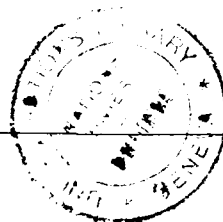




UNITED
NATIONS



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International Conference on the Question of Palestine

Geneva, 29 August - 7 September 1983

Distr.
GENERAL

A/CONF.114/10
5 July 1983

ORIGINAL: ENGLISH

UNITED NATIONS INITIATIVES ON THE QUESTION OF PALESTINE

The present brief document only intends to catalogue the key and basic United Nations initiatives on the question of Palestine. For a more detailed elaboration of the subject it would be necessary to read this document in conjunction with The Origins and Evolution of the Palestine Problem, parts I and II, which are the basic documents for the Conference.

- General Assembly resolution 181 (II) (United Nations Partition Plan) of 29 November 1947.

It proposed independent Jewish and Arab States in Palestine with economic union. Jerusalem would be a corpus separatum under a special international régime. It was to be administered by the United Nations Trusteeship Council for a period of 10 years, at the end of which the plan would be re-examined and the residents of the City should be free to express their wishes by means of a referendum. The territory of Palestine was divided into eight parts. Three were allotted to the Jewish State, three to the Arab State, the seventh, Jaffa, was to form an Arab enclave in the Jewish territory. The eighth part would be Jerusalem. The rationale for this territorial division was to ensure that the Jewish State included a maximum number of Jews and that those left in the Arab State would be reduced to the minimum (estimated at about 10,000). A very large number of Palestinian Arabs (approximately 497,000) would remain within the boundaries of the Jewish State. The overall population breakdown in the two States envisioned by the Partition Plan were as follows:

	<u>Jews</u>	<u>Arabs</u>	<u>Total</u>
Jewish State	498,000	497,000	995,000
Arab State	10,000	725,000	735,000
City of Jerusalem	100,000	105,000	205,000

It provided detailed safeguards to ensure the rights of minorities; in addition it guaranteed to all persons equal and non-discriminatory rights in civil, political, economic and religious matters, and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association.

- General Assembly resolution 194 (III) of 11 December 1948.

It was based on the recommendations of Count Bernadotte, who was appointed by the General Assembly as United Nations Mediator. Its main provisions were the following:

- (a) To establish a Conciliation Commission with headquarters at Jerusalem, to continue the functions of the Mediator and the Truce Commission;
- (b) To call for Security Council action for the demilitarization of Jerusalem and for proposals from the Conciliation Commission for a permanent international régime for Jerusalem in view of its distinctive significance for the three world religions (Judaism, Christianity, Islam);
- (c) The refugee problem should be dealt with in the following terms: those refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.

- General Assembly resolution 212 (III) of 19 November 1948.

This was the first instance where the question of assistance for Palestine refugees was dealt with. Subsequently, and in accordance with resolution 194 (III), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was created by resolution 302 (IV) of 9 December 1949 and was entrusted to assume all relief responsibilities towards the Palestinian refugees until the right of return as specified in resolution 194 (III) would be realized.

- Lausanne Peace Conference, 6 May 1949.

The Conciliation Commission for Palestine established in January 1949 was able to arrange a conference in Lausanne in April of the same year. It proposed that talks should be based on the Partition Plan. It reiterated the international commitment to establish a Palestinian Arab State on the basis of the partition resolution. The Protocol, which was signed on 12 May 1949, was worded as follows:

"The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly's resolution of 11 December 1948 regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegation of Israel and to the delegations of the Arab States that the working documents attached thereto be taken as a basis for discussion with the Commission.

"The interested delegations have accepted this proposal with the understanding that the exchange of views which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above indicated objectives."

To the Protocol was annexed a map on which were indicated "the boundaries defined in General Assembly resolution 181 (II) of 29 November 1947 which has thus been taken as the basis of discussion with the Commission".

- The Armistice Agreements, 1949.

Dr. Ralph Bunche, the Acting United Nations Mediator, arranged Armistice Agreements between Israel on the one hand and Egypt, Jordan, Lebanon and Syria on the other, which were signed between February and July 1949. These agreements specified, inter alia, that the "armistice between the armed forces (was) an indispensable step toward the liquidation of armed conflict and the restoration of peace in Palestine", recognizing "the principle that no military or political advantage should be gained". The agreements "being dictated exclusively by military, and not political, considerations" did not prejudice the political positions of any of the parties on the ultimate settlement of the Palestine question. Thus they gave Israel no legal right to the territories occupied during the 1948 hostilities, beyond the lines specified in the partition resolution.

- Paris Peace Conference, 13 September 1951.

