat to Viet Nam in October 1981 was a further vivid demonstration of the growing ties of friendship and solidarity between the two peoples. In that connection, the joint Vietnamese-Palestinian communiqué issued on the occasion of that visit had reaffirmed that the

people and Government of Viet Nam firmly supported the people of Palestine, under the leadership of the PLO, in its struggle to regain its fundamental national rights, including the right to return to its homeland, the right to self-determination and the right to establish on its soil an independent and sovereign Palestinian State, with Jerusalem as capital. In the communiqué, the Vietnamese authorities had strongly condemned the Camp David accords and the separate Egyptian-Israeli treaty, which it regarded as a betrayal of the cause of the people of Palestine and the entire Arab nation.

21. On 14 December 1981, the international community had once again been confronted with a flagrant violation of the principles of the Charter of the United Nations by the Israeli Government, which had decided to impose its laws on the Syrian Golan Heights. That act constituted a gross violation of the sovereignty and territorial integrity of the Syrian Arab Republic, and trampled underfoot all norms of international law and morality, in particular the principle of the inadmissibility of acquiring territory by force.

22. The successive acts carried out in the Golan area, including the establishment of settlements, confiscation of land, intensification of repression and imposition of Israeli citizenship on Syrian nationals, demonstrated clearly Israel's desire for expansion and annexation, which in the long term aimed at a so-called Greater Israel extending from the Nile to the Euphrates.

23. It was no secret that the act of annexation committed against Syria would have been impossible without the renewed encouragement of the United States, which bore a heavy responsibility towards the Arab peoples and the whole world for its complicity and protection so generously granted to the Israeli aggressors.

24. As the annexation of the Golan Heights was an act of flagrant aggression, appropriate sanctions should be taken against the perpetrators of that act. The Security Council should take as a matter of urgency the measures provided for under Chapter VII of the Charter in order to respond to the legitimate request of the Government of the Syrian Arab Republic. It was, however, deeply regrettable that once again the Security Council had been unable to carry out its responsibilities because of the United States veto. His Government considered that the decision by Israel to impose its laws, jurisdiction and administration in the occupied Golan Heights was null and void and without international legal effect, and it would continue to regard the Heights as a legitimate integral part of the Syrian Arab Republic.

25. Mr. OMAEIR (Observer for the League of Arab States), referring to the documents before the Commission, expressed the hope that members would strongly condemn Israel, which had deprived the Palestinians of their homeland since 1948 and had committed a long list of crimes against the Arab inhabitants of the occupied territories, including killing, expropriation of property, expulsion and the detention of prisoners in inhuman conditions.

26. With regard to the decision by the Israeli authorities to annex the Syrian Golan Heights, it was to be regretted that the Security Council had been unable to adopt sanctions against Israel for that illegal act because of the United States veto. There was no doubt that Israel would repeat its attack against the nuclear reactor which Iraq had built for peaceful purposes, and a statement to that effect had recently been made by the Israeli Prime Minister.

27. In spite of the so-called peace forces in Sinai and the autonomy talks, Israel was continuing to pursue its aggressive plans and its colonization of Palestine with the encouragement of the United States, its partner in a strategic alliance. It was therefore more essential than ever that all members of the international community should take steps to halt the acts of aggression being committed in Palestine and the Arab world.

28. Whatever the Zionist leaders continued to do, the Arab world and its friends, true to the ideals constantly voiced by Mr. Arafat, would continue, by all legitimate military, economic, political and other means, the struggle to put an end to aggression in Palestine and other countries and to restore the Palestinian people's rights and dignity, including restoration of the religious toleration traditionally observed in Jerusalem for centuries but now ignored by the Israeli authorities.

29. Israel's acts of terrorism and aggression, in violation of international laws and in disregard of human rights and fundamental freedoms, and the resultant record of daily crimes, invited comparison - despite Israeli propaganda - with conditions under Nazi and fascist régimes before and during the Second World War.

30. The observer for Israel had referred to the presence of Arab troops in Lebanon; those troops were there at the request, reaffirmed every six months, of that country's President.

31. Mr. MANSOUR (Observer for the Palestine Liberation Organization), speaking at the Chairman's invitation in exercise of the right of reply, said it was hard to understand how the observer for Israel could question the impartiality of the Special Committee's report since its contents were based largely on extracts from Israeli newspapers. It was impossible to justify the arrests, killings and destruction which had been reported; moreover, the approximate number of settlers in the occupied territories was not 17,000, as the speaker asserted, but closer to 100,000. Likewise, the establishment of university centres in the West Bank region had come about only as a result of the Palestinian's persistent struggle to maintain their cultural identity. The Israelis sought, in fact, to close rather than open such centres, as the recent closure of the Bir Zeit university showed.

32. Press articles published since the Special Committee had issued its report illustrated the Israeli authorities' continuing disregard of the Arab population's rights and their deliberately discriminatory practices in matters such as community development. Despite large-scale investment in transport, communications and other services for the new settlements, the Arab communities still had to endure the most rudimentary facilities.

33. The observer for Israel had cited the report of Amnesty International but that report referred to many points which revealed the true nature of the Israeli authorities' treatment of the Arab population. And it was noteworthy that he had avoided mentioning the occupation of the Golan Heights and the failure to apply the provisions of the Fourth Geneva Convention. It was a colonial anachronism that a people which had lived in a region for thousands of years should now have its sovereignty thus wrested from it.

The meeting rose at 6.20 p.m.