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

Report of the Secretary-General

(in pursuance of General Assembly resolution 43/58 F)

1. The present report is submitted in pursuance of General Assembly resolution 43/58 F of 6 December 1988, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council resolution 497 (1981), in which the Council, inter alia, ~~decided~~ at the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decision;

"2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan;

"3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect)

"4. Strongly condemns Israel for its attempts to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan, and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan;

"5. Calls once again upon Member States not to recognise any of the legislative or administrative measures and actions referred to above;

"6. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution."

2. On 30 May 1989, the Secretary-General addressed a note verbale to the Minister for Foreign Affairs of the State of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Minister for Foreign Affairs inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. On 18 August 1989, the Active Permanent Representative of Israel to the United Nations replied as follows:

"The position of the Government of Israel on this resolution was the subject of a letter by the Permanent Representative of Israel dated 29 December 1981, addressed to the Secretary-General, which was included in the Secretary-General's report of 31 December 1981 (S/14821)."

4. In light of paragraph 5 of the resolution, the Secretary-General on 30 May 1989, also addressed notes verbales to the Ministers for Foreign Affairs of all other Member States, in which he requested them to inform him of any measures their Governments had taken or envisaged taking in implementation of the resolution. The replies received from Cuba, the Dominican Republic, India, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland are reproduced in the annex to the present report.

ANNEX

Replies received from Member States

CUBA

[Original: Spanish]

[25 July 1989]

The Government of the Republic of Cuba has always given its full support to the just cause of the Arab peoples in general and to that of the Palestinian people in particular. Cuba has always spoken out in international organizations to condemn the aggressive policy of annexation and colonization which Israel has pursued in the Palestinian and other Arab territories occupied since 1967 and to demand the immediate and unconditional withdrawal of Israeli troops from those territories. Cuba has also advocated the prompt convening of the International Peace Conference on the Middle East as the sole means to a peaceful solution of the conflict in that region.

Since 1973, the Government of Cuba has broken off all relations with Israel and does not recognise any of the legislative or administrative measures or actions taken or to be taken by Israel that purport to alter the character and legal status of the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem.

DOMINICAN REPUBLIC

[Original, Spanish]

[7 July 1989]

Having been a signatory since 1949 to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the Dominican Republic implements the provisions of that instrument faithfully.

INDIA

[Original: English]

[12 July 1989]

The position of the Government of India in regard to the subject-matter of these General Assembly resolutions [43/58 A to G] is contained in the . . . statement that was delivered at the forty-fifth session of the Commission on Human Rights, which was held earlier this year at Geneva (see E/CN.4/1989/SR.6).

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UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[21 August 1989]

The Soviet Union **strongly favours the implementation** of General Assembly **resolutions 43/58 A-C** in full and unswerving compliance with the *Geneva* Convention relative to the **Protection of Civilian Persons in Time of War** of 12 August 1949 in all the territories **occupied** by Israel since 1967, and **does not recognize any of** the changes **effected** by the Israeli authorities in those territories.

The continuing peaceful uprising of the Palestinian population on the West Bank and in the Gaaa Strip has once again shown the complete bankruptcy and futility of Israel's attempts to annex by force the Arab lands it has **seized**. The **repression** widely **practised** by the **Israeli** authorities is proving powerless to stop the uprising. It merely exacerbates the pain and suffering of the peaceful population.

The Soviet Union **strongly** condemns the murders of unarmed people that are being **carried out** on the orders of the occupation authorities, the physical injuries caused, the systematic destruction of dwellings, the deportation of the **indigenous** inhabitants and other illegal actions which grossly violate the human rights of the population in the occupied territories. Those inhuman actions must be discontinued forthwith. Israel is obliged **strictly** to adhere to the provisions of the *Geneva* Convention of 3.2 August 1949, the provisions of the Charter of the United Nations, and the generally **recognized principles** and rules of international law.

Israeli practice **vis-à-vis** the population in the occupied territories is all the more intolerable at a time when the concepts of the humanisation of international relations, of the universality and indivisibility of human rights and of the primacy of law *are* being asserted in the world.

The popular uprising on the **West** Bank and in the Gaaa Strip throw into sharp relief the urgent necessity for an immediate political settlement of the Palestinian problem which **constitutes** the core of the Arab-Israeli conflict, on **the** basis of the exercise of the inalienable rights of the Palestinian people, including its right to self-determination. Thanks to the considered and **realistic** platform of the Palestine Liberation Organization and the flexible and constructive position of the Arab States and the world community as a whole in calling *for* the convening of an international conference on the Middle East, conditions favourable to progress towards peace in this region have now evolved,

The Soviet Union is making considerable efforts **in** that direction, which it regards as one of the priorities of its foreign policy. It is trying to achieve a comprehensive settlement on the basis of the balance of interests of the **parties** involved and the exercise of the inalienable right of each people to freedom of choice, to equal security and the **free** development of all States and peoples of that region.

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During a visit to countries in the Middle East in February 1989, Eduard Shevardnadze, the Union of Soviet Socialist Republics Minister for Foreign Affairs, put forward specific ideas regarding the preparatory work, including the commencement of consultations between the five permanent members of the Security Council of the United Nations on the Middle East issue, the appointment of a special representative of the Secretary-General of the United Nations for the Middle East, and the setting-up of bilateral and multilateral contact with a view to achieving the convening of an international conference,

The Soviet Union attaches particular importance to the role of the United Nations, the Security Council and the Secretary-General in working towards a settlement in the Middle East, in reducing confrontational attitudes there, in establishing a favourable atmosphere for the convening of a conference and in preventing the continuation of Israel's illegal and inhuman practices vis-à-vis the population of the occupied Arab territories.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original; English:

[27 June 1989]

The United Kingdom voted [also] for resolution 43/58 F. The United Kingdom has consistently viewed as illegal, and refused to recognize, Israeli attempts to extend Israeli jurisdiction to the Golan.