The United Nations Conciliation Commission proposed: that all claims concerning war damage arising out of the hostilities of 1948 should be cancelled; that the Israeli Government should agree to the repatriation of a specified number of Arab refugees in categories which could be integrated into Israel's economy; that the Israeli Government should accept the obligation to pay, as compensation for property abandoned by those refugees not repatriated, a sum based upon the valuation arrived at by the Commission's Refugee Office, and that a payment plan, taking into account the Israeli Government's ability to pay, should be set up by a special committee of economic and financial experts, to be established by a United Nations trustee through whom payment of individual claims would be made; that the Governments of Egypt, Jordan, Lebanon, Syria and Israel should consider, under United Nations offices, the revision or amendment of the armistice agreements between them, especially with regard to the following questions: territorial adjustment, including demilitarized zones; the creation of an international water authority to deal with the problem of the use of the Jordan and the Yarmuk rivers and their tributaries, as well as the waters of Lake Tiberias; the disposition of the "Gaza Strip" then administered by Egypt; the creation of a free port at Haifa; border regulations between Israel and her neighbours, with special attention to the need for free access to the Holy Places in the Jerusalem area, including Bethlehem; and arrangements to facilitate the economic development of the area, and the resumption of communications and economic relations.

- Status of Jerusalem, 1967-1969.

Both the General Assembly and the Security Council passed resolutions expressing deep concern at the situation in Jerusalem as a result of the measures taken by Israel to change the status of the City. General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967 considered Israel's actions as invalid and in turn called upon Israel to rescind the measures which they had invoked. These principles and demands were also incorporated in Security Council resolution 267 (1969) of 3 July 1969.

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- Security Council resolution 242 (1967) of 22 November 1967.

It emphasized the inadmissibility of acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area could live in security. It affirmed that the fulfilment of Charter principles required the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

- (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;
- (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

It affirmed further the necessity:

- (a) For guaranteeing freedom of navigation through international waterways in the area;
- (b) For achieving a just settlement of the refugee problem;
- (c) For guaranteeing the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones.

- General Assembly resolution 2535 (XXIV) of 10 December 1969.

It recognized for the first time that the problem of the Palestinian Arab refugees had arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights.

- General Assembly resolution 2628 (XXV) of 4 November 1970.

It specified for the first time that the respect for the rights of the Palestinians was an indispensable element in the establishment of a just and lasting peace in the Middle East.

- The Jarring Mission, 8 February 1971.

Under Security Council resolution 242 (1967), the Secretary-General appointed Ambassador Jarring of Sweden as special representative to negotiate a Middle East settlement. In 1971, in an aide-mémoire to Egypt and Israel, he proposed that they give simultaneous and reciprocal commitments subject to the eventual satisfactory determination of all other aspects of a peace settlement. Israel would give a commitment to withdraw its forces from occupied Egyptian territory to the former border between Egypt and Mandated Palestine, and Egypt would give a commitment to enter into a peace treaty with Israel on certain explicit understanding in relation to resolution 242 (1967).

- Security Council resolution 338 (1973) of 22 October 1973.

It called for an immediate cease-fire for the ongoing October 1973 war. Moreover, it called upon all parties concerned to implement Security Council resolution 242 (1967) in all its parts. Concurrent with the cease-fire, negotiations between the parties concerned were called for to establish a just and durable peace in the Middle East.

- Geneva Conference, 21 December 1973.

Following the October War of 1973, the proposed Geneva Conference was attended by the Foreign Ministers of Egypt, Israel, the United States of America and the Soviet Union, and by Jordan's Prime Minister/Foreign Minister, as well as by the Secretary-General of the United Nations. Working committees were set up but the Conference did not provide the setting for substantive negotiations.

- General Assembly resolution 3236 (XXIX) of 22 November 1974.

It reaffirmed the inalienable rights of the Palestinian people in Palestine, including: the right to self-determination without external interference and the right to national independence and sovereignty. It reaffirmed also the inalienable rights of the Palestinians to return to their homes and property. It recognized that the Palestinian people was a principal party in the establishment of a just and lasting peace in the Middle East. It further recognized the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations. It requested the Secretary-General to establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine.

- General Assembly resolution 3237 (XXIX) of 22 November 1974.

It invited the Palestine Liberation Organization to participate in the sessions and the work of the General Assembly in the capacity of observer. It also invited the Palestine Liberation Organization to participate in the sessions and the work of all international conferences convened under the auspices of the General Assembly in the capacity of observer. It considered that the Palestine Liberation Organization was entitled to participate as an observer in the sessions and the work of all international conferences convened under the auspices of other organs of the United Nations.

- General Assembly resolution 3375 (XXX) of 10 November 1975.

It called for the invitation of the Palestine Liberation Organization, the representative of the Palestinian people, to participate in all efforts, deliberations and conferences on the Middle East on an equal footing with other parties. In the preambular paragraphs, it reaffirmed resolution 3236 (XXIX) of 22 November 1974, which recognized the inalienable rights of the Palestinian people and furthermore, in paragraph 1, requested that the Security Council adopt the necessary resolutions and measures which would enable the Palestinian people to exercise its inalienable rights in accordance with the above-mentioned resolution.

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- General Assembly resolution 3376 (XXX) of 10 November 1975.

It decided to establish a Committee on the Exercise of the Inalienable Rights of the Palestinian People, which was composed of 20 member States at the time, of its establishment and increased its number to 23 in 1976. It requested the Committee to submit its report and recommendations to the Secretary-General no later than 1 June 1976 and requested the Secretary-General to transmit the report to the Security Council. It requested the Security Council to consider, as soon as possible after 1 June 1976, the question of the exercise by the Palestinian people of the inalienable rights recognized in paragraphs 1 and 2 of resolution 3236 (XXIX).

- Security Council draft resolution on "The Middle East problem and the Palestinian question" of 23 January 1976.

As early as January 1976, the Security Council had before it a draft resolution which contained the basic principles that were to be affirmed by the General Assembly a few months later. Those included:

(a) That the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent State in Palestine in accordance with the Charter of the United Nations;

(b) The right of the Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property;

(c) That Israel should withdraw from all the Arab territories occupied since June 1967;

(d) That appropriate arrangements should be established to guarantee, in accordance with the Charter of the United Nations, the sovereignty, territorial integrity and political independence of all States in the area and their right to live in peace within secure and recognized boundaries.

- Recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, June 1976. As endorsed by General Assembly resolution 31/20 of 24 November 1976.

These proposals outlined a programme for the implementation of the legitimate and inalienable rights of the Palestinian people: the right to return to their homes and property and the right to self-determination, national independence and sovereignty. In order to implement the exercise of the right of return the Committee proposed that this should be carried out in two phases:

(a) Phase one, involving the return to their homes of the Palestinians displaced as the result of the war of June 1967. The International Committee of the Red Cross (ICRC) and/or UNRWA might be employed to assist in the solution of the logistical problems, in co-operation with the host countries and the Palestine Liberation Organization.

(b) Phase two, dealing with the return to their homes of the Palestinians displaced between 1948 and 1967. The United Nations, in co-operation with the States directly involved and the Palestine Liberation Organization, should be involved.

Those not choosing to return should be paid instead an equitable compensation.

As regards the right to self-determination, national independence and sovereignty, the Committee considered that the evacuation of the territories occupied by force and in violation of the principles of the Charter of the United Nations was a condition sine qua non for the exercise of those inalienable rights.

The Committee also felt that the United Nations had an historical duty and responsibility to help the Palestinian entity and, in this connection, recommended that:

(a) A time-table should be established by the Security Council for the complete withdrawal by Israeli occupation forces from those areas occupied in 1967; such withdrawal should be completed no later than 1 June 1977;

(b) The Security Council might need to provide temporary peace-keeping forces in order to facilitate the process of withdrawal;

(c) Israel should be requested by the Security Council to desist from the establishment of new settlements and to withdraw during that period from settlements established since 1967 in the occupied territories. Arab property and all essential services in those areas should be maintained intact;

(d) Israel should also be requested to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to declare, pending its speedy withdrawal from those territories, its recognition of the applicability of that Convention;

(e) The evacuated territories, with all property and services intact, should be taken over by the United Nations which, with the co-operation of the League of Arab States, would subsequently hand over these evacuated areas to the Palestine Liberation Organization as the representative of the Palestinian people;

(f) The United Nations should, if necessary, assist in establishing communications between Gaza and the West Bank;

(g) As soon as the independent Palestinian entity had been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should, taking into account General Assembly resolutions 3375 (XXX), make further arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions;

(h) The United Nations should provide the economic and technical assistance necessary for the consolidation of the Palestinian entity.

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- Security Council resolution 446 (1979) of 22 March 1979.

It determined that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 had no legal validity and constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. It called once more upon Israel, as the occupying Power, to abide scrupulously by the Geneva Convention to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories.

It established a Commission consisting of three members of the Security Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem.

- Security Council resolution 465 (1980) of 1 March 1980.

It determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, had no legal validity and that Israel's policy and practices of setting parts of its population and new immigrants in those territories constituted a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. It strongly deplored the continuation and persistence of Israel in pursuing those policies and practices and called upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem. It called upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories.

- Security Council resolution 476 (1980) of 30 June 1980.

It reaffirmed the overriding necessity to end the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem. It reconfirmed that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purported to alter the character and status of the Holy City of Jerusalem, had no legal validity and constituted a flagrant violation of the Fourth Geneva Convention and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

It reiterated that all such measures which had altered the geographic, demographic and historical character and status of the Holy City of Jerusalem were null and void and must be rescinded in compliance with the relevant resolutions of the Security Council.

It urgently called on Israel to abide by that and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem; it reaffirmed its determination in the event of non-compliance by Israel with that resolution, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of that resolution.

- General Assembly resolution ES-7/2 of 29 July 1980.

It reaffirmed, in particular, that a comprehensive, just and lasting peace in the Middle East could not be established, in accordance with the Charter of the United Nations and the relevant United Nations resolutions, without the withdrawal of Israel from all the occupied Palestinian and other Arab territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people in Palestine.

It reaffirmed the inalienable right of the Palestinians to return to their home and property in Palestine, from which they had been displaced and uprooted, and called for their return; it reaffirmed also the inalienable rights in Palestine of the Palestinian people including: (a) the right to self-determination without external interference, and to national independence and sovereignty; (b) the right to establish its own independent sovereign State.

It reaffirmed the right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing in all efforts, deliberations and conferences on the question of Palestine and the situation in the Middle East within the framework of the United Nations; it reaffirmed the fundamental principle of the inadmissibility of the acquisition of territory by force; it called upon Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, with all property and services intact, and urged that such withdrawal from all the occupied territories should start before 15 November 1980; it demanded that Israel should fully comply with the provisions of resolution 465 (1980) adopted unanimously by the Security Council on 1 March 1980; it expressed its opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland; it requested and authorized the Secretary-General, in consultation, as appropriate, with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to take the necessary measures towards the implementation of the recommendations contained in paragraphs 59 to 72 of the report of the Committee to the General Assembly at its thirty-first session as a basis for the solution of the question of Palestine; it requested the Security Council, in the event of non-compliance by Israel with the resolution, to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter.

- Security Council resolution 478 of 20 August 1980.

It censured in the strongest terms the enactment by Israel of the "basic law" on Jerusalem and the refusal to comply with relevant Security Council resolutions.

It affirmed that the enactment of the "basic law" by Israel constituted a violation of international law and thus did not affect the continued application of the Geneva Convention in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem. It determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, were null and void and should be rescinded forthwith. It decided not to recognize the "basic law" and such other actions by Israel that, as a result of that law, sought to alter the character and status of Jerusalem and called upon: (a) all Member States to accept that decision; (b) those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.

- General Assembly resolution 36/120 C of 10 December 1981.

It decided to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine not later than 1984, on the basis of General Assembly resolution ES-7/2. It authorized the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to take all the necessary steps for its organization, to hold sessions particularly for that purpose and to make recommendations regarding, inter alia, the site, scheduling of and participation in the Conference, and the provisional agenda of the Conference.

- French-Egyptian initiative (Egypt and France: Security Council draft resolution of 28 July 1982).

Addressed itself to the invasion of Lebanon and considered that the settlement of the Lebanese problem should contribute to the initiation of a durable restoration of peace and security in the region within the framework of negotiations based on the principles of security for all States and justice for all people, in order namely to:

(a) Reaffirm the right of all States in the region to existence and security in accordance with Security Council resolution 242 (1967);

(b) Reaffirm the legitimate national rights of the Palestinian people, including the right to self-determination with all its implications, on the understanding that to this end the Palestinian people should be represented in the negotiations and, consequently, the Palestine Liberation Organization should be associated therein;

(c) Call for the mutual and simultaneous recognition of the parties concerned.

Elaborating on the above in the Security Council, the Ambassador of Egypt specified that self-determination for the Palestinian people included "statehood in the West Bank and the Gaza Strip". As regards the call for negotiations, he stated "the Palestinian people shall be represented in the negotiations and, consequently, the PLO shall participate therein". (S/PV.2384 of 29 July 1982, pp. 16, 21)

- General Assembly resolution ES-7/7 of 19 August 1982.

It decided to convene the International Conference on the Question of Palestine at the headquarters of the United Nations Educational, Scientific and Cultural Organization, in Paris from 16 to 27 August 1983.

- General Assembly resolution 37/86 D of 10 December 1982.

It requested that the Security Council discharge its responsibilities under the Charter and recognize the inalienable rights of the Palestinian Arab people, including the right to self-determination and the right to establish its independent Arab State in Palestine. Furthermore, the Security Council was requested to take the necessary measures to implement the plan which, inter alia, recommended that an independent Arab State should come into existence in Palestine.

- General Assembly resolution 37/86 E of 20 December 1982.

It affirmed the principles relevant to the question of Palestine and urged the Security Council to facilitate the process of Israeli withdrawal. Conjunctionally, following the withdrawal of Israel from the Occupied Palestinian Territories, it recommended that those territories be subjected to a short transitional period under the supervision of the United Nations, during which the Palestinian people would exercise its right to self-determination.
